

ADMINISTRATIVE AGENCY RULE REPORT
75 O.S. Supp. 2000, § 303.1
SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE

- 1. Date the Notice of Intended Rulemaking was published in the Oklahoma Register:**
December 15, 2016 Vol. 34 Ok Reg 7, Docket No. 16-865

- 2. Name and address of the Agency:**
Oklahoma State Department of Health
1000 N.E. Tenth Street
Oklahoma City, Oklahoma 73117-1299

- 3. Title and Number of the Rule:**
Title 310. Oklahoma State Department of Health
Chapter 250. FEE SCHEDULE FOR CONSUMER HEALTH ~~SERVICES~~ SERVICE

- 4. Citation to the Statutory Authority for the Rule:**
Oklahoma State Board of Health, Title 63 O.S. § 1-104; and 63 O.S. §1-1119, 63 O.S § 1-1201, 63 O.S. § 1-1013; and 63 O.S. § 1-1501.1

- 5. Brief Summary of the Content of the Adopted Rule:**
The current rule applies to application and licensure fees for programs overseen by the Consumer Health Service specific to: food establishments (Title 63 § 1-1118 & 1-1119), drug manufacturers (Title 63 § 1-1119), lodging establishments (Title 63 § 1-1201), diagnostic x-ray facilities (Title 63 § 1-1501.1), and public bathing places (Title 63 § 1-1013.1). The proposed changes will modify the fee schedule for establishments licensed in these areas. The changes are necessary to cover increasing costs for these programs, to allow flexibility to better track types of establishments for reporting purposes and streamline application processes. The effect of this Rule change will increase fees for licensed establishments. The effect will also allow flexibility to better identify types of businesses which will assist in the focused identification of hazards to specific establishment types.

- 6. Statement explaining the Need for the Adopted Rule:**
The increase in fee revenues will ensure services remain at current levels; allow for better tracking of the type and combination of food establishments; and allow more appropriate inspections for the type of facility. Within the diagnostic x-ray programs the ability to simplify the licensing process and in some instances reduce the licensing fee was identified. The Departments efforts to streamline the licensing process are furthered by simplifying the calculation and thereby decreasing needed administrative resources used to educate applicants and issue refunds for overpayment. Continued inspection activity decreases the occurrence of disease outbreaks.

- 7. Date and Location of the Meeting at which such Rules Were Adopted:**
Adopted February 14, 2017, in the offices of the Oklahoma State Department of Health.

- 8. Summary of the Comments and Explanation of Changes or Lack of any Change Made in**

the Adopted Rules as a Result of Testimony Received at Public Hearings:

Public comment and input from the Food Service Advisory Council (FSAC) addressed the proposed fee structure and suggested further evaluation and moderation of annual renewal fees to reduce adverse effects on the food industry. Comments addressed the tiered fee category proposal and the complexity it may pose to keep consistent licensing procedures.

Upon review and consideration of public comments, OSDH removed the tiered food categories and proposes a single fee increase for all food establishments, warehousing and manufacturing. OSDH recommends an annual renewal fee of \$335, an increase of \$85 per year.

Based on comments and lack of accurate historical data on facilities with multiple re-inspections for the same violations, the OSDH removed the re-inspection fees from the proposed rule.

In response to comments requesting the continued ability to separate costs for assessment of the establishment and issuance of a license, OSDH will not propose deleting the application fee section as originally proposed on December 15, 2016. This in turn affects Sections 3-1, 3-2 and 3-3 in the reduction of the upfront cost from the originally proposed language. Instead of adding the application fees to the license fees and increasing the combined fees, as proposed on December 15, 2016, OSDH proposes increasing the application fee for plans and specifications in OAC 310:250-3-7.

Comment was offered to consider recognizing effective self-inspection programs as a means to reduce resources required to inspect facilities that effectively maintain compliance with food establishment requirements. OSDH recommended a collaborative effort with the FSAC and the food industry to conduct an administrative review of OSDH scheduling practices. The goal would be to make the inspection program more efficient and effective. The administrative review will enable OSDH and the industry to develop and evaluate a self-inspection method based on risk and need, and reach consensus on best practices for OSDH scheduling of inspections. OSDH will work with the FSAC and the food industry to develop rules if needed to implement an updated inspection-scheduling model.

Full comment summary is hereto annexed as Exhibit A.

9. List of Persons or Organizations Who Appeared or Registered For or Against the Adopted Rule at Any Public Hearing Held by the Agency or Those Who Have Commented in Writing Before or After the Hearing:

Representative Rick West, District 3,
Carrie Well with Simple Simon's Pizza, Wister, OK
Beverly Lewis with Bev's Home Cooking, Wister, OK
Food Service Advisory Council: Phil Maytubby, Larry Bergner, Roy Escoubas, Harold Kelly, Park Ribble, Erica Hering, Elizabeth Nutt, Bill Ryan, Jim Hopper, Bill Ricks, Stan Stromberg, Brenda Potts, and John Kelly

10. Rule Impact Statement: Hereto annexed as Exhibit B.

11. Incorporation by Reference Statement:

"n/a"

12. Members of the Governing Board of the Agency Adopting the Rules and the Recorded Vote of Each Member:

Dr. Jenny Alexopoulos – Absent

Mrs. Martha Burger – Absent

Dr. Terry Gerard – Absent

Dr. Charles Grim - Aye

Dr. R. Murali Krishna - Aye

Mr. Timothy Starkey - Aye

Dr. Robert Stewart - Aye

Ms. Cris Hart-Wolfe - Aye

Dr. Ronald Woodson – Aye

13. Additional information: Information regarding this rule may be obtained by contacting Lynnette Jordan, Director, Consumer Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, telephone (405) 271 5243, or by e-mail to Lynnette@health.ok.gov.

