

SENATE BILL No. 1407

June 29, 2010, Introduced by Senators NOFS and ALLEN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1978 PA 368, entitled
 "Public health code,"
 by amending sections 16347, 18401, 18411, 18413, and 18421 (MCL
 333.16347, 333.18401, 333.18411, 333.18413, and 333.18421),
 section 16347 as added by 1993 PA 79, sections 18401, 18413, and
 18421 as amended by 2004 PA 308, and section 18411 as amended by
 2006 PA 408, and by adding sections 18423, 18425, and 18427.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16347. Fees for a person ~~registered~~-**LICENSED** or seeking
 2 ~~registration~~-**LICENSURE** as a ~~registered~~ sanitarian under part 184
 3 are as follows:

4	(a) Application processing fee.....	\$ 20.00
5	(b) Registration - LICENSE fee, per year.....	50.00
6	(c) Limited registration - LICENSE , per year.....	10.00

(d) Temporary registration ~~LICENSE~~..... 15.00

Sec. 18401. (1) As used in this part:

(A) "BOARD" MEANS THE MICHIGAN BOARD OF SANITARIANS CREATED
IN SECTION 18421.

(B) ~~(a) "Environmental health" means an area of activity
dealing with the protection of human health through the
management, control, and prevention of environmental factors that
may adversely affect the health of individuals. Environmental
health is concerned with the existence of substances, conditions,
or facilities in quantities, of characteristics, and under
conditions, circumstances, or duration that are or can be
injurious to human health.~~ A SCIENTIFIC DISCIPLINE THAT ADDRESSES
THE INTERRELATIONSHIPS BETWEEN HUMANS AND THEIR NATURAL OR
MANMADE ENVIRONMENT THAT MAY ADVERSELY IMPACT HUMAN HEALTH OR THE
ECOLOGICAL BALANCES ESSENTIAL TO LONG-TERM HUMAN HEALTH AND
ENVIRONMENTAL QUALITY.

~~(b) "Registered sanitarian" means a sanitarian registered in
accordance with this article.~~

(C) "PRACTICE OF ENVIRONMENTAL HEALTH" MEANS THE
DETERMINATION OF ENVIRONMENTAL HEALTH RISK, INCLUDING, BUT NOT
LIMITED TO, THE EXISTENCE OF SUBSTANCES OR CONDITIONS THAT ARE OR
CAN BE INJURIOUS TO HUMAN HEALTH, THROUGH THE PERFORMANCE OF
INVESTIGATIONS, INSPECTIONS, MONITORING, CONSULTING, OR
EDUCATION; AND THE DETERMINATION OF ACTIONS TO CONTROL, MITIGATE,
OR PREVENT ADVERSE IMPACT ON HUMAN HEALTH BY APPLYING
REGULATIONS, ADVISING, DESIGNING, TESTING, OR USING ANY OTHER

1 MEANS TO CONTROL, MITIGATE, OR PREVENT ADVERSE IMPACT ON HUMAN
2 HEALTH. THE PRACTICE OF ENVIRONMENTAL HEALTH INCLUDES THE
3 PREVIOUS ACTIVITIES PERFORMED OR OFFERED TO BE PERFORMED BY
4 INDIVIDUALS SERVING IN EITHER OF THE FOLLOWING CAPACITIES, OR
5 BOTH:

6 (i) THE ENFORCEMENT OF THE ENVIRONMENTAL HEALTH PROVISIONS OF
7 THIS ACT OR ANY OTHER STATE OR LOCAL ENVIRONMENTAL HEALTH LAW,
8 RULE, ORDINANCE, OR REGULATION.

9 (ii) THE PERFORMANCE OF ENVIRONMENTAL HEALTH WORK IN 3 OR
10 MORE OF THE FOLLOWING AREAS:

11 (A) ENVIRONMENTAL EPIDEMIOLOGY.

12 (B) FOOD PROTECTION.

13 (C) WASTEWATER.

14 (D) SOLID AND HAZARDOUS WASTE.

15 (E) POTABLE WATER.

16 (F) INSTITUTIONS AND LICENSED ESTABLISHMENTS.

17 (G) VECTORS, PESTS, AND POISONOUS PLANTS.

18 (H) SWIMMING POOLS AND RECREATIONAL FACILITIES.

