

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICE**

1. DESCRIPTION:

310:250-3-1. Food establishments' fees [AMENDED]

Adding a multi-seasonal license option for facilities under one owner that serve sno-cones during the summer and hot beverages during the winter. Sets fees for this license similar to other year round licenses.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

310:250-3-1. Food establishments' fees [AMENDED]

Persons affected would be seasonal sno-cone operators that would also like to serve hot beverages in the off season. Cost impact would be the cost of the license fee, which would actually be less than 2 seasonal license fees.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

310:250-3-1. Food establishments' fees [AMENDED]

Persons benefiting would be seasonal sno-cone establishments that were previously limited in the length of time they could operate out of a seasonal stand. Value of benefit is that one owner does not have to set up a separate business entity to operate in a second season. Limited impact to health outcomes as seasonal establishments are fairly limited. Potential health impacts if water/sewage lines freeze during the winter months and make the stand not have access to water/sewer for proper washing of hands and utensils.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

310:250-3-1. Food establishments' fees [AMENDED]

Minimal economic impact due to limited amount of seasonal establishments. The seasonal also has to serve sno-cones to be eligible for the multi-seasonal license, which limits it even further. Allows for more operational time for seasonals, so increased revenue for those owners. Cost of compliance is no different than previous seasonal requirements. Fee change is adding the fees for the multi-seasonal license. This includes the New Establishment (\$425), Renewal (\$335), and Late Renewal (\$375) fees.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

310:250-3-1. Food establishments' fees [AMENDED]

Costs associated with implementation will be adding a license type to our database system, staff time on education and materials, and providing training on the change. Benefits of implementation are that it will make it easier to license these operators since they will not need to be issued two separate licenses.

6. IMPACT ON POLITICAL SUBDIVISIONS:

310:250-3-1. Food establishments' fees [AMENDED]

Municipalities may have rules around water and sewer for these establishments if they are operating year round that are outside the scope of these rules.

7. ADVERSE EFFECT ON SMALL BUSINESS:

310:250-3-1. Food establishments' fees [AMENDED]

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. EFFORTS TO MINIMIZE COSTS OF THE RULE:

310:250-3-1. Food establishments' fees [AMENDED]

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

310:250-3-1. Food establishments' fees [AMENDED]

Minimal effect on public health and safety. Limited establishments and rules are already in place to address health concerns.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

No adverse effect if not adopted. It is a law requirement to add this type of license.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on September 10, 2021.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. License Classifications and Associated Fees for Consumer Health Services
310:250-3-1. Food establishments' fees [AMENDED]

SUMMARY:

This rule change adds a multi-seasonal license for snow-cone establishments that would also like to sell hot beverages. The previous rule limited seasonal licenses to 180 days, and this multi-seasonal license would be valid for 365 days.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104; Title 63 O.S. § 1-1118

COMMENT PERIOD:

November 15, 2021 through the close of the Department's normal business hours, 5 PM, on December 15, 2021. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on December 15, 2021, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 15, 2021 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 7, 2022 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through the close of the Department's normal business hours, 5 PM, on December 15, 2021, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICE**

**SUBCHAPTER 3. LICENSE CLASSIFICATIONS AND ASSOCIATED FEES FOR CONSUMER
HEALTH SERVICES**

310:250-3-1. Food establishments' fees

- (a) The following are license classifications and associated fees for food establishments, manufacturers, or wholesalers regulated by Title 63 O.S. § 1-915, Title 63 O.S. § 1-1118, Title 63 O.S. § 1-1119, or Title 63 O.S. § 1-1120 et seq., and the rules promulgated thereunder.
- (1) Food service, manufacturing, or wholesale.
 - (A) Initial - \$425.00
 - (B) Renewal - \$335.00
 - (C) Late Renewal - \$375.00
 - (2) State Operated, Non-Profit or Health Facilities not meeting exempt status.
 - (A) Initial - \$175.00
 - (B) Renewal - \$125.00
 - (C) Late Renewal - \$150.00
 - (3) ~~Seasonal includes any~~ is limited to an establishment that meets the definition of "Seasonal food establishment" outlined in OAC 310:257-1-2 where the license is valid for only one hundred eighty (180) consecutive days ~~per year. The license may be reinstated no sooner than one hundred eighty~~ 180 days after the expiration of the previous license.
 - (A) Initial Fee - \$250.00
 - ~~(B) Reinstatement - \$250.00~~
 - (4) Multi-Seasonal is limited to an establishment that meets the definition of "Multi-Seasonal food establishment" outlined in OAC 310:257-1-2 where the license is valid for three hundred and sixty-five (365) consecutive days.
 - (A) Initial - \$425.00
 - (B) Renewal - \$335.00
 - (C) Late Renewal - \$375.00
 - (5) The fee for a temporary food establishment, as defined in OAC 310:257-1-2, shall be \$50.00 for the initial day of the temporary event plus \$25.00 for each additional consecutive day. The total fee for a single temporary event license shall not exceed \$250. No temporary event license shall be issued for more than fourteen (14) consecutive days.
 - (A) The total fee for a single temporary event license shall not exceed \$250.
 - (B) No temporary event license shall be issued for more than fourteen (14) consecutive days.
 - ~~(5)~~ (6) The fee for a temporary food establishment, as defined in OAC 310:257-1-2, at a county fair as defined in Title 2 O.S. §§ 15-51 et seq., shall be \$50.00 for a maximum of three (3) days.
 - ~~(6)~~ (7) The fee for a temporary food establishment, as defined in OAC 310:257-1-2, at a ~~farmers~~ farmer's market as defined in OAC 310:257-1-2 shall be \$50.00 for a maximum of three (3) days.
- (b) An establishment qualifies for a fee exempt license if it is a "food establishment - fee exempt" as that term is defined in OAC 310:257-1-2.
- (c) Late renewal fees apply to any renewal application postmarked and/or received thirty (30) days after the expiration date of the license.
- (d) A license not renewed within ninety (90) days of the date shall be ineligible for the renewal. Thereafter, the establishment shall be required to pay an initial fee. The establishment that has not had a valid license for one (1) year is considered a new establishment.