

1 ENVIRONMENTAL HEALTH SCIENTIST ACT AMENDMENTS

2 2018 GENERAL SESSION

3 STATE OF UTAH

4

5 LONG TITLE

6 General Description:

7 This bill amends the Environmental Health Scientist Act.

8 Highlighted Provisions:

9 This bill:

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

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

19 Utah Code Sections Affected:

20 AMENDS:

- 21 58-20a-102, as last amended by Laws of Utah 1997, Chapter 10
- 22 58-20a-302, as last amended by Laws of Utah 2009, Chapter 183
- 23 63I-1-258, as last amended by Laws of Utah 2017, Chapters 177, 207, and 237

24 REPEALS:

- 25 58-20a-306, as enacted by Laws of Utah 1995, Chapter 95

26

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

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

29 58-20a-102. Definitions.

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

- 31 (1) "Accredited program" means a degree-offering program from:
- 32 (a) an institution, college, or university that is accredited by the Department of

33 Education or the Council for Higher Education Accreditation; or
34 (b) a non-accredited institution, college, or university that offers education equivalent
35 to Department of Education-accredited programs, as determined by a third party selected by the
36 Board.

37 [~~(1)~~] (2) "Board" means the Environmental Health Scientist Board created in Section
38 58-20a-201.

39 [~~(2)~~] (3) "General supervision" means the supervising environmental health scientist is
40 available for immediate voice communication with the person he or she is supervising.

41 [~~(3)~~] (4) "Practice of environmental health science" means:

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

44 (i) air quality;

45 (ii) food quality;

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

47 (iv) consumer product safety;

48 (v) housing;

49 (vi) noise control;

50 (vii) radiation protection;

51 (viii) water quality;

52 (ix) vector control;

53 (x) drinking water quality;

54 (xi) milk sanitation;

55 (xii) rabies control;

56 (xiii) public health nuisances;

57 (xiv) indoor clean air regulations;

58 (xv) institutional and residential sanitation; or

59 (xvi) recreational facilities sanitation; or

60 (b) representing oneself in any manner as, or using the titles "environmental health
61 scientist," "environmental health scientist-in-training," or "registered sanitarian."

62 [~~(4)~~] (5) "Unlawful conduct" is as defined in Section 58-1-501.

63 [~~(5)~~] (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-20a-501

64 and as may be further defined by division rule.

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

66 **58-20a-302. Qualifications for licensure.**

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

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

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

71 (c) be of good moral character;

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

74 (e) pass an examination as determined by division rule in collaboration with the board;

75 and

76 (f) pass the Utah Law and Rules Examination for Environmental Health Scientists
77 administered by the division.

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

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

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

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

84 ~~[(d) hold a bachelor's degree from an accredited program in a university or college,
85 which degree includes completion of specific coursework as defined by rule;]~~

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

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

90 ~~[(3)]~~ (2) An applicant for licensure as an environmental health scientist-in-training
91 shall:

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

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

94 (c) be of good moral character;

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

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

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

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

103 **63I-1-258. Repeal dates, Title 58.**

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

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

107 (3) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1,
108 [~~2018~~] 2028.

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

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

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

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

116 (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

117 (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
118 1, 2023.

119 (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

120 (11) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
121 2026.

122 (12) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

123 (13) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is
124 repealed July 1, 2021.

125 (14) The following sections are repealed on July 1, 2019:

- 126 (a) Section 58-5a-502;
 - 127 (b) Section 58-31b-502.5;
 - 128 (c) Section 58-67-502.5;
 - 129 (d) Section 58-68-502.5; and
 - 130 (e) Section 58-69-502.5.
- 131 Section 4. **Repealer.**
- 132 This bill repeals:
- 133 Section **58-20a-306, Holders of license under predecessor law.**