RULE COMMENT SUMMARY AND RESPONSE

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

The rule report submitted to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate, pursuant 75:303.1(A) of the Administrative Procedures Act, shall include: (9) *A summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at all hearings or meetings held or sponsored by an agency for the purpose of providing the public an opportunity to comment on the rules or of any written comments received prior to the adoption of the rule. The summary shall include all comments received about the cost impact of the proposed rules;* (10) *A list of persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing.*[75:303.1(E)(9)&(10)]

Rule Section 310:250-3-1. Food service establishments' permits fees

Summary of Comments:

Representative Rick West from District 3, in discussion with Oklahoma State Department of Health (OSDH) staff Lynnette Jordan on January 12, 2017, expressed concern about a fee increase for small businesses in his district. Further, it was mentioned small businesses should not be paying the same amount as those businesses with higher gross annual sales.

Carrie Well with Simple Simon's Pizza, Wister, OK in discussion with OSDH staff Lynnette Jordan on January 17, 2017, expressed concern of such a large increase in annual fees, referencing an \$800 annual fee. That as a small business in a small town, any increase would be difficult on small business. It was also stated that \$325 annual fee was not as bad as \$800 annual fee.

Beverly Lewis with Bev's Home Cooking, Wister, OK in discussion with OSDH staff Lynnette Jordan on January 17, 2017, expressed concern and protest to any fee increase. Wister is a small town with a population of 900 and the small businesses were doing good to keep their head above water. The restaurant is a family oriented restaurant and they are trying to maintain business for the hometown. This is a place for the community, especially the elderly, to get out and socialize, even sometimes just to have a cup of coffee. Any increase makes it difficult to maintain and the rural areas are going to be hit hard and may end up having to close their doors.

At a January 18, 2017 public meeting of the Food Service Advisory Council (FSAC), a commenter suggested further evaluation and moderation of annual renewal fees to reduce adverse effects on the food industry; specifically subsections 310:250-3-1(a)(1)(B), (a)(2)(B) and (a)(3)(B). Comments were also discussed about the tiered category proposal and the complexity it may pose to keep consistent licensing procedures.

OSDH Evaluation:

In developing the December 15, 2016 proposed rule, OSDH Staff reviewed surrounding state food fee schedules and researched the correlation of inspections with food safety. Based on that evaluation, OSDH categorized the establishments, based on their food operations, into a Category I, II, or III similar to the U.S. Food and Drug Administration (FDA) Hazard Analysis Critical

Control Points (HACCP). Under that categorization, establishments with a higher complex food processes require more in-depth inspections. All but one of the states reviewed had some sort of categorization (i.e. Gross Annual Sales, Size of Establishment, Number of Seats, and Food Processes). The State of Kansas had the most closely related categorization based on the level of complexity of the food processes.

OSDH developed multiple calculations to attempt to cover the cost of the food safety program which includes licensing and inspections. Each attempt was moderated to decrease the overall Category III cost and attempt as little annual impact on business while attempting to cover the cost of the program.

Renewal Fee Amounts	Category III	Category II	Category I
Initial Draft (before 12/15/2016)	\$450	\$350	\$250
Rule Published with Notice of Intent (12/15/16)	\$375	\$350	\$325
Revised Proposal for FSAC Review (1/8/17)	\$350	\$325	\$300
January 31, 2017	\$250	\$250	\$250

Based on further comments, OSDH looked at the five current inspector vacancies (N=5 @ an average overall cost \$71,011 each). If not filled for the remainder of the year and into the following fiscal year, there would be an estimated savings of \$355,055 annually. Though inspections may decrease in the vacant areas and require additional travel, this could entail a \$15 decrease in overall annual renewal fees for each of the proposed Categories.

Renewal Fee Amounts	Category III	Category II	Category I
Revised Proposal (1/17/17)	\$335	\$310	\$285

One commenter requested clarification about the categorization of mobile establishments. Depending on the mobile establishment's operation, any one of the three categories proposed might apply.

Upon further review and moderation, and based on comments and the FSAC public meeting, OSDH proposes removing the food categories and using a single fee increase for all food establishments, warehousing and manufacturing. OSDH recommends an annual renewal fee of \$335, which is an increase of \$85 per year.

Change: OSDH recommends further moderating the renewal fees to minimize the impact on businesses and combine food categories I – III into a single classification, as follows:

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

(a) The following are license classifications and associated fees for food service 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 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 - \$250.00

(B) Reinstatement - \$250.00

(4) The fee for a temporary food establishment, as defined in OAC 310:257-1-2, shall be \$100.00 for a three (3) day period plus \$40.00 for each additional day.

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Summary of Comments:

At a January 18, 2017 public meeting of the FSAC, a commenter expressed support for re-inspection fees and stated that re-inspections were additional services and establishments should expect an additional fee. Another commenter expressed concern that a re-inspection fee could be used as a revenue generating program and might be inconsistently applied across the state.

OSDH Evaluation:

Based on comments and lack of accurate historical data on facilities with multiple re-inspections for the same violations, OSDH agrees to remove the re-inspection fees from the proposed rule. OSDH will update databases and data collection and further evaluate the volume of repeated violations and re-inspections.

Change:

OSDH proposes removing proposed language at OAC 310:250-3-1(e), establishing a re-inspection fee.

Rule Section 310:250-3-7. Application fee

Summary of Comment:

At the January 18, 2017 public meeting of the FSAC, a commenter expressed support for the fees for plan and specification applications; these are additional services and applicants should expect an increased fee. One commenter expressed concern that a business might decide to not carry through with the business after the plan and specification application, and combining the application fee with the license fee created an undue financial burden.

OSDH Evaluation:

Based on comments and to provide new businesses an opportunity to separate costs for

assessment of the establishment and issuance of a license, OSDH recommends not deleting the application fee section as originally proposed on December 15, 2016. This in turn affects Sections 3-1, 3-2 and 3-3 in the reduction of the upfront cost from the originally proposed language. Instead of adding the application fees to the license fees and increasing the combined fees, as proposed on December 15, 2016, OSDH proposes increasing the application fee for plans and specifications in OAC 310:250-3-7.

