

1 ENGROSSED HOUSE
2 BILL NO. 3747

By: Sims of the House

3 and

4 Bice of the Senate
5

6 An Act relating to public health; amending 63 O.S.
7 2011, Section 1-1118, as last amended by Section 1,
8 Chapter 505, O.S.L. 2019 (63 O.S. Supp. 2019, Section
9 1-1118), which relates to food establishment license;
10 providing exclusion for seasonal food establishment;
11 and declaring an emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1118, as
14 last amended by Section 1, Chapter 505, O.S.L. 2019 (63 O.S. Supp.
15 2019, Section 1-1118), is amended to read as follows:

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

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

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 licenses for
2 establishments serving events of limited duration or operating on a
3 seasonal basis shall extend only for the term of the event or
4 season, and may by rule adjust the fees for such licenses
5 accordingly.

6 3. The Board shall provide by rule a three-day license for
7 vendors who only sell at farmers markets as defined in 310:257-1-2
8 of the Oklahoma Administrative Code or at county fairs. Licenses
9 for vendors who only sell at farmers markets or county fairs shall
10 not exceed Fifty Dollars (\$50.00). Vendors who do not sell food and
11 vendors who meet the exceptions provided in subsection A of this
12 section shall not be required to obtain a three-day license or a
13 food establishment license.

14 4. The Board shall provide by rule a multiseasonal license for
15 snow cone stands that sell hot beverages in addition to snow cones.
16 A snow cone stand that does not sell hot beverages shall be
17 considered a seasonal food establishment.

18 C. The State Board of Health shall promulgate reasonable
19 standards and rules for sanitation of establishments required to be
20 licensed, which shall include the following: buildings, vehicles,
21 and appurtenances thereto, including plumbing, ventilation and
22 lighting; construction, cleanliness and bactericidal treatment of
23 equipment and utensils; cleanliness, wholesomeness, storage and
24 refrigeration of food and drink sold or served; cleanliness and

1 hygiene of personnel; toilet facilities; disposal of waste; water
2 supply; and other items deemed necessary to safeguard the health,
3 comfort, and safety of customers.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 Passed the House of Representatives the 2nd day of March, 2020.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2020.

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Presiding Officer of the Senate

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