



Creating a State of Health

MINUTES OF REGULAR SCHEDULED PUBLIC MEETING

This amended special meeting of the Food Service Advisory Council, scheduled to begin at 9:30 a.m. on this ninth day of February, 2017 was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., §§ 301 et seq.] Further, an advance public notice that was sent to the Secretary of State's Office of Administrative Rules by Facsimile December 12, 2016, prior to this time today, specifying the time and place of the meeting here convened, preceded this meeting. Notice of this meeting was given at least twenty-four (24) hours prior here to and no one filed a written request of notice of meetings of this public body to date.

PUBLIC BODY: OKLAHOMA FOOD SERVICE ADVISORY COUNCIL
DATE: THURSDAY, FEBRUARY 9, 2017
ADDRESS: OSU HOTEL AND RESTAURANT SCHOOL, STILLWATER
CONTACT PERSON: TERESA MARTINEZ TELEPHONE: (405) 271-5243

Agenda Item 1:

Open Meeting Act

Bill Ricks announced the filing of the meeting and posting of the agenda in accordance with the Oklahoma Open Meeting Act.

Agenda Item 2:

Call to Order

Bill Ricks called the meeting to order at 12:58 p.m. at the OSU Hotel and Restaurant School, Stillwater, OK. Teresa Martinez called roll and a quorum was met.

Council members present: Phil Maytubby, Stan Stromberg, Larry Bergner, Roy Escoubas, Harold Kelly, Michael Farney, Park Ribble, Elizabeth Nutt, Bill Ryan, Jim Hopper, and Krista Neal, Bill Ricks

Council members absent: Brenda Potts and Erica Hering

Staff present: Henry Hartsell, Lynnette Jordan, Don Maisch, Phillip Jurina, Marsha Allmon, Alicia Burkett and Teresa Martinez

Others present: Troy Skow

Agenda Item 3:

Introduction of New Food Advisory council Member, Michael Farney

Introductions were made and Mr. Farney gave some background information in the hospitality industry.

Agenda Item 4:

Department Report – Licensing & Inspection Update

The Summary of Establishments and Summary of No Inspections reports were provided and reviewed.

Agenda Item 5:**Review, Discussion and Possible Action on Proposed Changes to Oklahoma Administrative Code (OAC) 310:250. Consumer Health Service – Fee Schedule**

The proposed fee changes, only fees and not the full language, for 310:250 are as follows:

310:250-3-4 (c) Late Renewal

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.

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

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.

310:250-3-2. Drug operational permits

1. Drug Operational Category includes any over-the-counter wholesalers, brokers and manufacturers of drugs.
 - A. Initial - \$375.00
 - B. Renewal - \$325.00
 - C. Late Renewal - \$350.00

310:250-3-3 Lodging establishment operational permits

1. Category A (not more than 20 units)
 - A. Initial - \$300.00
 - B. Renewal - \$225.00
 - C. Late Renewal - \$250.00
2. Category B (not more than 100 units)
 - A. Initial - \$350.00
 - B. Renewal - \$275.00
 - C. Late Renewal - \$300.00
3. Category C (more than 100 units)
 - A. Initial - \$400.00
 - B. Renewal - \$325.00
 - C. Late Renewal - \$350.00

310:250-3-6 Public Bathing Places

1. Public Bathing Category I "Indoor Facility"
 - A. Initial - \$125.00
 - B. Renewal - \$75.00
 - C. Re-Inspection Fee - \$250.00
2. Public Bathing Category O "Outdoor Facility"
 - A. Initial - \$125.00

- B. Renewal - \$75.00
- C. Re-Inspection Fee - \$250.00
- 3. Pool Category M "Municipality of 5,000 or less population"
 - A. Initial - \$50.00
 - B. Re-Inspection Fee - \$250.00

310:250-3-7 Plan Review Application fee

- Food service, manufacturing, wholesale, or brokers of food - \$425.00
- State Operated, Non-Profit or Health Facilities not meeting exempt status - \$425.00
- Seasonal establishment - \$425.00
- Food establishment – Fee exempt as an establishment meeting the definition outlined in OAC 310:257-1-2 - \$425.00
- Drug operational category - \$425.00
- Type 51 Class A - Hotels and Motels - \$425.00
- Type 51 Class B - Hotels and Motels - \$425.00
- Type 51 Class C - Hotels and Motels - \$425.00

Jim Hopper made a motion to approve the proposed 310:250 language and to move forward through the process. Elizabeth Nutt seconded the motion.

Roll call

Aye: Phil Maytubby, Stan Stromberg, Larry Bergner, Roy Escoubas, Harold Kelly, Michael Farney, Park Ribble, Elizabeth Nutt, Bill Ryan, Jim Hopper, and Krista Neal, Bill Ricks

The motion carried.

Agenda Item 6:

Discussion on Legislative Agenda Items Possibly Impacting the Food Industry

Senate Bill 810 that would abolish the Food Service Advisory Council did not originate with the Oklahoma State Department of Health.

Senate Bill 508 will allow home bakers to sell at Farmers Markets, on site, cooperatives, membership-based buying clubs, or for delivery.

Bill Ricks questioned if OSDH will present all of the papers written in the past about the home bakery act and present them to the Legislature telling them this is not a good thing. Dr. Hartsell stated that we could ask two questions. One is the fiscal impact, which is pretty straight forward. We would assess how much it would cost the Health Department to implement any law proposals. The second type of analysis we would ask for and then provide is a policy analysis, a review of the public health science. Those are the types of information that we provided, for example on raw milk. We work with our Epidemiologists and Acute Disease Service to research and provide as much science as we can on the public health benefits of effective regulation. We can try to be a voice of science before the legislature to present them with the appropriate information to help them make the decision.

The bill concerning donated food, allows schools to donate left over food to nonprofits. This bill aligns with the USDA regulations that allows for donated food. There is current language that the schools are not held liable.

There is an act that creates an Urban Garden. To qualify you have to qualify for SNAP and/or WIC.

Community gardens can sell product to schools if they use good agricultural practices. The USDA regulations allow for this. It was unclear if there was anything in writing that specifies what "good agricultural practices" are. The Department of Agriculture may have something in writing covering this.

Agenda Item 7:

Old Business

None

Agenda Item 8:

New Business

None

Agenda Item 9:

Announcements

Stan Stromberg is retiring and the February 9, 2017 meeting of the Food Service Advisory Council will be the last that he will be in attendance.

Agenda Item 10:

Next Meeting Date: June 14, 2017 at 9:30 AM – Tulsa City County Health Department

Agenda Item 11:

Adjournment

Phil Maytubby made a motion to adjourn. Bill Ryan seconded the motion.

Roll call

Aye: Phil Maytubby, Stan Stromberg, Larry Bergner, Roy Escoubas, Harold Kelly, Michael Farney, Park Ribble, Elizabeth Nutt, Bill Ryan, Jim Hopper, and Krista Neal, Bill Ricks

The motion carried.

The February 9, 2017 meeting of the Oklahoma Food Service Advisory Council adjourned at 1:48 p.m.

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Chair or Secretary Signature	Date Approved by Vote