19 (I) HOUSING.

20 (J) HAZARDOUS MATERIALS.

21 (K) RADIATION PROTECTION.

22 (L) OCCUPATIONAL SAFETY AND HEALTH.

23 (M) AIR QUALITY AND NOISE.

24 (N) DISASTER SANITATION AND EMERGENCY PLANNING.

25 (D) ~~(e)~~ "Sanitarian" means an individual who has specialized
26 education and experience in the physical, biological, and
27 sanitary sciences as applied to the educational, investigational,

1 and technical duties AND WHO IS REQUIRED TO BE LICENSED UNDER
2 THIS ARTICLE TO ENGAGE in the ~~field~~-PRACTICE of environmental
3 health.

4 (2) In addition to the definitions in this part, article 1
5 contains general definitions and principles of construction
6 applicable to all articles in this code and part 161 contains
7 definitions applicable to this part.

8 Sec. 18411. ~~A-EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A~~
9 person shall not use the titles "sanitarian", "registered
10 sanitarian", "r.s.", "LICENSED SANITARIAN", "L.S.",
11 "ENVIRONMENTAL HEALTH SPECIALIST", "REGISTERED ENVIRONMENTAL
12 HEALTH SPECIALIST", "ENVIRONMENTAL HEALTH OFFICER",
13 "ENVIRONMENTAL HEALTH PROFESSIONAL", or similar words ~~which~~-OR
14 LETTERS THAT indicate OR IMPLY that he ~~,~~-OR she ~~,~~-or it is a
15 ~~registered sanitarian unless the person~~-HE OR SHE is registered
16 LICENSED under this article. AN INDIVIDUAL WHO WAS REGISTERED
17 UNDER THIS PART OR WHO HELD THE CREDENTIAL OF REGISTERED
18 ENVIRONMENTAL HEALTH SPECIALIST OR REGISTERED SANITARIAN FROM THE
19 NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION ON THE DAY BEFORE THE
20 EFFECTIVE DATE OF SECTION 18423 MAY CONTINUE TO ENGAGE IN THE
21 PRACTICE OF ENVIRONMENTAL HEALTH WITHOUT A LICENSE UNDER THIS
22 PART FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE EFFECTIVE DATE
23 OF SECTION 18423. AN INDIVIDUAL WHO WAS NOT REGISTERED UNDER THIS
24 PART AND WHO PERFORMED ACTIVITIES WITHIN THE PRACTICE OF
25 ENVIRONMENTAL HEALTH ON THE DAY BEFORE THE EFFECTIVE DATE OF
26 SECTION 18423 MAY CONTINUE TO ENGAGE IN THE PRACTICE OF
27 ENVIRONMENTAL HEALTH WITHOUT A LICENSE UNDER THIS PART FOR A

1 PERIOD NOT TO EXCEED 6 MONTHS FROM THE EFFECTIVE DATE OF SECTION
2 18423.

3 Sec. 18413. (1) A ~~registered~~ sanitarian shall not engage in
4 or have an interest in any work, project, or operation
5 prejudicial to his or her professional interest and shall not
6 engage in the practice of professional engineering as defined in
7 section 2001 of the occupational code, 1980 PA 299, MCL 339.2001,
8 unless the activity is consistent with ~~that as defined in section~~
9 ~~18401(e)~~ **THE PRACTICE OF ENVIRONMENTAL HEALTH.**

10 (2) The standards of the national environmental health
11 association as they exist on the effective date of ~~the amendatory~~
12 ~~act that added this subsection~~ **SECTION 18423** relative to
13 qualifications, education, and examinations are adopted by
14 reference. The ~~department~~ **BOARD** shall accept the ~~certification by~~
15 **SUCCESSFUL COMPLETION OF** the national environmental health
16 ~~association of the successful completion of any education or~~
17 **ASSOCIATION'S** examination **FOR THE CREDENTIAL OF REGISTERED**
18 **ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN (REHS/RS)**
19 for purposes of ~~registration~~ **LICENSURE** under this part.

20 (3) ~~Notwithstanding section 16148, the~~ **THE** department, **IN**
21 **CONSULTATION WITH THE BOARD**, may by rule adopt any other or
22 additional appropriate standards and may adopt any updates or
23 amendments to the national environmental health association
24 standards adopted under subsection (2).

