

1 **LOCAL HEALTH DEPARTMENT AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Edward H. Redd

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to local health departments.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ establishes a committee within the Department of Environmental Quality that
13 reviews matters affecting the Department of Environmental Quality and local health
14 departments.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **19-1-201**, as last amended by Laws of Utah 2012, Chapter 360 and last amended by
22 Coordination Clause, Laws of Utah 2012, Chapter 360

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **19-1-201** is amended to read:

26 **19-1-201. Powers and duties of department -- Rulemaking authority.**

27 (1) The department shall:



28 (a) enter into cooperative agreements with the Department of Health to delineate
29 specific responsibilities to assure that assessment and management of risk to human health
30 from the environment are properly administered;

31 (b) consult with the Department of Health and enter into cooperative agreements, as
32 needed, to ensure efficient use of resources and effective response to potential health and safety
33 threats from the environment, and to prevent gaps in protection from potential risks from the
34 environment to specific individuals or population groups;

35 (c) coordinate implementation of environmental programs to maximize efficient use of
36 resources by developing, in consultation with local health departments, a Comprehensive
37 Environmental Service Delivery Plan that:

38 (i) recognizes that the department and local health departments are the foundation for
39 providing environmental health programs in the state;

40 (ii) delineates the responsibilities of the department and each local health department
41 for the efficient delivery of environmental programs using federal, state, and local authorities,
42 responsibilities, and resources;

43 (iii) provides for the delegation of authority and pass through of funding to local health
44 departments for environmental programs, to the extent allowed by applicable law, identified in
45 the plan, and requested by the local health department; and

46 (iv) is reviewed and updated annually; and

47 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
48 Rulemaking Act, as follows:

49 (i) for a board created in Section 19-1-106, rules regarding:

50 (A) board meeting attendance; and

51 (B) conflicts of interest procedures; and

52 (ii) procedural rules that govern:

53 (A) an adjudicative proceeding, consistent with Section 19-1-301; and

54 (B) a permit review adjudicative proceeding, consistent with Section 19-1-301.5.

55 (2) The department shall establish a committee that consists of:

56 (a) the executive director;

57 (b) two representatives of the department appointed by the executive director; and

58 (c) three representatives of local health departments appointed by a group of all the

59 local health departments in the state.

60 (3) The committee established in Subsection (2) shall:

61 (a) review the allocation of environmental quality resources between the department
62 and the local health departments;

63 (b) evaluate department policies that affect local health departments;

64 (c) consider policy changes proposed by the department or by local health departments;

65 (d) coordinate the implementation of environmental quality programs to maximize
66 environmental quality resources; and

67 (e) review each department application for any grant from the federal government that
68 affects a local health department before the department submits the application.

69 (4) The department may not finalize a department action that affects a local health
70 department, unless the action is approved by a two-thirds vote of the committee established in
71 Subsection (2).

72 [~~2~~] (5) The department may:

73 (a) investigate matters affecting the environment;

74 (b) investigate and control matters affecting the public health when caused by
75 environmental hazards;

76 (c) prepare, publish, and disseminate information to inform the public concerning
77 issues involving environmental quality;

78 (d) establish and operate programs, as authorized by this title, necessary for protection
79 of the environment and public health from environmental hazards;

80 (e) use local health departments in the delivery of environmental health programs to
81 the extent provided by law;

82 (f) enter into contracts with local health departments or others to meet responsibilities
83 established under this title;

84 (g) acquire real and personal property by purchase, gift, devise, and other lawful
85 means;

86 (h) prepare and submit to the governor a proposed budget to be included in the budget
87 submitted by the governor to the Legislature;

88 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
89 department according to the procedures and requirements of Section 63J-1-504; and

90 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
91 the cost of services provided;

92 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
93 environmental quality for local health departments;

94 (k) perform the administrative functions of the boards established by Section 19-1-106,
95 including the acceptance and administration of grants from the federal government and from
96 other sources, public or private, to carry out the board's functions;

97 (l) upon the request of any board or a division director, provide professional, technical,
98 and clerical staff and field and laboratory services, the extent of which are limited by the funds
99 available to the department for the staff and services; and

100 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
101 that the person paying the fee agrees by contract to be charged for the service in order to
102 efficiently utilize department resources, protect department permitting processes, address
103 extraordinary or unanticipated stress on permitting processes, or make use of specialized
104 expertise.

105 [~~3~~] (6) In providing service under Subsection [~~2~~] (5)(m), the department may not
106 provide service in a manner that impairs any other person's service from the department.

Legislative Review Note

as of 2-20-15 11:13 AM

Office of Legislative Research and General Counsel