

SUBSTITUTE FOR
HOUSE BILL NO. 6205

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~~ **25.00**

1	(b) Registration LICENSE fee, per year..	50.00 55.00
2	(c) Limited registration LICENSE , per year...	10.00
3	(d) Temporary registration OR INTERIM	
4	LICENSE	15.00

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

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

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

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

22 **(C) "HEALTH PHYSICS" MEANS A SCIENTIFIC DISCIPLINE DEVOTED**
 23 **TO THE ANTICIPATION, RECOGNITION, EVALUATION, AND CONTROL OF**
 24 **RADIOACTIVE MATERIAL RELEASES AND POTENTIAL RADIATION HAZARDS IN**
 25 **OR FROM THE WORKPLACE THAT MAY CAUSE IMPAIRED HEALTH AND WELL-**
 26 **BEING OR INJURY AMONG WORKERS AND MAY IMPACT THE GENERAL**
 27 **COMMUNITY AND THE ENVIRONMENT.**

1 (D) "INDUSTRIAL HYGIENE" MEANS A SCIENTIFIC DISCIPLINE
2 DEVOTED TO THE ANTICIPATION, RECOGNITION, EVALUATION, AND CONTROL
3 OF THOSE ENVIRONMENTAL FACTORS AND STRESSES ARISING IN OR FROM
4 THE WORKPLACE THAT MAY CAUSE SICKNESS, IMPAIRED HEALTH AND WELL-
5 BEING, OR SIGNIFICANT DISCOMFORT AMONG WORKERS AND MAY ALSO
6 IMPACT THE GENERAL COMMUNITY.

7 (E) "OCCUPATIONAL SAFETY" MEANS A SCIENTIFIC DISCIPLINE
8 CONCERNED WITH THE PRESERVATION OF HUMAN AND MATERIAL RESOURCES
9 IN THE WORKPLACE THROUGH THE SYSTEMATIC APPLICATION OF PRINCIPLES
10 DRAWN FROM SUCH DISCIPLINES AS ENGINEERING, EDUCATION,
11 PSYCHOLOGY, PHYSIOLOGY, ENFORCEMENT, AND MANAGEMENT FOR
12 ANTICIPATING, IDENTIFYING, AND EVALUATING HAZARDOUS CONDITIONS
13 AND PRACTICES; DEVELOPING HAZARD CONTROL DESIGNS, METHODS,
14 PROCEDURES, AND PROGRAMS; IMPLEMENTING, ADMINISTERING, AND
15 ADVISING OTHERS ON HAZARD CONTROLS AND HAZARD CONTROL PROGRAMS;
16 AND MEASURING, AUDITING, AND EVALUATING THE EFFECTIVENESS OF
17 HAZARD CONTROLS AND HAZARD CONTROL PROGRAMS.

18 (F) "PRACTICE OF ENVIRONMENTAL HEALTH" MEANS THE
19 DETERMINATION OF ENVIRONMENTAL HEALTH RISK, INCLUDING, BUT NOT
20 LIMITED TO, THE EXISTENCE OF SUBSTANCES OR CONDITIONS THAT ARE OR
21 CAN BE INJURIOUS TO HUMAN HEALTH, THROUGH THE PERFORMANCE OF
22 INVESTIGATIONS, INSPECTIONS, MONITORING, CONSULTING, OR
23 EDUCATION; AND THE DETERMINATION OF ACTIONS TO CONTROL, MITIGATE,
24 OR PREVENT ADVERSE IMPACT ON HUMAN HEALTH BY APPLYING
25 REGULATIONS, ADVISING, DESIGNING, TESTING, OR USING ANY OTHER
26 MEANS TO CONTROL, MITIGATE, OR PREVENT ADVERSE IMPACT ON HUMAN
27 HEALTH. THE PRACTICE OF ENVIRONMENTAL HEALTH INCLUDES THE

1 PREVIOUS ACTIVITIES PERFORMED OR OFFERED TO BE PERFORMED BY
 2 INDIVIDUALS SERVING IN ANY OF THE FOLLOWING CAPACITIES:

3 (i) THE PERFORMANCE OF THE ENVIRONMENTAL HEALTH PROVISIONS OF
 4 THIS ACT.