Changes: OSDH proposes amending OAC 310:250-3-7 to preserve the fee for plans and specifications, and include an increase to offset the reduction in the license fees proposed in OAC 310:250-3-1. The categories are also updated to reflect each licensing/permitting section updated within the fee schedule.

(a) Applicant shall submit the prepared plans and specifications for review and approval as stated in "Food Service Establishment Regulations" OAC 310:257-15-6 thru 310:257-15-17 or OAC 310:260 "Good Manufacturing Practice Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health, or respective County Health Department in which the establishment shall operate as instructed on a plan review application prescribed by the Department.

- (1) Food service, manufacturing, wholesale, or brokers of food - \$425.00
- (2) State Operated, Non-Profit or Health Facilities not meeting exempt status - \$425.00
- (3) Seasonal establishment - \$425.00
- (4) Food establishment – Fee Exempt as an establishment meeting the definition outlined in OAC 310:257-1-2 - \$425.00
- ~~Type 45 Class A – "Frozen Food Locker" \$200.00~~
- ~~(2) Type 45 Class B – "Bar" \$200.00~~
- ~~(3) Type 45 Class C – "Combination Retail Food" \$200.00~~
- ~~(4) Type 45 Class E – "Health Facilities, State Prisons, Schools, Non-Profit Institutions \$200.00~~
- ~~(5) Type 45 Class F – "Food Service Establishment" \$200.00~~
- ~~(6) Type 45 Class G – "Food Service with Bar" \$200.00~~
- ~~(7) Type 45 Class M – "Mobile Food Service and Vendor" \$200.00~~
- ~~(8) Type 45 Class R – "Retail Food Store" \$200.00~~
- ~~(9) Type 45 Class S – "Seasonal Food Service" \$200.00~~

(b) Applicant shall submit the prepared plans and specifications for review and approval as stated in OAC 310:260 "Good Manufacturing Practice Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health.

- (1) Drug operational category - \$425.00~~Type 45 Class A – "Frozen Food Locker" \$200.00~~
- ~~(2) Type 45 Class E – "Health Facilities, State Prisons, Non-Profit Institutions \$200.00~~
- ~~(3) Type 45 Class P – "Food Processors" \$200.00~~
- ~~(4) Type 45 Class W – "Food Wholesalers" \$200.00~~
- ~~(5) Type 45 Class X – "Privately Owned Prisons" \$200.00~~
- ~~(6) Type 45 Class Y – "Salvage Food" \$200.00~~
- ~~(7) Type 45 Class Z – "Water Bottling Facilities"~~
- ~~(8) Type 48 Class M – "Drug Manufacturers, over the counter" \$200.00~~
- ~~(9) Type 48 Class W – "Drug Warehouse" \$200.00~~

(c) Applicant shall submit the prepared plans and specifications for review and approval as stated in OAC 310:285 "Lodging Establishment Regulations". The application fee and plans

shall be submitted to the Oklahoma State Department of Health, respective County Health Department in which the establishment shall operate.

- (1) Type 51 Class A - "Hotels and Motels" ~~\$200.00~~\$425.00
- (2) Type 51 Class B - "Hotels and Motels" ~~\$200.00~~\$425.00
- (3) Type 51 Class C - "Hotels and Motels" ~~\$200.00~~\$425.00

Summary of Comment:

At a January 18, 2017 public meeting of the FSAC, one commenter recommended that OSDH should develop a verified self-inspection program to identify establishments that would be candidates for reduced numbers of routine OSDH inspections. This approach could serve to reduce OSDH inspection costs for establishments remaining in compliance with OSDH requirements.

OSDH Evaluation:

OSDH agrees with the recommendation to consider recognizing effective self-inspection programs. This could enable OSDH to reduce resources required to inspect facilities that effectively maintain compliance with food establishment requirements. OSDH recommends a collaborative effort with the FSAC and the food industry to conduct an administrative review of OSDH scheduling practices. The goal would be to make the inspection program more efficient and effective. The administrative review will enable OSDH and the industry to develop and evaluate a self-inspection method based on risk and need, and reach consensus on best practices for OSDH scheduling of inspections. OSDH will work with the FSAC and the food industry in the future to develop rules if needed to implement an updated inspection-scheduling model.

Changes: No changes were made to OAC 310:250.

Persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing were:

Representative Rick West, District 3,
Carrie Well with Simple Simon's Pizza, Wister, OK
Beverly Lewis with Bev's Home Cooking, Wister, OK
Food Service Advisory Council: Phil Maytubby, Larry Bergner, Roy Escoubas, Harold Kelly, Park Ribble, Erica Hering, Elizabeth Nutt, Bill Ryan, Jim Hopper, Bill Ricks, Stan Stromberg, Brenda Potts, and John Kelly

Agency Rule Contact:

Lynnette Jordan, Director, Consumer Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, telephone (405) 271 5243, or by e-mail to Lynnette@health.ok.gov.

RULE IMPACT STATEMENT

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

1. **DESCRIPTION:** *(a brief description of the purpose of the proposed rule [75 O.S. §303.D.2(a)])*

The current rule applies to application and licensure fees for programs overseen by the Consumer Health Service specific to: food establishments (Title 63 § 1-1118 & 1-1119), drug manufacturers (Title 63 § 1-1119), lodging establishments (Title 63 § 1-1201), diagnostic x-ray facilities (Title 63 § 1-1501.1), and public bathing places (Title 63 § 1-1013.1). The proposed changes will modify the fee schedule for establishments licensed in these areas. The changes are necessary to cover increasing costs for these programs, to allow flexibility to better track types of establishments for reporting purposes and streamline application processes. The effect of this Rule change will increase fees for licensed establishments. The effect will also allow flexibility to better identify types of businesses which will assist in the focused identification of hazards to specific establishment types.

