

SENATE BILL 200

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CF 6lr2398

By: **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Introduced and read first time: January 20, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Environmental Health Specialists – Regulation**

3 FOR the purpose of repealing provisions of law that establish the State Board of
4 Environmental Health Specialists, specify the membership, powers, and duties of
5 the Board, and provide for the officers, meetings, compensation, and staff for the
6 Board; repealing the State Board of Environmental Health Specialists Fund;
7 repealing the requirement that an individual be licensed by the Board to practice as
8 an environmental health specialist in the State; repealing provisions of law relating
9 to the licensure of environmental health specialists; repealing certain prohibited acts
10 and penalties; repealing a certain short title; repealing a certain termination
11 provision; requiring an individual to obtain and maintain a certain credential and
12 submit certain documentation to the individual's employer to practice as an
13 environmental health specialist in the State; requiring the employer of an individual
14 practicing as an environmental health specialist to verify the individual's compliance
15 with certain provisions of this Act on a certain basis; providing exemptions from the
16 application of certain provisions of this Act; authorizing certain individuals to
17 practice as an environmental health specialist in the State under certain
18 circumstances and for a certain period of time; repealing the requirement that the
19 Department of Legislative Services conduct a certain evaluation of the Board;
20 providing that an individual who is licensed by the Board on a certain date is
21 considered to be licensed and deemed eligible to practice as an environmental health
22 specialist for the duration of the term of the license; requiring that any balance in
23 the Fund on a certain date be transferred to the General Fund; requiring the
24 Department of Health and Mental Hygiene, on or before a certain date, to work with
25 the National Environmental Health Association to secure a certain agreement;
26 requiring the agreement to specify certain matters; requiring the Department of
27 Health and Mental Hygiene to notify certain legislative committees and the
28 Department of Legislative Services about the details of the agreement at a certain
29 time; requiring the publishers of the Annotated Code of Maryland, in consultation
30 with the Department of Legislative Services, to make certain corrections in a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 manner; repealing certain definitions; defining certain terms; altering a certain
2 definition; providing for the application of certain provisions of this Act; and
3 generally relating to the regulation of environmental health specialists.

4 BY repealing

5 Article – Health Occupations

6 Section 21–102 and the subtitle “Subtitle 1. General Provisions”; 21–201 through
7 21–207 and the subtitle “Subtitle 2. State Board of Environmental Health
8 Specialists”; 21–301 through 21–315 and the subtitle “Subtitle 3. Licensing”;
9 21–401 and 21–402 and the subtitle “Subtitle 4. Prohibited Acts; Penalties”;
10 and 21–501 and 21–502 and the subtitle “Subtitle 5. Short Title; Termination
11 of Title”

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Health Occupations

16 Section 21–101

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2015 Supplement)

19 BY adding to

20 Article – Health Occupations

21 Section 21–102 through 21–104

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2015 Supplement)

24 BY repealing

25 Article – State Government

26 Section 8–403(b)(20)

27 Annotated Code of Maryland

28 (2014 Replacement Volume and 2015 Supplement)

29 BY renumbering

30 Article – State Government

31 Section 8–403(b)(21) through (57), respectively

32 to be Section 8–403(b)(20) through (56), respectively

33 Annotated Code of Maryland

34 (2014 Replacement Volume and 2015 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
36 That Section(s) 21–102 and the subtitle “Subtitle 1. General Provisions”; 21–201 through
37 21–207 and the subtitle “Subtitle 2. State Board of Environmental Health Specialists”;
38 21–301 through 21–315 and the subtitle “Subtitle 3. Licensing”; 21–401 and 21–402 and
39 the subtitle “Subtitle 4. Prohibited Acts; Penalties”; and 21–501 and 21–502 and the
40 subtitle “Subtitle 5. Short Title; Termination of Title” of Article – Health Occupations of
41 the Annotated Code of Maryland be repealed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
2 as follows:

3 **Article – Health Occupations**

4 21–101.

5 (a) In this title the following words have the meanings indicated.

6 (b) [“Board” means the State Board of Environmental Health Specialists.

7 (c) “Environmental health specialist” means an individual who practices as an
8 environmental health specialist.