25 Sec. 18421. (1) ~~There~~ **THE MICHIGAN BOARD OF SANITARIANS** is
26 created a ~~7-member advisory committee whose purpose is to make~~
27 ~~recommendations to~~ **IN** the department. ~~relative to~~ **THE BOARD SHALL**

~~1 ESTABLISH~~ qualifications for ~~registration~~ ~~LICENSURE~~,
~~2 establishment of~~ ~~ESTABLISH~~ education and training standards, and
~~3 actions~~ ~~TAKE ACTION~~ regarding disciplinary proceedings. The ~~BOARD~~
~~4 SHALL CONSIST OF 7~~ members ~~shall be~~ appointed by the governor for
~~5 a term of 3 years.~~

~~6 (2) The membership on the committee~~ ~~BOARD~~ is as follows:

~~7 (a) Four members who are registered sanitarians.~~

~~8 (b) One member who represents the Michigan restaurant~~
~~9 association or its successor organization~~ ~~HOLDS A LICENSE AS A~~
~~10 FOOD SERVICE ESTABLISHMENT UNDER THE FOOD LAW OF 2000, 2000 PA~~
~~11 92, MCL 289.1101 TO 289.8111.~~

~~12 (c) One member who represents the Michigan groundwater~~
~~13 association or its successor organization~~ ~~IS REGISTERED WITH THE~~
~~14 DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT AS A WATER WELL~~
~~15 DRILLER.~~

~~16 (d) One member who represents the Michigan onsite wastewater~~
~~17 recycling association or its successor organization~~ ~~HOLDS A~~
~~18 LICENSE AS A HEALTH PROFESSIONAL UNDER ARTICLE 15.~~

~~19 (3) Of the initial members who are registered sanitarians~~
~~20 UNDER SUBSECTION (2) (A), 1 member shall be appointed for a term~~
~~21 of 1 year, 1 member shall be appointed for a term of 2 years, and~~
~~22 2 members shall be appointed for terms of 3 years.~~

~~23 SEC. 18423. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART,~~
~~24 AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF ENVIRONMENTAL~~
~~25 HEALTH UNLESS HE OR SHE IS LICENSED AS A SANITARIAN UNDER THIS~~
~~26 PART.~~

~~27 (2) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING:~~

1 (A) AN INDIVIDUAL WHO IS LICENSED UNDER ANY OTHER PART OR
2 ACT FROM PERFORMING ACTIVITIES THAT ARE CONSIDERED TO BE WITHIN
3 THE PRACTICE OF ENVIRONMENTAL HEALTH IF THOSE ACTIVITIES ARE
4 WITHIN THE SCOPE OF PRACTICE OF THE LICENSE HELD BY THE
5 INDIVIDUAL AND IF THE INDIVIDUAL DOES NOT USE THE TITLES
6 PROTECTED UNDER SECTION 18411.

7 (B) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
8 THIS PART FROM PERFORMING SAMPLING, TESTING, CONTROLLING OF
9 VECTORS, REPORTING OF OBSERVATIONS, OR OTHER DUTIES THAT DO NOT
10 REQUIRE APPLICATION OF SPECIALIZED KNOWLEDGE AND SKILLS IN
11 ENVIRONMENTAL HEALTH IF THE UNLICENSED INDIVIDUAL IS UNDER THE
12 SUPERVISION OF A SANITARIAN LICENSED UNDER THIS PART AND IF THE
13 INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER SECTION 18411.

14 (C) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
15 THIS PART FROM PERFORMING ADMINISTRATIVE PUBLIC HEALTH DUTIES
16 THAT DO NOT REQUIRE APPLICATION OF SPECIALIZED KNOWLEDGE AND
17 SKILLS IN ENVIRONMENTAL HEALTH.

18 SEC. 18425. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
19 (2) OR (3), AN INDIVIDUAL APPLYING FOR LICENSURE UNDER THIS PART
20 SHALL PROVIDE EVIDENCE OF THE SUCCESSFUL COMPLETION OF THE
21 NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION'S EXAMINATION FOR THE
22 CREDENTIAL OF REGISTERED ENVIRONMENTAL HEALTH
23 SPECIALIST/REGISTERED SANITARIAN (REHS/RS), OR SUCCESSFUL
24 COMPLETION OF A SUCCESSOR EXAMINATION AS DETERMINED BY THE BOARD.