2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:** *(a description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities [75 O.S. §303.D.2(b)])*

Those classes of persons affected are entities or individuals seeking to be or currently licensed in the food establishment industry (i.e. restaurants, food manufacturers, grocers, bars, convenient stores, etc), public bathing places, lodging establishments, drug manufacturing and diagnostic x-ray tube program (hospitals, physicians, chiropractors, podiatrists, veterinarians and clinics).

The Department has had comments and discussions from interested parties regarding the high increase on annual costs. Based on comments, the Department has made attempts to moderate annual renewal fees to reduce the impact on business and revert back to a single, streamlined licensing system. Other discussions with the health department also posed concern about the high initial up-front cost and revocation of the application fee in 310:250-3-7. The Department, based on comments during those discussions re-instated a separate application fee from the license fee for all programs to decrease the upfront costs and impact on new business.

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:** *(a description of the classes of persons who will benefit from the proposed rule [75 O.S. §303.D.2(c)])*

The general public will benefit as the increase in fees will ensure services remain at current levels. It also will allow for better tracking of the type of food establishment or combination food establishments thereby ensuring appropriate inspections for the type of facility.

In addition, licensees in the diagnostic x-ray program will benefit with a more simple licensing process and some will benefit with a slightly decreased licensing fee. Changes to the fee structure will streamline the annual licensing process by simplifying the calculation and thereby decrease administrative resources used to educate applicants and issue refunds for overpayment.

The increased fees ensure continued inspection, education and assistance for all licensed establishments thereby decreasing possible disease outbreaks that may occur should services decrease or be discontinued.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:** *(a description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change [75 O.S. §303.D.2(d)])*

FOOD

The last increase for food licenses was in 2009 which was a 150% increase for annual renewal costs across the board for establishments not falling in a reduced license class or exempt class. To cover increasing costs of the program and to ensure services remain consistent, the following fees within the program were reviewed with proposed increases:

Proposed Section	Fee Description	Current	Proposed Fee
OAC 310:250-3-1(a)(1)	Initial Food / Manufacturing / Warehousing	\$350	\$425
OAC 310:250-3-1(a)(1)	Renewal Food / Manufacturing / Warehousing	\$250	\$335
OAC 310:250-3-1(a)(1)	Late Renewal Food / Manufacturing / Warehousing	\$300	\$375
OAC 310:250-3-1(a)(2)	Initial State Operated / Non-Profit / Health	\$100	\$175
OAC 310:250-3-1(a)(2)	Renewal State Operated / Non-Profit / Health	\$100	\$125
OAC 310:250-3-1(a)(2)	Late Renewal State Operated / Non-Profit / Health	\$150	\$150
OAC 310:250-3-1(a)(3)	Initial & Reinstatement Seasonal	\$200	\$250
OAC 310:250-3-1(a)(4)	Temporary (for 3 days)	\$30	\$100
OAC 310:250-3-1(a)(4)	Temporary (each additional day)	\$15	\$40
OAC 310:250-3-7(a)	Application fee (Plan Review) – Food / Manufacturing / Warehousing / State Operated / Non-Profit / Health / License Exempt	\$200	\$425

Temporary food establishment as defined in OAC 310:257-1-2. \$100.00 up to three (3) days plus \$40.00 each day in excess of three (3) days. The proposed increases will offset agency costs for events that routinely occur outside of normal operating hours. The increase in price will still remain cost effective for entities operating less than four (4) special events per year (3 days per event) as it will remain below the cost of a full operating initial license.

LODGING

The proposal increases annual renewal fees by \$75 for each class. This affects nearly 2,000 licensees. The percentage increase for establishments:

- With less than 21 rooms is about a 50% increase affecting around 250 licensees.
- Between 21-100 rooms is a 38% increase affecting around 740 licensees.
- More than 100 rooms is a 30% increase affecting around 200 licensees.

The initial license fee (310:250-3-3) has been increased by \$50 for each category of lodging. The application fee for plan review (310:250-3-7(c)) has been increased from \$200 to \$425.

DRUG OPERATIONS

This proposal increases renewal fees to be consistent with the food Category I accounting for a \$75 increase annually for renewal and a \$25 increase in the initial fee. This change will affect minimal licensees at this point in time. There is only one such operation in the State. (OAC 310:250-3-2)

PUBLIC BATHING

To offset costs of operating the program currently, the proposal is increasing initial licenses by \$75. This is estimated to affect less than 105 licensed public bathing places annually.

Renewal pools fees are proposed to increase \$25 annually (50% increase) which is estimated to affect around 3,000 licensees.

DIAGNOSTIC X-RAY

The diagnostic x-ray program costs are being restructured to streamline the licensing process. Currently, the fee structure identifies an initial tube fee with a decreased fee for each additional tube. Based on current data, about 1,400 facilities will pay less than previous annual fees; about 630 will pay the same amount. Less than 900 will pay more; on average, the increase will be \$15 annually. Changes to the fee structure will streamline the annual licensing process by simplifying the calculation and thereby decrease administrative resources used to educate applicants and issue refunds for overpayment.

5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:** *(the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency [75 O.S. §303.D.2(e)])*

The cost to the Department to implement the amendments will be approximately \$8,453.70 to cover the costs of rule drafting, adoption, publication, distribution, and education. The proposed rules are projected to have the following revenue impacts.