9 [(d) (C) “Environmental health specialist–in–training” means an individual
10 who meets the educational qualifications **FOR AN REHS/RS CREDENTIAL** required
11 under this title but has not yet [completed the environmental health specialist–in–training
12 program required under § 21–305 of this title] **ACQUIRED THE WORK EXPERIENCE**
13 **REQUIRED TO QUALIFY FOR AN REHS/RS CREDENTIAL.**

14 [(e) “Environmental health specialist–in–training program” means a program of
15 training and experience under the supervision of a licensed environmental health specialist
16 or other individual acceptable to the Board.

17 (f) “Hours of approved training” means the value given to participation in
18 continuing education or experience as approved by the Board.

19 (g) “License” means, unless the context requires otherwise, a license issued by the
20 Board to practice as an environmental health specialist.

21 (h) “Licensed environmental health specialist” means an individual licensed by
22 the Board to practice as an environmental health specialist.]

23 (D) **“NEHA” MEANS THE NATIONAL ENVIRONMENTAL HEALTH**
24 **ASSOCIATION.**

25 [(i) (E) “Practice as an environmental health specialist” means, as a major
26 component of employment, to apply academic principles, methods and procedures of the
27 environmental, physical, biological, and health sciences to the inspections and
28 investigations necessary to collect and analyze data and to make decisions necessary to
29 secure compliance with federal, State, and local health and environmental laws and
30 regulations specifically relating to control of the public health aspects of the environment
31 including:

- 1 (1) The manufacture, preparation, handling, distribution, or sale of food
2 and milk;
- 3 (2) Water supply and treatment;
- 4 (3) Wastewater treatment and disposal;
- 5 (4) Solid waste management and disposal;
- 6 (5) Vector control;
- 7 (6) Insect and rodent control;
- 8 (7) Air quality;
- 9 (8) Noise control;
- 10 (9) Product safety;
- 11 (10) Recreational sanitation; and
- 12 (11) Institutional and residential sanitation.

13 **(F) “REHS/RS CREDENTIAL” MEANS THE REGISTERED ENVIRONMENTAL**
14 **HEALTH SPECIALIST/REGISTERED SANITARIAN CREDENTIAL ISSUED BY NEHA.**

15 **(G) “REHS/RS-IT” MEANS AN INDIVIDUAL WHO HAS OBTAINED AN**
16 **“IN-TRAINING” STATUS REGISTRATION FROM NEHA TO ACQUIRE THE EXPERIENCE**
17 **NECESSARY FOR AN REHS/RS CREDENTIAL.**

18 **21-102.**

19 **THIS TITLE DOES NOT APPLY TO:**

20 **(1) A STUDENT PARTICIPATING IN A FIELD EXPERIENCE AS PART OF**
21 **AN EDUCATIONAL PROGRAM; OR**

22 **(2) A QUALIFIED INDIVIDUAL IN ANY OF THE FOLLOWING JOB**
23 **CLASSIFICATIONS:**

24 **(I) INDUSTRIAL HYGIENISTS AS DEFINED BY THE AMERICAN**
25 **INDUSTRIAL HYGIENE ASSOCIATION;**

1 **(II) CERTIFIED INDUSTRIAL HYGIENISTS AND INDUSTRIAL**
2 **HYGIENISTS IN TRAINING AS DEFINED BY THE AMERICAN BOARD OF INDUSTRIAL**
3 **HYGIENE;**

4 **(III) HEALTH PLANNERS OR NATURAL RESOURCE PLANNERS;**

5 **(IV) BUILDING AND HOUSING INSPECTORS;**

6 **(V) GEOLOGISTS;**

7 **(VI) CHEMISTS;**

8 **(VII) METEOROLOGISTS;**

9 **(VIII) LABORATORY SCIENTISTS;**

10 **(IX) PROFESSIONAL ENGINEERS WHO ARE LICENSED IN THE**
11 **STATE UNDER TITLE 14 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS**
12 **ARTICLE AND WHOSE NORMAL PROFESSIONAL ACTIVITIES ARE AMONG THE**
13 **ACTIVITIES SPECIFIED IN § 21-101(E) OF THIS TITLE;**

