

1 ENGROSSED SENATE
2 BILL NO. 73

By: Rader of the Senate

3 and

4 Staires of the House

5
6 An Act relating to public health and safety; amending
7 63 O.S. 2021, Section 1-1118, which relates to food
8 establishment license; modifying certain exemption;
9 amending 63 O.S. 2021, Section 1-1201, which relates
10 to hotel licenses; modifying definition; modifying
11 rulemaking authority of the State Commissioner of
12 Health; updating statutory language; making language
13 gender neutral; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1118, is
16 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 Commissioner 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~~ four,
17 and 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 Commissioner of Health.

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22 suspended, annulled or withdrawn by the Department in accordance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

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

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

18 C. The State Commissioner 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. AMENDATORY 63 O.S. 2021, Section 1-1201, is
5 amended to read as follows:

6 Section 1-1201. ~~(a)~~ A. It shall be unlawful for any person to
7 operate or maintain a hotel unless he or she shall have first
8 obtained, and holds, a license issued for such purpose by the State
9 Commissioner of Health. Unless otherwise provided by rule by the
10 ~~State Board of Health Commissioner~~, each such license shall expire
11 on the 30th day of June next following its issuance, and the
12 Commissioner shall charge and collect therefor an annual fee to be
13 fixed by the ~~Board of Health Commissioner~~. The term "hotel" as used
14 in this section shall mean and include any hotel, motel, tourist
15 court, apartment house, rooming house, or other place where sleeping
16 accommodations are furnished, or offered, for pay for transient
17 guests, if ~~four~~ five or more rooms are available therein for
18 transient guests. This section shall apply to the operation of a
19 hotel by a state board.

20 ~~(b)~~ B. The ~~State Board of Health Commissioner~~ may adopt
21 reasonable standards, rules and regulations for hotels as to the
22 following: ~~buildings and appurtenances thereto, including plumbing,~~
23 ~~ventilation and lighting; construction,~~ cleanliness and bactericidal
24 treatment of equipment and utensils; cleanliness and hygiene of

1 personnel; toilet facilities; disposal of wastes; water supply; and
2 any other items deemed necessary to safeguard the health, comfort
3 and safety of guests accommodated therein.

4 SECTION 3. 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 resolution shall take
7 effect and be in full force from and after its passage and approval.

8 Passed the Senate the 21st day of March, 2023.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2023.

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Presiding Officer of the House
of Representatives

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