5 (ii) THE PERFORMANCE OF THE ENVIRONMENTAL HEALTH PROVISIONS
 6 IDENTIFIED WITHIN THE STATE ENVIRONMENTAL HEALTH POLICY OR
 7 ENVIRONMENTAL HEALTH SERVICES PLAN CREATED PURSUANT TO SECTION
 8 12103.

9 (iii) THE PERFORMANCE OF THE ENVIRONMENTAL HEALTH PROVISIONS
 10 OF THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1101 TO 289.8111.

11 (G) ~~(e)~~ "Sanitarian" means an individual who has specialized
 12 education and experience in the physical, biological, and
 13 sanitary sciences as applied to the educational, investigational,
 14 and technical duties **AND WHO IS REQUIRED TO BE LICENSED UNDER**
 15 **THIS ARTICLE TO ENGAGE** in the ~~field~~-**PRACTICE** of environmental
 16 health.

17 (2) In addition to the definitions in this part, article 1
 18 contains general definitions and principles of construction
 19 applicable to all articles in this code and part 161 contains
 20 definitions applicable to this part.

21 Sec. 18411. A-**EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A**
 22 person shall not use the titles "sanitarian", "registered
 23 sanitarian", "r.s.", "**LICENSED SANITARIAN**", "**L.S.**", or similar
 24 words ~~which~~ **OR LETTERS THAT** indicate **OR IMPLY** that he ~~,~~ **OR** she ~~,~~
 25 ~~or it is a registered sanitarian unless the person~~ **HE OR SHE** is
 26 ~~registered~~ **LICENSED** under this article. **AN INDIVIDUAL WHO WAS**
 27 **REGISTERED UNDER THIS PART OR WHO HELD THE CREDENTIAL OF**

1 REGISTERED ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN
 2 (REHS/RS) FROM THE NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION ON
 3 THE DAY BEFORE THE EFFECTIVE DATE OF SECTION 18423 MAY CONTINUE
 4 TO ENGAGE IN THE PRACTICE OF ENVIRONMENTAL HEALTH WITHOUT A
 5 LICENSE UNDER THIS PART FOR A PERIOD NOT TO EXCEED 2 YEARS FROM
 6 THE EFFECTIVE DATE OF SECTION 18423. AN INDIVIDUAL WHO WAS NOT
 7 REGISTERED UNDER THIS PART AND WHO PERFORMED ACTIVITIES WITHIN
 8 THE PRACTICE OF ENVIRONMENTAL HEALTH ON THE DAY BEFORE THE
 9 EFFECTIVE DATE OF SECTION 18423 MAY CONTINUE TO ENGAGE IN THE
 10 PRACTICE OF ENVIRONMENTAL HEALTH WITHOUT A LICENSE UNDER THIS
 11 PART FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE EFFECTIVE DATE
 12 OF SECTION 18423.

13 Sec. 18413. (1) A ~~registered~~-sanitarian shall not engage in
 14 or have an interest in any work, project, or operation
 15 prejudicial to his or her professional interest and shall not
 16 engage in the practice of professional engineering as defined in
 17 section 2001 of the occupational code, 1980 PA 299, MCL 339.2001,
 18 unless the activity is consistent with ~~that as defined in section~~
 19 ~~18401(e)~~ **THE PRACTICE OF ENVIRONMENTAL HEALTH.**

20 (2) The standards of the national environmental health
 21 association as they exist on the effective date of ~~the amendatory~~
 22 ~~act that added this subsection~~ **SECTION 18423** relative to
 23 qualifications, education, and examinations are adopted by
 24 reference. The ~~department~~ **BOARD** shall accept the ~~certification by~~
 25 **SUCCESSFUL COMPLETION OF** the national environmental health
 26 ~~association of the successful completion of any education or~~
 27 **ASSOCIATION'S** examination **FOR THE CREDENTIAL OF REGISTERED**

1 ENVIRONMENTAL HEALTH SPECIALIST/REGISTERED SANITARIAN (REHS/RS)
 2 for purposes of ~~registration~~-**LICENSURE** under this part.

