

ENVIRONMENTAL HEALTH SCIENTIST ACT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Stewart E. Barlow

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

General Description:

This bill amends the Environmental Health Scientist Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies the qualifications for licensure for an environmental health scientist and an environmental health scientist-in-training;
- ▶ extends the sunset date for the Environmental Health Scientist Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-20a-102, as last amended by Laws of Utah 1997, Chapter 10

58-20a-302, as last amended by Laws of Utah 2009, Chapter 183



28 **63I-1-258**, as last amended by Laws of Utah 2017, Chapters 177, 207, and 237

29 REPEALS:

30 **58-20a-306**, as enacted by Laws of Utah 1995, Chapter 95



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

33 Section 1. Section **58-20a-102** is amended to read:

34 **58-20a-102. Definitions.**

35 In addition to the definitions in Section **58-1-102**, as used in this chapter:

36 (1) "Accredited program" means a degree-offering program from:

37 (a) an institution, college, or university that is accredited by the Department of

38 Education or the Council for Higher Education Accreditation; or

39 (b) a non-accredited institution, college, or university that offers education equivalent

40 to Department of Education-accredited programs, as determined by a third party selected by the

41 Board.

42 [~~(1)~~] (2) "Board" means the Environmental Health Scientist Board created in Section
43 **58-20a-201**.

44 [~~(2)~~] (3) "General supervision" means the supervising environmental health scientist is
45 available for immediate voice communication with the person he or she is supervising.

46 [~~(3)~~] (4) "Practice of environmental health science" means:

47 (a) the enforcement of, the issuance of permits required by, or the inspection for the
48 purpose of enforcing state and local public health laws in the following areas:

49 (i) air quality;

50 (ii) food quality;

51 (iii) solid, hazardous, and toxic substances disposal;

52 (iv) consumer product safety;

53 (v) housing;

54 (vi) noise control;

55 (vii) radiation protection;

56 (viii) water quality;

57 (ix) vector control;

58 (x) drinking water quality;

- 59 (xi) milk sanitation;
 60 (xii) rabies control;
 61 (xiii) public health nuisances;
 62 (xiv) indoor clean air regulations;
 63 (xv) institutional and residential sanitation; or
 64 (xvi) recreational facilities sanitation; or
 65 (b) representing oneself in any manner as, or using the titles "environmental health
 66 scientist," "environmental health scientist-in-training," or "registered sanitarian."

67 ~~[(4)]~~ (5) "Unlawful conduct" is as defined in Section 58-1-501.

68 ~~[(5)]~~ (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-20a-501
 69 and as may be further defined by division rule.

70 Section 2. Section 58-20a-302 is amended to read:

71 **58-20a-302. Qualifications for licensure.**

72 (1) Except as provided in Subsection (2), an applicant for licensure as an
 73 environmental health scientist shall:

- 74 (a) submit an application in a form prescribed by the division;
 75 (b) pay a fee determined by the department under Section 63J-1-504;
 76 (c) be of good moral character;
 77 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
 78 or college, which degree includes completion of specific coursework as defined by rule;
 79 (e) pass an examination as determined by division rule in collaboration with the board;
 80 and
 81 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists
 82 administered by the division.

83 ~~[(2) An applicant for licensure who is currently actively engaged in the practice of
 84 environmental health science in Utah on July 1, 1995, and has been practicing in Utah for at
 85 least three consecutive months immediately prior to July 1, 1995, shall:]~~

86 ~~[(a) submit an application in a form prescribed by the division;]~~

87 ~~[(b) pay a fee determined by the department under Section 63J-1-504;]~~

88 ~~[(c) be of good moral character;]~~

89 ~~[(d) hold a bachelor's degree from an accredited program in a university or college;~~

90 ~~which degree includes completion of specific coursework as defined by rule;]~~

91 ~~[(e) pass the Utah Law and Rules Examination for Environmental Health Scientists~~
92 ~~administered by the division; and]~~

93 ~~[(f) submit an affidavit from the applicant's immediate supervisor in the applicant's~~
94 ~~employment, attesting to the applicant's competence to practice environmental health science.]~~

95 ~~[(3)]~~ (2) An applicant for licensure as an environmental health scientist-in-training
96 shall:

97 (a) submit an application in a form prescribed by the division;

98 (b) pay a fee determined by the department under Section 63J-1-504;

99 (c) be of good moral character;

100 (d) hold, at a minimum, a bachelor's degree from an accredited program in a university
101 or college, which degree includes completion of specific coursework as defined by rule;

102 (e) pass the Utah Law and Rules Examination for Environmental Health Scientists
103 administered by the division; and

104 (f) present evidence acceptable to the division and the board that the applicant, when
105 licensed, will practice as an environmental health scientist-in-training only under the general
106 supervision of a supervising environmental health scientist licensed under this chapter.

107 Section 3. Section 63I-1-258 is amended to read:

108 **63I-1-258. Repeal dates, Title 58.**

109 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
110 repealed July 1, 2026.

111 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

112 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1,
113 ~~[2018]~~ 2028.

114 (4) Section 58-37-4.3 is repealed July 1, 2021.

115 (5) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative
116 Research and General Counsel is authorized to renumber the remaining subsections
117 accordingly.

118 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

119 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
120 repealed July 1, 2019.

- 121 (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.
122 (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
123 1, 2023.
124 (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
125 (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
126 2026.
127 (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.
128 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is
129 repealed July 1, 2021.
130 (14) The following sections are repealed on July 1, 2019:
131 (a) Section 58-5a-502;
132 (b) Section 58-31b-502.5;
133 (c) Section 58-67-502.5;
134 (d) Section 58-68-502.5; and
135 (e) Section 58-69-502.5.
136 Section 4. **Repealer.**
137 This bill repeals:
138 Section 58-20a-306, **Holders of license under predecessor law.**

Legislative Review Note
Office of Legislative Research and General Counsel