Estimated deficit for FY 2017	(\$2,926,704)
Estimated Public Health Specialists attrition/vacancies (N=5 @ \$71,011)	\$355,055
Proposed Food Application Fee Increase Revenue (OAC 310:250-3-7)	\$337,500
Proposed Food Initial Fee Increase Revenue (OAC 310:250-3-1)	\$102,650
Proposed Food Renewal Fee Increase Revenue (OAC 310:250-3-1)	\$1,763,350
Proposed Food Temporary License Increase Revenue (OAC 310:250-3-1)	\$268,790
Proposed Food Re-Inspection Fee	\$0
Proposed Lodging Application Fee Increase Revenue (OAC 310:250-3-7)	\$11,250
Proposed Lodging Initial Fee Increase Revenue (OAC 310:250-3-3)	\$2,500
Proposed Lodging Renewal Fee Increase Revenue (OAC 310:250-3-3)	\$89,850
<hr/> Total	<hr/> \$4,241

6. **IMPACT ON POLITICAL SUBDIVISIONS:** *(a determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule [75 O.S. §303.D.2(f)])*

There is a potential anticipated impact on primary and secondary school districts and institutions of higher education for kitchens and pools. Other political subdivisions may also be impacted. An example is state lodging facilities for kitchens, hotel/motel rooms and pools.

7. **ADVERSE EFFECT ON SMALL BUSINESS:** *(a determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act [75 O.S. §303(D)(2)(g)])¹²*

¹ **75 O.S. § 502.** As used in the Oklahoma Small Business Regulatory Flexibility Act:

 4. "Small business" means a for-profit enterprise consisting of fifty or fewer full-time or part-time employees.
² **75 O.S. § 504(B).** If the proposed rules may have an adverse economic effect upon small business, the agency shall submit a copy of the proposed rules and a rule impact statement to the Small Business Regulatory Review Committee for its review and comment pursuant to the review and comment provisions of paragraph 2 of subsection A and paragraph 6 of subsection B of [Section 303](#) of this title.

The increase in fees may have an adverse effect on small businesses whose license fees are governed by Chapter 250. OSDH requested comments by January 17, 2017, but extended the comment period to February 9, 2017 at 1:00 p.m., from businesses identifying direct and indirect costs expected to be incurred to comply with this rule. Comments from businesses entities were considered over the course of the rule development and through meetings with the Restaurant Association and the Department's Food Service Advisory Council.

8. **EFFORTS TO MINIMIZE COSTS OF RULE:** *(an explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule [75 O.S. §303.D.2(h)])*

FOOD

The Department researched surrounding states to identify possible tiered approaches that may be more cost effective for the different types of food services provided. The food service was identified and currently used in Kansas and does not require additional reporting and tracking of gross annual sales, square footage, number of employees or number of seats.

The Department has held discussions and received comments and has moderated fees based on those comments in an effort to reduce impact and costs.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:** *(a determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk [75 O.S. §303.D.2(i)])*

The inspection programs for food, lodging, drug manufacturers, and public bathing places are currently not covering expenses. With a decrease in state funding, this affects salary for statewide coverage. Without this change, decreased inspections will be anticipated thereby increasing possible imminent health hazards at the licensed establishments.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:** *(a determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented [75 O.S. §303.D.2(j)])*

The inspection programs for food, lodging, drug manufacturers, and public bathing places are currently not covering expenses. With a decrease in state funding, this affects salary for statewide coverage. Without this change, decreased inspections will be anticipated thereby increasing possible imminent health hazards at the licensed establishments.

11. This initial rule impact statement was prepared on December 14, 2016. Modifications were made on January 8, 2017 and January 25, 2017 based on comments received from interested parties and discussions held with the Department. The statement was modified on January 31, 2017 to clarify the impact on political subdivisions. *(the date the rule impact statement was prepared and if modified, the date modified [75 O.S. §303.D.2(k)])*

FEE JUSTIFICATION

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

The Oklahoma State Department of Health is proposing to effect an amendment in the schedule of fees governing food establishments (Title 63 § 1-1118 & 1-1119), drug manufacturers (Title 63 § 1-1119), lodging establishments (Title 63 § 1-1201), diagnostic x-ray facilities (Title 63 § 1-1501.1), and public bathing places (Title 63 § 1-1013.1).

Each of these regulatory activities are labor-intensive and the costs associated with them are not easy to avoid or minimize. Based upon the premise that a regulated industry should bear all or substantially all of the costs routinely or regularly incurred by the State, the current fee structure for these entities is not adequate to recoup the Department's expenses. The rule changes proposed for Chapter 250 will permit the Department to offset the costs that provide consumers food that is safe, unadulterated and honestly presented in the State of Oklahoma. The increased revenue will assist these programs to meet the budget demands for the operation and maintenance of these programs and reduce the public health risk, due to insufficient inspections.

Maintaining the current level and quality of regulatory oversight will help ensure these entities provide a safe and clean environment to the citizens in the state of Oklahoma. The proposed fee change will enable the Department to accomplish this important responsibility without creating an undue burden on all of the State's taxpayers. The changes are necessary to cover increasing costs for these programs, to allow flexibility to better track types of establishments for reporting purposes and streamline application processes. The revised fee structure allows greater flexibility to identify types of businesses which will assist in the identification of hazards based on specific establishment types.

The Food Service Advisory Council endorses the proposed fee increase. Pursuant to statute at Title 63 O.S., Section 1-106.3, this Board serves as an advisory body to the Department.

COST IMPACT RESPONSE: Those classes of persons affected are entities and individuals seeking to be or currently licensed in the food establishment industry (i.e. restaurants, food manufacturers, grocers, bars, convenient stores, etc), public bathing places, lodging establishments, drug manufacturing and diagnostic x-ray tube programs (hospitals, physicians, chiropractors, podiatrists, veterinarians and clinics).

The Department had comments and discussions from interested parties and within the Food Service Advisory Council regarding the initially proposed increase on annual renewal fees. Based on comments, the Department revised the fees to reduce the impact on business and revert back to a single, streamlined licensing system. Other discussions with the Department addressed concerns about the high initial up-front licensure cost and revocation of the application fee in 310:250-3-7. The Department, based on comments during those discussions, re-instated a separate application fee from the license fee for all programs to decrease the upfront costs and impact on new business.