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

8 Sec. 18421. (1) ~~There~~ **THE MICHIGAN BOARD OF SANITARIANS** is
 9 created a ~~7 member advisory committee whose purpose is to make~~
 10 ~~recommendations to~~ **IN** the department. ~~relative to~~ **THE BOARD SHALL**
 11 **ESTABLISH** qualifications for ~~registration~~-**LICENSURE**,
 12 ~~establishment of~~ **ESTABLISH** education and training standards, and
 13 ~~actions~~ **TAKE ACTION** regarding disciplinary proceedings. The **BOARD**
 14 **SHALL CONSIST OF 11** members ~~shall be~~ appointed by the governor
 15 for a term of 3 years.

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

17 (a) ~~Four~~ **SIX** members who are ~~registered~~ sanitarians.

18 (b) One member who ~~represents the Michigan restaurant~~
 19 ~~association or its successor organization~~ **HOLDS A LICENSE AS A**
 20 **FOOD SERVICE ESTABLISHMENT UNDER THE FOOD LAW OF 2000, 2000 PA**
 21 **92, MCL 289.1101 TO 289.8111.**

22 (c) One member who ~~represents the Michigan groundwater~~
 23 ~~association or its successor organization~~ **IS REGISTERED WITH THE**
 24 **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT AS A WATER WELL**
 25 **DRILLER.**

26 (d) ~~One member who represents the Michigan onsite wastewater~~
 27 ~~recycling association or its successor organization.~~ **THREE**

1 MEMBERS WHO REPRESENT THE GENERAL PUBLIC.

2 (3) Of the initial members ~~who are registered sanitarians~~
3 UNDER SUBSECTION (2) (A), ~~1 member~~ 2 MEMBERS shall be appointed
4 for a term of 1 year, ~~1 member~~ 2 MEMBERS shall be appointed for a
5 term of 2 years, and 2 members shall be appointed for terms of 3
6 years.

7 SEC. 18423. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART,
8 AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF ENVIRONMENTAL
9 HEALTH UNLESS HE OR SHE IS LICENSED AS A SANITARIAN UNDER THIS
10 PART.

11 (2) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING, AS
12 LONG AS THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER
13 SECTION 18411:

14 (A) AN INDIVIDUAL WHO IS LICENSED UNDER ANY OTHER PART OR
15 ACT FROM PERFORMING ACTIVITIES THAT ARE CONSIDERED TO BE WITHIN
16 THE PRACTICE OF ENVIRONMENTAL HEALTH IF THOSE ACTIVITIES ARE
17 WITHIN THE SCOPE OF PRACTICE OF THE LICENSE HELD BY THE
18 INDIVIDUAL.

19 (B) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
20 THIS PART FROM PERFORMING SAMPLING, TESTING, CONTROLLING OF
21 VECTORS, REPORTING OF OBSERVATIONS, OR OTHER DUTIES THAT DO NOT
22 REQUIRE APPLICATION OF SPECIALIZED KNOWLEDGE AND SKILLS IN
23 ENVIRONMENTAL HEALTH IF THE UNLICENSED INDIVIDUAL IS UNDER THE
24 SUPERVISION OF A SANITARIAN LICENSED UNDER THIS PART AND IF THE
25 INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER SECTION 18411.

