

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2210

By: Russ

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 1-1118, as amended by Section
9 1, Chapter 93, O.S.L. 2015 (63 O.S. Supp. 2018,
10 Section 1-1118), which relates to food establishment
11 licenses; modifying license fees for certain
12 establishments; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1118, as
15 amended by Section 1, Chapter 93, O.S.L. 2015 (63 O.S. Supp. 2018,
16 Section 1-1118), is amended to read as follows:

17 Section 1-1118. A. It shall be unlawful for any person to
18 operate or maintain any establishment, stationary or otherwise,
19 where food or drink is offered for sale, or sold, to the public,
20 unless the person is the holder of a food establishment license
21 issued for such purpose by the State Commissioner of Health or
22 designee. A food establishment license shall not be required for:

23 1. A produce stand that offers only whole, uncut and
24 unprocessed fresh fruits, melons, vegetables and legumes and/or
whole uncracked and unprocessed nuts;

- 1 2. A manufacturer, wholesaler or broker of food licensed
2 pursuant to Section 1-1119 of this title;
- 3 3. A kitchen in a private home if only food that does not
4 require time and temperature control for safety is prepared for sale
5 or service at a function such as a nonprofit civic, charitable or
6 religious organization's bake sale;
- 7 4. An area where food that is prepared as specified in
8 paragraph 3 of this subsection is sold or offered for human
9 consumption;
- 10 5. A private home that receives catered or home-delivered food;
- 11 6. A hotel licensed pursuant to Section 1-1201 of this title
12 which provides limited food service in compliance with rules
13 promulgated by the State Board of Health;
- 14 7. A kitchen in a private home or in a bed and breakfast that
15 prepares and offers food to guests, if the home is owner-occupied,
16 the number of available guest bedrooms does not exceed three, and
17 breakfast is the only meal offered;
- 18 8. A nonprofit civic, charitable or religious organization
19 using unpaid individuals to prepare or serve food on its behalf, for
20 occasional fund-raising events sponsored and conducted by the
21 organization. For the purposes of this paragraph, an "occasional
22 fund-raising event" shall be defined as an event that occurs four
23 times a year or less;

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1 9. Day care centers or family day care centers, and all other
2 child care facilities as defined and licensed pursuant to the
3 provisions of the Oklahoma Child Care Facilities Licensing Act;

4 10. Nursing facilities and specialized facilities, as defined
5 in and licensed pursuant to the provisions of the Nursing Home Care
6 Act, residential care homes as defined by the Residential Care Act,
7 adult day care centers as defined by the Adult Day Care Act, and
8 assisted living centers and continuum of care facilities licensed
9 pursuant to the Continuum of Care and Assisted Living Act; and

10 11. Other establishments exempted from food establishment
11 licensure pursuant to state law.

12 B. Each license shall expire one (1) year following the date of
13 its issuance. The State Department of Health shall charge and
14 collect for each such license an annual fee to be fixed by the State
15 Board of Health.

16 1. The Board may provide by rule for a fee-exempt license for a
17 food establishment operated by a nonprofit, civic, charitable or
18 religious organization that uses unpaid persons to sell or offer
19 food on a more frequent basis than the occasional fund-raising
20 event. A fee-exempt license shall not expire but shall remain in
21 full force and effect until affirmatively revoked, suspended,
22 annulled or withdrawn by the Department in accordance with
23 applicable law.

1 2. The Board ~~may by rule also provide that~~ shall promulgate
2 rules to provide licenses for establishments serving events of
3 limited duration or operating on a seasonal basis that shall extend
4 only for the term of the event or season, ~~and may by rule adjust the~~
5 ~~fees for such licenses accordingly.~~ The Board shall charge the
6 following fees for license issuance for such establishments that
7 gross less than Three Thousand Dollars (\$3,000.00) per event:

8 a. Twenty-five Dollars (\$25.00) per day of event that
9 vendor does business at event, or

10 b. Two Hundred Fifty Dollars (\$250.00) per year.

11 C. The State Board of Health shall promulgate reasonable
12 standards and rules for sanitation of establishments required to be
13 licensed, which shall include the following: buildings, vehicles,
14 and appurtenances thereto, including plumbing, ventilation and
15 lighting; construction, cleanliness and bactericidal treatment of
16 equipment and utensils; cleanliness, wholesomeness, storage and
17 refrigeration of food and drink sold or served; cleanliness and
18 hygiene of personnel; toilet facilities; disposal of waste; water
19 supply; and other items deemed necessary to safeguard the health,
20 comfort, and safety of customers.

21 SECTION 2. This act shall become effective November 1, 2019.

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