BENEFITS: The benefits to the general public derive from continued access to safe food establishments, drug manufacturers, lodging establishments, diagnostic x-ray facilities, and

public bathing places. The revised fee structure facilitates a simpler licensing process and some will benefit with a reduced licensing fee. The revised fee structure simplifies the calculation for the customer, reduces error and administrative resources for education and support.

PROPOSED FEE CHANGES: The last adjustment to these license fees occurred in in 2009. A discussion of the need, proposed fee and further justification follows.

FOOD

The last increase for food licenses was in 2009 which was a 150% increase for annual renewal costs across the board for establishments not falling in a reduced license class or exempt class. To cover increasing costs of the program and to ensure services remain consistent, the following fees within the program were reviewed with proposed increases:

Proposed Section	Fee Description	Current	Proposed Fee
OAC 310:250-3-1(a)(1)	Initial Food / Manufacturing / Warehousing	\$350	\$425
OAC 310:250-3-1(a)(1)	Renewal Food / Manufacturing / Warehousing	\$250	\$335
OAC 310:250-3-1(a)(1)	Late Renewal Food / Manufacturing / Warehousing	\$300	\$375
OAC 310:250-3-1(a)(2)	Initial State Operated / Non-Profit / Health	\$100	\$175
OAC 310:250-3-1(a)(2)	Renewal State Operated / Non-Profit / Health	\$100	\$125
OAC 310:250-3-1(a)(2)	Late Renewal State Operated / Non-Profit / Health	\$150	\$150
OAC 310:250-3-1(a)(3)	Initial & Reinstatement Seasonal	\$200	\$250
OAC 310:250-3-1(a)(4)	Temporary (for 3 days)	\$30	\$100
OAC 310:250-3-1(a)(4)	Temporary (each additional day)	\$15	\$40
OAC 310:250-3-7(a)	Application fee (Plan Review) – Food / Manufacturing / Warehousing / State Operated / Non-Profit / Health / License Exempt	\$200	\$425

The proposed increase in temporary food establishment licenses will offset agency costs for events that routinely occur outside of normal operating hours. The increase in price for entities operating less than four (4) special events per year (3 days per event) will remain below the cost of an initial license.

LODGING

The last increase for these licenses was in 2009. The proposal increases annual renewal fees by \$75 for each class. This affects nearly 2,000 licensees. The percentage increase for establishments:

- With less than 21 rooms is about a 50% increase affecting around 250 licensees.
- Between 21-100 rooms is a 38% increase affecting around 740 licensees.
- More than 100 rooms is a 30% increase affecting around 200 licensees.

The initial license fee (310:250-3-3) has been increased by \$50 for each category of lodging. The application fee for plan review (310:250-3-7(c)) has been increased from \$200 to \$425.

DRUG OPERATIONS

The last increase for these licenses was in 2009. This proposal increases renewal fees to be consistent with the food Category I accounting for a \$75 increase annually for renewal and a

\$25 increase in the initial fee. This change will affect minimal licensees at this point in time. There is only one such operation in the State. (OAC 310:250-3-2)

PUBLIC BATHING

To offset costs of operating the program currently, the proposal is increasing initial licenses by \$75. This is estimated to affect less than 105 licensed public bathing places annually.

Renewal pools fees are proposed to increase \$25 annually (50% increase) which is estimated to affect around 3,000 licensees.

DIAGNOSTIC X-RAY

The diagnostic x-ray program costs are being restructured to streamline the licensing process. Currently, the fee structure identifies an initial tube fee with a decreased fee for each additional tube. Based on current data, about 1,400 facilities will pay less than previous annual fees; about 630 will pay the same amount. Less than 900 will pay more; on average, the increase will be \$15 annually. Changes to the fee structure will streamline the annual licensing process by simplifying the calculation and thereby decrease administrative resources used to educate applicants and issue refunds for overpayment.

PROGRAM OPERATIONAL DEFICIT AND FEE IMPACT: The proposed fee revisions are projected to have the following revenue impacts.

Estimated deficit for FY 2017	(\$2,926,704)
Estimated Public Health Specialists attrition/vacancies (N=5 @ \$71,011)	\$355,055
Proposed Food Application Fee Increase Revenue (OAC 310:250-3-7)	\$337,500
Proposed Food Initial Fee Increase Revenue (OAC 310:250-3-1)	\$102,650
Proposed Food Renewal Fee Increase Revenue (OAC 310:250-3-1)	\$1,763,350
Proposed Food Temporary License Increase Revenue (OAC 310:250-3-1)	\$268,790
Proposed Food Re-Inspection Fee	\$0
Proposed Lodging Application Fee Increase Revenue (OAC 310:250-3-7)	\$11,250
Proposed Lodging Initial Fee Increase Revenue (OAC 310:250-3-3)	\$2,500
Proposed Lodging Renewal Fee Increase Revenue (OAC 310:250-3-3)	\$89,850
<hr/> Total	<hr/> \$4,241

ALTERNATIVES CONSIDERED: The Department proposed, and ultimately rejected based on public comment, a tiered approach to licensing based on the size of the food service establishment.

An avenue to constrain inspection costs through self-inspection programs was proposed and will be reviewed this coming fiscal year. This process could enable the Department to reduce resources required to inspect facilities that effectively maintain compliance with food establishment requirements. OSDH in collaboration with the Food Service Advisory Council and the food industry will conduct an administrative review of OSDH inspection scheduling practices. The goal would be to make the inspection program more efficient and effective in part through a self-inspection method based on risk and need.