14 **(X) PUBLIC HEALTH ENGINEERS AND WATER RESOURCES**
15 **ENGINEERS EMPLOYED BY THE STATE OR A LOCAL SUBDIVISION;**

16 **(XI) HYDROGRAPHERS AND HYDROGRAPHIC ENGINEERS;**

17 **(XII) NATURAL RESOURCES MANAGERS;**

18 **(XIII) NATURAL RESOURCES BIOLOGISTS;**

19 **(XIV) PROGRAM ADMINISTRATORS, ADMINISTRATION**
20 **DIRECTORS, ADMINISTRATORS, ADMINISTRATIVE OFFICERS, AND ADMINISTRATIVE**
21 **SPECIALISTS;**

22 **(XV) PARAPROFESSIONAL PERSONNEL, AIDES, AND**
23 **TECHNICIANS WHOSE ROUTINE DUTIES INCLUDE MONITORING, SAMPLING, AND**
24 **RECORDING OF DATA;**

25 **(XVI) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF**
26 **NATURAL RESOURCES OR RELATED COUNTY DEPARTMENTS WHO PERFORM DUTIES**
27 **AND HAVE RESPONSIBILITIES UNDER THE NATURAL RESOURCES ARTICLE;**

1 **(XVII) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE**
2 **ENVIRONMENT OR RELATED COUNTY DEPARTMENTS WHO PERFORM DUTIES AND**
3 **HAVE RESPONSIBILITIES FOR:**

4 **1. EROSION AND SEDIMENT CONTROL, STORMWATER**
5 **MANAGEMENT, OR OIL POLLUTION CONTROL UNDER TITLE 4 OF THE ENVIRONMENT**
6 **ARTICLE;**

7 **2. MOTOR VEHICLE POLLUTION CONTROL UNDER TITLE**
8 **2 OF THE ENVIRONMENT ARTICLE OR TITLE 23 OF THE TRANSPORTATION ARTICLE;**
9 **OR**

10 **3. SEWAGE SLUDGE, WATER POLLUTION CONTROL, OR**
11 **DRINKING WATER UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE;**

12 **(XVIII) INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF**
13 **THE ENVIRONMENT WHO ARE CLASSIFIED AS:**

14 **1. A REGULATORY AND COMPLIANCE ENGINEER OR**
15 **ARCHITECT; OR**

16 **2. AN ENVIRONMENTAL COMPLIANCE SPECIALIST;**

17 **(XIX) INDIVIDUALS EMPLOYED BY THE DIVISION OF LABOR AND**
18 **INDUSTRY OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION WHO**
19 **PERFORM DUTIES AND HAVE RESPONSIBILITIES UNDER THE MARYLAND**
20 **OCCUPATIONAL SAFETY AND HEALTH ACT;**

21 **(XX) OCCUPATIONAL SAFETY AND HEALTH TECHNOLOGISTS AS**
22 **DEFINED BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE AND THE BOARD OF**
23 **CERTIFIED SAFETY PROFESSIONALS;**

24 **(XXI) SAFETY PROFESSIONALS AS DEFINED BY THE AMERICAN**
25 **SOCIETY OF SAFETY ENGINEERS;**

26 **(XXII) CERTIFIED SAFETY PROFESSIONALS AND ASSOCIATE**
27 **SAFETY PROFESSIONALS AS DEFINED BY THE BOARD OF CERTIFIED SAFETY**
28 **PROFESSIONALS;**

29 **(XXIII) INDIVIDUALS EMPLOYED BY INDUSTRIAL OPERATIONS**
30 **WHOSE ENVIRONMENTAL SERVICES ARE PERFORMED SOLELY FOR THEIR**
31 **EMPLOYER; OR**

1 (XXIV) STATE MILK SAFETY INSPECTORS PERFORMING DUTIES
2 UNDER THE NATIONAL CONFERENCE ON INTERSTATE MILK SHIPMENTS WHO ARE
3 EMPLOYED BY THE DEPARTMENT.

4 21-103.

5 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO PRACTICE AS AN
6 ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE AN INDIVIDUAL SHALL:

7 (1) OBTAIN THE REHS/RS CREDENTIAL ISSUED BY NEHA BEFORE
8 BEGINNING PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST;

9 (2) MAINTAIN THE REHS/RS CREDENTIAL ISSUED BY NEHA WHILE
10 ACTIVELY IN PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE;
11 AND

12 (3) SUBMIT DOCUMENTATION BIENNIALLY TO THE INDIVIDUAL'S
13 EMPLOYER VERIFYING THAT THE INDIVIDUAL IS IN COMPLIANCE WITH THE
14 REQUIREMENTS OF THIS TITLE.