25 (2) ON OR BEFORE THE EXPIRATION OF 2 YEARS AFTER THE
26 EFFECTIVE DATE OF THIS SECTION AND UPON APPLICATION BY AN
27 INDIVIDUAL WHO INTENDS TO CONTINUE TO ENGAGE IN THE PRACTICE OF

1 ENVIRONMENTAL HEALTH, THE BOARD SHALL ISSUE A LICENSE UNDER THIS
2 PART TO AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING
3 QUALIFICATIONS:

4 (A) THE INDIVIDUAL WAS A REGISTERED SANITARIAN UNDER THIS
5 PART ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION.

6 (B) ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION THE
7 INDIVIDUAL HELD AND HE OR SHE CONTINUES TO HOLD THE CREDENTIAL OF
8 REGISTERED ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN
9 (REHS/RS) FROM THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION. AN
10 INDIVIDUAL APPLYING FOR LICENSURE UNDER THIS SUBDIVISION SHALL
11 PROVIDE EVIDENCE OF THE CREDENTIAL TO THE BOARD.

12 (3) ON OR BEFORE THE EXPIRATION OF 6 MONTHS AFTER THE
13 EFFECTIVE DATE OF THIS SECTION AND UPON APPLICATION BY AN
14 INDIVIDUAL WHO INTENDS TO CONTINUE TO ENGAGE IN THE PRACTICE OF
15 ENVIRONMENTAL HEALTH, THE BOARD SHALL ISSUE A LICENSE UNDER THIS
16 PART TO AN INDIVIDUAL WHO WAS NOT A REGISTERED SANITARIAN UNDER
17 THIS PART ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION
18 AND WHO PERFORMED ACTIVITIES WITHIN THE PRACTICE OF ENVIRONMENTAL
19 HEALTH ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION. AN
20 INDIVIDUAL APPLYING FOR LICENSURE UNDER THIS SUBSECTION SHALL
21 PROVIDE EVIDENCE OF HIS OR HER ACTIVITIES BEFORE THE EFFECTIVE
22 DATE OF THIS SECTION AS REQUIRED BY THE BOARD.

23 (4) A SANITARIAN SHALL DEMONSTRATE THE SUCCESSFUL COMPLETION
24 OF A MINIMUM OF 24 HOURS OF CONTINUING EDUCATION EVERY 2 YEARS IN
25 ACCORDANCE WITH NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION
26 CRITERIA OR SUCCESSOR CRITERIA AS DETERMINED BY THE BOARD.

27 (5) THE BOARD MAY ISSUE A TEMPORARY LICENSE UNDER THIS PART

1 AS DETERMINED APPROPRIATE BY THE BOARD.

2 SEC. 18427. (1) THE BOARD MAY ISSUE A LIMITED LICENSE AS A
3 SANITARIAN TO AN APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF
4 SECTION 18425, IF THE APPLICANT MEETS ANY OF THE FOLLOWING
5 REQUIREMENTS:

6 (A) THE INDIVIDUAL HAS RECEIVED A BACHELOR'S OR GRADUATE
7 DEGREE IN ENVIRONMENTAL HEALTH FROM A UNIVERSITY ACCREDITED BY
8 THE NATIONAL ENVIRONMENTAL HEALTH SCIENCE AND PROTECTION
9 ACCREDITATION COUNCIL.

10 (B) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE
11 REQUIREMENTS FOR A BACHELOR'S DEGREE THAT INCLUDE ALL OF THE
12 FOLLOWING:

13 (i) AN ALGEBRA OR HIGHER MATH LEVEL COURSE.

14 (ii) THIRTY SEMESTER HOURS OR 45 QUARTER HOURS IN BASIC
15 SCIENCES.

16 (2) THE HOLDER OF A LIMITED LICENSE ISSUED UNDER THIS
17 SECTION MAY APPLY FOR A RENEWAL OF THE LIMITED LICENSE, BUT AN
18 INDIVIDUAL MAY NOT HOLD A LIMITED LICENSE FOR MORE THAN A TOTAL
19 OF 5 YEARS.