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

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

310:250-3-1. Food ~~service~~ establishments' ~~permits~~-fees

(a) The following are license classifications and associated fees for food ~~service~~ 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 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 - \$250.00~~

~~(B) Reinstatement - \$250.00~~

(4) ~~The fee for a temporary food establishment, as defined in OAC 310:257-1-2, shall be \$100.00 for a three (3) day period plus \$40.00 for each additional day.~~

~~Type 45 Class A "Frozen Food Locker":~~

~~(A) Initial - \$350.00~~

~~(B) Renewal - \$250.00~~

~~(C) Late Renewal - \$300.00~~

~~(2) Type 45 Class B "Bar":~~

~~(A) Initial - \$350.00~~

~~(B) Renewal - \$250.00~~

~~(C) Late Renewal - \$300.00~~

~~(3) Class C "Combination Retail Food":~~

~~(A) Initial - \$350.00~~

~~(B) Renewal - \$250.00~~

~~(C) Late Renewal - \$300.00~~

~~(4) Class E "Health Facilities, State Prisons, Schools, or Non-Profit Institutions":~~

~~(A) Initial - \$100.00~~

~~(B) Renewal - \$100.00~~

~~(C) Late Renewal - \$150.00~~

~~(5) Class F "Food Service Establishment":~~

~~(A) Initial - \$350.00~~

~~(B) Renewal - \$250.00~~

- ~~(C) Late Renewal \$300.00~~
- ~~(6) Class G "Food Service with Bar":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(7) Class M "Mobile Food Service and Vendor":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(8) Class R "Retail Food Store":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(9) Class S "Seasonal Food Service":~~
 - ~~(A) Non-Renewable \$200.00 for one hundred eighty (180) consecutive days only~~
- ~~(10) Class T "Temporary Food Service":~~
 - ~~(A) \$30.00 up to three (3) days + \$15.00 each day in excess of three (3) days~~
- ~~(11) Class P "Food Processors":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(12) Class W "Food Wholesaler":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(13) Class X "Privately Owned Prisons":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(14) Class Y "Salvage Food":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~
- ~~(15) Class Z "Water Bottling Facilities":~~
 - ~~(A) Initial \$350.00~~
 - ~~(B) Renewal \$250.00~~
 - ~~(C) Late Renewal \$300.00~~

(b) An establishment qualifies for a fee exempt license if it is a "food service 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.

310:250-3-2. Drug operational permits

The following are ~~license classifications and~~ associated fees for over-the-counter wholesalers, brokers, and drug manufacturers: regulated by the Drugs, Medical Devices and Cosmetics Article of the Public Health Code, Title 63 O.S. Sections 1-1119 and 1-1401 et seq. and the rules promulgated thereunder.

~~(1) Type 48 Class M "Drug Manufacturers, over the counter"~~ Drug Operational Category includes any over-the-counter wholesalers, brokers and manufacturers of drugs:

- (A) Initial - ~~\$350.00~~\$375.00
- (B) Renewal - ~~\$250.00~~\$325.00
- (C) Late Renewal - ~~\$300.00~~\$350.00

~~(2) Type 48 Class W "Drug Warehouse":~~

- ~~(A) Initial - \$350.00~~
- ~~(B) Renewal - \$250.00~~
- ~~(C) Late Renewal - \$300.00~~

310:250-3-3. Lodging establishment operational permits

~~Fees~~The following are associated fees for lodging establishment operational permits ~~are as follows:~~ regulated by the lodging establishment statute at Title 63 O.S. § 1-1201 and the rules promulgated thereunder.

~~(1) Type 51 Class~~Category A "Hotels and Motels"(Not more than 20 units):

- (A) Initial - ~~\$250.00~~\$300.00
- (B) Renewal - ~~\$150.00~~\$225.00
- (C) Late Renewal - ~~\$200.00~~\$250.00

~~(2) Type 51~~Category Class B "Hotels and Motels"(Not more than 100 units):

- (A) Initial - ~~\$300.00~~\$350.00
- (B) Renewal - ~~\$200.00~~\$275.00
- (C) Late Renewal - ~~\$250.00~~\$300.00

~~(3) Type 51~~Category C "Hotels and Motels"(More than 100 units):

- (A) Initial - ~~\$350.00~~\$400.00
- (B) Renewal - ~~\$250.00~~\$325.00
- (C) Late Renewal - ~~\$300.00~~\$350.00

310:250-3-4. Late renewal

(a) When a Consumer Health Service's license renewal fee is required by statute or regulation to be paid by a date certain and such fee was paid more than thirty (30) days after the date certain, there shall be assessed a late fee to cover the cost of non-routine processing. The late renewal fee unless specifically set shall equal one-half of the renewal fee for any given type and class, unless the maximum authorized by law would be exceeded thereby.

(b) Late renewal fees apply to renewal applications received by the Department more than thirty (30) days after the expiration date of the license.

(c) If the license holder does not file with the Department a renewal application and fee within ninety (90) days after the expiration date of the license, the Department shall not renew the license. The license may be re-instated with payment of an initial license fee.

310:250-3-5. Radiation producing machine permits

(a) The Annual annual permit fee for facilities to use radiation machines shall be based on type of facility and the number of x-ray tubes.

(1) All facilities except dental, podiatric and veterinary ~~with:~~

(A) ~~first tube \$100.00; and~~

(B) ~~each additional tube \$90.00~~ \$95.00; but

(C) ~~(B)~~ a maximum permit fee of \$500.00.

(2) Dental and podiatric facilities ~~with:~~

(A) ~~first tube \$40.00; and~~

(B) ~~each additional tube \$25.00~~ \$30.00; but

(C) ~~(B)~~ a maximum permit fee of \$500.00.

(3) Veterinary facilities ~~with:~~

(A) ~~first tube \$30.00; and~~

(B) ~~each additional tube \$20.00~~ \$25.00; but

(C) ~~(B)~~ a maximum permit fee of \$500.00.