15 (C) THE EMPLOYER OF AN INDIVIDUAL WHOSE PRIMARY DUTIES REQUIRE
16 PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST:

17 (1) INITIALLY SHALL VERIFY THAT THE INDIVIDUAL HAS OBTAINED
18 THE CREDENTIAL AS REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION; AND

19 (2) BIENNIALLY THEREAFTER SHALL VERIFY THAT THE INDIVIDUAL
20 IS MAINTAINING THE CREDENTIAL AS REQUIRED UNDER SUBSECTION (A)(2) OF THIS
21 SECTION.

22 21-104.

23 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ENVIRONMENTAL
24 HEALTH SPECIALIST-IN-TRAINING OR AN REHS/RS-IT MAY PRACTICE AS AN
25 ENVIRONMENTAL HEALTH SPECIALIST IN THE STATE:

26 (1) FOR NO MORE THAN 3 YEARS IN ORDER TO ACQUIRE THE WORK
27 EXPERIENCE REQUIRED TO QUALIFY FOR AN REHS/RS CREDENTIAL; AND

28 (2) ONLY UNDER THE SUPERVISION OF AN INDIVIDUAL WHO HOLDS A
29 VALID REHS/RS CREDENTIAL OR ANOTHER INDIVIDUAL ACCEPTABLE TO THE
30 DEPARTMENT.

1 **Article – State Government**

2 8–403.

3 (b) Each of the following governmental activities or units and the statutes and
4 regulations that relate to the governmental activities or units are subject to preliminary
5 evaluation in the evaluation year specified:

6 [(20) Environmental Health Specialists, State Board of (§ 21–201 of the
7 Health Occupations Article: 2014);]

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(21)
9 through (57), respectively, of Article – State Government of the Annotated Code of
10 Maryland be renumbered to be Section(s) 8–403(b)(20) through (56), respectively.

11 SECTION 4. AND BE IT FURTHER ENACTED, That any individual who, on the
12 effective date of this Act, is licensed by the State Board of Environmental Health
13 Specialists, which is repealed by this Act, is considered for all purposes to be licensed and
14 deemed eligible to practice as an environmental health specialist for the duration of the
15 term for which the license was issued.

16 SECTION 5. AND BE IT FURTHER ENACTED, That any balance remaining in the
17 State Board of Environmental Health Specialists Fund on the effective date of this Act shall
18 be transferred to the General Fund.

19 SECTION 6. AND BE IT FURTHER ENACTED, That:

20 (a) On or before October 1, 2016, the Department of Health and Mental Hygiene
21 shall work with the National Environmental Health Association (NEHA) to secure an
22 agreement for a grace period to allow individuals who hold an environmental health
23 specialist license issued by the State Board of Environmental Health Specialists to obtain
24 an REHS/RS credential through reciprocity.

25 (b) Any agreement under subsection (a) of this section must specify:

26 (1) that all individuals who held a valid environmental health specialist
27 license as of the termination date of the State Board of Environmental Health Specialists
28 are eligible to receive the REHS/RS credential through reciprocity during the grace period;
29 and

30 (2) any fees required to obtain an REHS/RS credential by reciprocity
31 during the grace period.

32 (c) Within 30 days after securing an agreement with NEHA, the Department
33 shall notify the Senate Education, Health, and Environmental Affairs Committee, the
34 House Health and Government Operations Committee, and the Department of Legislative

1 Services, in accordance with § 2–1246 of the State Government Article, about the details of
2 the agreement.

3 SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the
4 Annotated Code of Maryland, in consultation with and subject to the approval of the
5 Department of Legislative Services, shall correct, with no further action required by the
6 General Assembly, cross–references and terminology rendered incorrect by this Act or any
7 other Act of the General Assembly of 2016 that affects provisions enacted by this Act. The
8 publishers shall adequately describe any such correction in an editor’s note following the
9 section affected.

10 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2016.