

SENATE BILL NO. 457

INTRODUCED BY T. VERMEIRE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE BOARD OF SANITARIANS; TRANSFERRING THE AUTHORITY OF THE BOARD OF SANITARIANS TO THE DEPARTMENT OF LABOR AND INDUSTRY; REPEALING THE BOARD OF SANITARIANS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-1-401, 37-40-101, 37-40-203, 37-40-302, AND 37-40-312, MCA; AND REPEALING SECTIONS 2-15-1751, 37-40-201, AND 37-40-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-1-401, MCA, is amended to read:

**"37-1-401. Uniform regulation for licensing programs without boards -- definitions.** As used in this part, the following definitions apply:

- (1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.
- (2) "Department" means the department of labor and industry provided for in 2-15-1701.
- (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:
  - (a) whether a person has violated a provision of law justifying discipline against the person;
  - (b) the status of compliance with a stipulation or order of the department;
  - (c) whether a license should be granted, denied, or conditionally issued; or
  - (d) whether the department should seek an injunction.
- (4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

- (a) Title 37, chapter 35, 72, or 73; or

1 (b) Title 50, chapter 39, 40, 74, or 76.

2 (5) "Profession" or "occupation" means a profession or occupation regulated by the department  
3 under the provisions of:

4 (a) Title 37, chapter 35, 40, 49, 72, or 73; or

5 (b) Title 50, chapter 39, 74, or 76."

6

7 **Section 2.** Section 37-40-101, MCA, is amended to read:

8 **"37-40-101. Definitions.** Unless the context requires otherwise, as used in this chapter, the following  
9 definitions apply:

10 ~~(1) "Board" means the board of sanitarians provided for in 2-15-1751.~~

11 ~~(2)(1)~~ "Department" means the department of labor and industry provided for in Title 2, chapter 15,  
12 part 17.

13 ~~(3)(2)~~ "Practice the profession of sanitarian" means:

14 (a) giving advice on or enforcing compliance with state and local regulations applicable to local  
15 government jurisdictions and programs concerning food service, food processing, public accommodations,  
16 trailer courts, campgrounds, day-care centers, schools, swimming pools and spas, air pollution, solid and  
17 hazardous waste collection and disposal, sewage treatment and disposal, vector control, underground storage  
18 tanks, drinking water, land subdivision, and milk sanitation;

19 (b) cooperating with government agencies on matters of public and environmental health, including  
20 epidemiological investigations and emergency response to investigations; and

21 (c) providing educational and training programs in environmental standards and public health.

22 ~~(4)(3)~~ "Registered sanitarian" means a sanitarian licensed under this chapter.

23 ~~(5) "Sanitarian", within the meaning and intent of this chapter, shall mean a person who, by reason of  
24 the person's special knowledge of the physical, biological, and chemical sciences and the principles and  
25 methods of public health acquired by professional education and practical experience through inspectional,  
26 educational, or enforcement duties, is qualified to practice the profession of sanitarian.~~

27 ~~(6) "Sanitarian in training" means a person who meets the minimum educational qualifications  
28 required for a sanitarian's license and who works under the supervision of a licensed sanitarian. Sanitarians in-~~

1 training may, with board approval, work in a public health agency for a period not to exceed 1 year and be  
2 considered exempt from the licensing and registration requirements of 37-40-301."

3

4 **Section 3.** Section 37-40-203, MCA, is amended to read:

5 **"37-40-203. Rulemaking power.** (1) The ~~board~~department may adopt rules, consistent with the  
6 purposes of this chapter, as it considers necessary.

7 ~~(2) The board's rulemaking and hearing functions must be in accordance with the Montana~~  
8 ~~Administrative Procedure Act. The board shall adopt rules:~~

9 ~~(a) establishing standards of professional conduct in order to maintain a high standard of integrity,~~  
10 ~~dignity, and competency in the profession of sanitarian, including competency in specific fields of sanitation;~~

11 ~~(b) governing the conduct of matters before the board;~~

12 (2) The department shall adopt rules:

13 ~~(c)(a)~~ governing educational equivalency requirements, as provided in 37-40-302, for registration of  
14 sanitarians; and

15 ~~(d)(b)~~ defining qualifications for sanitarian-in-training status for issuance of the initial permit."

16

17 **Section 4.** Section 37-40-302, MCA, is amended to read:

18 **"37-40-302. Application -- examination -- certificate.** (1) A person wishing to practice the profession  
19 of sanitarian may apply to the department ~~for registration~~ on a form furnished by the department.

20 (2) An applicant must have a minimum of a bachelor's degree in environmental health or its  
21 equivalent from an accredited university or college.

22 (3) If the applicant meets the ~~board's~~department's standards and passes the examination  
23 prescribed by the ~~board~~department, the department shall issue a certificate of registration.

24 (4) A holder of a current certificate is entitled to append to the holder's name the initials "R.S."."

25

26 **Section 5.** Section 37-40-312, MCA, is amended to read:

27 **"37-40-312. Penalty.** (1) A person who offers the person's services as a sanitarian or uses, assumes,  
28 or advertises in any way any title or description tending to convey the impression that the person is a registered

