

ENVIRONMENTAL HEALTH SCIENTIST ACT

Part 1 - General Provisions

58-20a-101. Title.

This chapter is known as the "Environmental Health Scientist Act."

58-20a-102. Definitions.

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

- (1) "Board" means the Environmental Health Scientist Board created in Section 58-20a-201.
- (2) "General supervision" means the supervising environmental health scientist is available for immediate voice communication with the person he or she is supervising.
- (3) "Practice of environmental health science" means:
 - (a) the enforcement of, the issuance of permits required by, or the inspection for the purpose of enforcing state and local public health laws in the following areas:
 - (i) air quality;
 - (ii) food quality;
 - (iii) solid, hazardous, and toxic substances disposal;
 - (iv) consumer product safety;
 - (v) housing;
 - (vi) noise control;
 - (vii) radiation protection;
 - (viii) water quality;
 - (ix) vector control;
 - (x) drinking water quality;
 - (xi) milk sanitation;
 - (xii) rabies control;
 - (xiii) public health nuisances;
 - (xiv) indoor clear air regulations;
 - (xv) institutional and residential sanitation; or
 - (xvi) recreational facilities sanitation; or
 - (b) representing oneself in any manner as, or using the titles "environmental health scientist," "environmental health scientist-in-training," or "registered sanitarian."
- (4) "Unlawful conduct" is as defined in Section 58-1-501.
- (5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-20a-501 and as may be further defined by division rule.

Part 2 - Board

58-20a-201. Board.

- (1) There is created the Environmental Health Scientist Board consisting of four environmental health scientists in good standing and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.

- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Part 3 - Licensing

58-20a-301. Licensure required - License classifications.

- (1) A person shall hold a license under this chapter in order to engage in the practice of environmental health science while employed by any of the following, except as specifically exempted in Section 58-20a-305 or 58-1-307:
 - (a) a local health department;
 - (b) the state Department of Health;
 - (c) the state Department of Human Services;
 - (d) the Department of Agriculture as a food and dairy compliance officer; or
 - (e) a local health department as its director of environmental health services.
- (2) Any other individual not subject to Subsection (1) may also be licensed under this chapter upon compliance with all requirements.
- (3) The division shall issue to persons who qualify under this chapter a license in the classification:
 - (a) environmental health scientist; or
 - (b) environmental health scientist-in-training.

58-20a-302. Qualifications for licensure.

- (1) Except as provided in Subsection (2), an applicant for licensure as an environmental health scientist shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) hold a bachelor's degree from an accredited program in a university or college, which degree includes completion of specific coursework as defined by rule;
 - (e) pass an examination as determined by division rule in collaboration with the board; and
 - (f) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division.
- (2) An applicant for licensure who is currently actively engaged in the practice of environmental health science in Utah on July 1, 1995, and has been practicing in Utah for at least three consecutive months immediately prior to July 1, 1995, shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) hold a bachelor's degree from an accredited program in a university or college, which degree includes completion of specific coursework as defined by rule;
 - (e) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division; and
 - (f) submit an affidavit from the applicant's immediate supervisor in his employment, attesting to the applicant's competence to practice environmental health science.
- (3) An applicant for licensure as an environmental health scientist-in-training shall:
 - (a) submit an application in a form prescribed by the division;

- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) be of good moral character;
- (d) hold a bachelor's degree from an accredited program in a university or college, which degree includes completion of specific coursework as defined by rule;
- (e) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division; and
- (f) present evidence acceptable to the division and the board that the applicant, when licensed, will practice as an environmental health scientist-in-training only under the general supervision of a supervising environmental health scientist licensed under this chapter.

58-20a-303. Term of license - Expiration - Renewal.

- (1) (a) The division shall issue each license for an environmental health scientist in accordance with a two-year renewal cycle established by rule.
- (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) Each license for an environmental health scientist-in-training shall be issued for a term of two years and may not be renewed.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

58-20a-304. Continuing education.

Each person holding a license under this chapter as an environmental health scientist or an environmental health scientist-in-training shall complete in each two-year period of licensure not fewer than 30 hours of professional continuing education in accordance with standards defined by division rule.

58-20a-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person is exempt from the licensure requirements of this chapter if:

- (1) the person's practice of environmental health science is limited to inspecting in order to enforce compliance with an inspection and maintenance program established pursuant to Section 41-6-163.6 or to issuing permits under that program;
- (2) the person is a laboratory staff person employed by the Department of Agriculture or the Department of Health, and in his employment inspects, permits, certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local public health laws; or
- (3) the person is the local health officer of a local public health department which employs a director of environmental health services licensed under this chapter.

58-20a-306. Holders of license under predecessor law.

An individual who has been issued a Utah license as a registered sanitarian prior to July 1, 1995, under any state licensing act in effect prior to the effective date of this chapter, and who holds that license as of July 1, 1995, may engaged in the practice of environmental health science under his existing license and may renew or reinstate that license in accordance with the provisions of Section 58-1-308, under the classification of environmental health scientist, without meeting

the qualifications for licensure under Subsection 58-20a-302(1).

Part 4 - License Denial and Discipline

58-20a-401. Grounds for denial of license - Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Part 5 - Unprofessional Conduct

58-20a-501. Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) acting dishonestly or fraudulently in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training;
- (2) intentionally filing a false report or record in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training; and
- (3) willfully impeding or obstructing another person from filing a report in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training.

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