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STATE OF OKLAHOMA

1 1st Session of the 53rd Legislature (2011)

2 HOUSE BILL 2051 By: Dorman

3 AS INTRODUCED

4 An Act relating to public health and safety; amending
5 63 O.S. 2001, Section 1-1118, which requires persons
6 who sell food or drink to obtain certain license;
7 establishing annual fee for pharmacy for license to
8 sell food and drink; and providing an effective date.

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

10 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1118,
11 is amended to read as follow:

12 Section 1-1118. A. It shall be unlawful for any person to
13 operate or maintain any establishment, stationary or otherwise,
14 where food or drink is offered for sale, or sold, to the public,
15 unless the person is the holder of a license issued for such
16 purpose by the State Commissioner of Health.

17 B. Unless otherwise provided by rule by the State Board of
18 Health, each such license shall expire on the 30th day of June
19 following its issuance. The Commissioner shall charge and collect
20 for each such license an annual fee to be fixed by the State Board
21 of Health. The annual fee for a pharmacy licensed by the State
22 Board of Pharmacy that is licensed to sell food and drink shall be
23 equal to one-half (1/2) the amount of the fee established for the
24 license to sell food and drink. A license shall not be required

1 of a nonprofit civic, charitable or religious organization, using
2 nonpaid persons to prepare or serve food on its behalf, for
3 occasional fund-raising events sponsored and conducted by the
4 organization. The Commissioner shall provide guidelines for
5 safeguarding the health of customers of such events. The Board
6 may by rule provide that a license which is fee-exempt under rules
7 adopted by the Board pursuant to subsection D of Section 1-106.1
8 of this title shall not expire but shall remain in full force and
9 effect until affirmatively revoked, suspended, annulled or
10 withdrawn by the Commissioner in accordance with applicable law.
11 The Board may by rule also provide that licenses for
12 establishments serving events of limited duration or operating on
13 a seasonal basis shall extend only for the term of the event or
14 season, and may by rule adjust the fees for such licenses
15 accordingly.

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

26 D. Day care centers or family day care centers, and all
27 other child care facilities as defined and licensed pursuant to

1 the provisions of the Oklahoma Child Care Facilities Licensing Act
2 shall not be deemed to be food service establishments.

3 E. Nursing facilities and specialized facilities, as
4 defined in and licensed pursuant to the provisions of the Nursing
5 Home Care Act and residential care homes as defined by the
6 Residential Care Act shall not be deemed to be food service
7 establishments.

8 SECTION 2. This act shall become effective November 1,
9 2011.

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12 Req. No. 6459