(b) Diagnostic radiation producing machine permit renewal fees for applications received by the Department more than thirty (30) days after the expiration date of the current permit shall be assessed a late fee to cover the cost of non-routine processing. The late renewal fee shall equal one-half of the renewal fee, unless the maximum authorized by law would be exceeded. If the permit holder does not file with the Department a renewal application and fee within ninety (90) days after the expiration date of the license, the Department shall not renew the permit. An initial permit application and initial permit fee shall be required.

310:250-3-6. Public Bathing Places bathing places

(a) The following are license classifications and associated fees for Public Bathing Places:

(1) ~~Type 82 Class~~ Public Bathing Category I "Indoor Facility"

(A) Public Bathing Places Initial License Fee - \$50.00 \$125.00

(B) Public Bathing Places Renewal License Fee - \$75.00

(C) Public Bathing Places Re-inspection Fee - \$250.00

(2) ~~Type 82 Class~~ Public Bathing Category O "Outdoor Facility"

(A) Public Bathing Places Initial License Fee - \$50.00 \$125.00

(B) Public Bathing Places Renewal License Fee - \$75.00

(C) Public Bathing Places Re-inspection Fee - \$250.00

(3) Pool Category M "Municipality of 5,000 or less population"

(A) Public Bathing Places Annual License Fee - \$50.00

(B) Public Bathing Places Re-inspection Fee - \$250.00

(b) Each filter system for a construction project shall require a separate permit. One project may contain several construction items and require more than one permit. The maximum fee for each public bathing place construction permit will be \$2000.00

(1) New Construction

(A) Pool - Rounded to the nearest 5000 gallons volume - \$100.00 per 5000 gallons (minimum \$500.00 fee)

(B) Spray Pool - Rounded to the nearest 5000 gallons volume - \$100.00 per 5000 gallons (minimum \$500.00 fee)

(C) Spas - Rounded to nearest 100 gallons volume - \$50.00 per 100 gallons (minimum \$250.00 fee)

(2) Modification to Existing Permit

- (A) Pool - Rounded to the nearest 5000 gallons volume - \$50.00 per 5000 gallons (minimum \$250.00 fee)
- (B) Spray Pool - Rounded to the nearest 5000 gallons volume -50.00 per 5000 gallons (minimum \$250.00 fee)
- (C) Spas - Rounded to the Nearest 100 gallons volume - \$25.00 per 100 gallons (minimum \$125.00 fee)

(c) An annual securing fee of \$50.00 will be applied to each public bathing place that is placed out of service and is not maintaining annual licensure. This pertains to a secured public bathing place permanently out of service where the current owner has no intention to reopen and does not fill in the public bathing place. It also applies to a public bathing place closed for longer than a year with the intent of re-opening. A securing fee will be due at the same time as the original license expiration and each year thereafter while the facility remains permanently out of service. When a public bathing place resumes operation, the local county health department shall be notified by the owner and any remaining license fee will be required for that year of operation.

310:250-3-7. Application fee

(a) Applicant shall submit the prepared plans and specifications for review and approval as stated in "Food Service Establishment Regulations" OAC 310:257-15-6 thru 310:257-15-17 or OAC 310:260 "Good Manufacturing Practice Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health, or respective County Health Department in which the establishment shall operate as instructed on a plan review application prescribed by the Department.

- (1) Food service, manufacturing, wholesale, or brokers of food - \$425.00
- (2) State Operated, Non-Profit or Health Facilities not meeting exempt status - \$425.00
- (3) Seasonal establishment - \$425.00
- (4) Food establishment – Fee Exempt as an establishment meeting the definition outlined in OAC 310:257-1-2 - \$425.00
- ~~Type 45 Class A – "Frozen Food Locker" \$200.00~~
- ~~(2) Type 45 Class B – "Bar" \$200.00~~
- ~~(3) Type 45 Class C – "Combination Retail Food" \$200.00~~
- ~~(4) Type 45 Class E – "Health Facilities, State Prisons, Schools, Non-Profit Institutions \$200.00~~
- ~~(5) Type 45 Class F – "Food Service Establishment" \$200.00~~
- ~~(6) Type 45 Class G – "Food Service with Bar" \$200.00~~
- ~~(7) Type 45 Class M – "Mobile Food Service and Vendor" \$200.00~~
- ~~(8) Type 45 Class R – "Retail Food Store" \$200.00~~
- ~~(9) Type 45 Class S – "Seasonal Food Service" \$200.00~~

(b) Applicant shall submit the prepared plans and specifications for review and approval as stated in OAC 310:260 "Good Manufacturing Practice Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health.

- (1) Drug operational category - \$425.00~~Type 45 Class A – "Frozen Food Locker" \$200.00~~
- ~~(2) Type 45 Class E – "Health Facilities, State Prisons, Non-Profit Institutions \$200.00~~
- ~~(3) Type 45 Class P – "Food Processors" \$200.00~~
- ~~(4) Type 45 Class W – "Food Wholesalers" \$200.00~~
- ~~(5) Type 45 Class X – "Privately Owned Prisons" \$200.00~~

- ~~(6) Type 45 Class Y - "Salvage Food" \$200.00~~
- ~~(7) Type 45 Class Z - "Water Bottling Facilities"~~
- ~~(8) Type 48 Class M - "Drug Manufacturers, over the counter" \$200.00~~
- ~~(9) Type 48 Class W - "Drug Warehouse" \$200.00~~

(c) Applicant shall submit the prepared plans and specifications for review and approval as stated in OAC 310:285 "Lodging Establishment Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health, respective County Health Department in which the establishment shall operate.

- (1) Type 51 Class A - "Hotels and Motels" ~~\$200.00~~\$425.00
- (2) Type 51 Class B - "Hotels and Motels" ~~\$200.00~~\$425.00
- (3) Type 51 Class C - "Hotels and Motels" ~~\$200.00~~\$425.00