26 (C) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
27 THIS PART FROM PERFORMING ADMINISTRATIVE PUBLIC HEALTH DUTIES

1 THAT DO NOT REQUIRE APPLICATION OF SPECIALIZED KNOWLEDGE AND
2 SKILLS IN ENVIRONMENTAL HEALTH.

3 (D) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
4 THIS PART FROM PERFORMING WORK WITHIN SINGULAR AND SPECIFIC
5 APPLICATIONS OF ENVIRONMENTAL HEALTH IF THAT INDIVIDUAL HOLDS A
6 PROFESSIONAL CERTIFICATION RECOGNIZED BY THE BOARD OF SANITARIANS
7 AS CONSISTENT WITH THE INTENT OF THIS PART.

8 (E) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
9 THIS PART FROM PERFORMING WORK WITHIN SPECIFIC APPLICATIONS OF
10 ENVIRONMENTAL HEALTH CONSISTENT WITH INDUSTRIAL HYGIENE,
11 OCCUPATIONAL SAFETY, AND HEALTH PHYSICS, IF THAT INDIVIDUAL HOLDS
12 A PROFESSIONAL CERTIFICATION IN THE FIELD OF INDUSTRIAL HYGIENE,
13 OCCUPATIONAL SAFETY, OR HEALTH PHYSICS FROM A NATIONALLY
14 RECOGNIZED ACCREDITED BODY GRANTING CERTIFICATIONS, INCLUDING,
15 BUT NOT LIMITED TO, THE AMERICAN BOARD OF INDUSTRIAL HYGIENE,
16 BOARD OF CERTIFIED SAFETY PROFESSIONALS, OR THE AMERICAN BOARD OF
17 HEALTH PHYSICS.

18 (F) AN INDIVIDUAL WHO IS NOT A LICENSED SANITARIAN UNDER
19 THIS PART FROM PERFORMING ENVIRONMENTAL HEALTH WORK WITHIN THE
20 FIELDS OF INDUSTRIAL HYGIENE, OCCUPATIONAL SAFETY, OR HEALTH
21 PHYSICS.

22 SEC. 18425. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
23 (2), (3), OR (4), AN INDIVIDUAL APPLYING FOR LICENSURE UNDER THIS
24 PART SHALL PROVIDE EVIDENCE OF THE SUCCESSFUL COMPLETION OF THE
25 NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION'S EXAMINATION FOR THE
26 CREDENTIAL OF REGISTERED ENVIRONMENTAL HEALTH
27 SPECIALIST/REGISTERED SANITARIAN (REHS/RS), OR SUCCESSFUL

1 COMPLETION OF A SUCCESSOR EXAMINATION AS DETERMINED BY THE BOARD.

2 (2) ON OR BEFORE THE EXPIRATION OF 2 YEARS AFTER THE
3 EFFECTIVE DATE OF THIS SECTION AND UPON APPLICATION BY AN
4 INDIVIDUAL WHO INTENDS TO CONTINUE TO ENGAGE IN THE PRACTICE OF
5 ENVIRONMENTAL HEALTH, THE BOARD SHALL ISSUE A LICENSE UNDER THIS
6 PART TO AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING
7 QUALIFICATIONS:

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

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

16 (C) THE INDIVIDUAL WAS NOT A REGISTERED SANITARIAN UNDER
17 THIS PART ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION
18 BUT PERFORMED ACTIVITIES WITHIN THE PRACTICE OF ENVIRONMENTAL
19 HEALTH FOR A PERIOD OF TIME OF 5 OR MORE YEARS BEFORE THE
20 EFFECTIVE DATE OF THIS SECTION. AN INDIVIDUAL APPLYING FOR
21 LICENSURE UNDER THIS SUBDIVISION SHALL PROVIDE EVIDENCE OF HIS OR
22 HER ACTIVITIES BEFORE THE EFFECTIVE DATE OF THIS SECTION AS
23 REQUIRED BY THE BOARD. THE BOARD SHALL ONLY ISSUE A LICENSE UNDER
24 THIS SUBDIVISION IF IT DETERMINES THAT THE INDIVIDUAL IS
25 COMPETENT DUE TO EDUCATION, TRAINING, OR EXPERIENCE TO SAFELY
26 ENGAGE IN THE PRACTICE OF ENVIRONMENTAL HEALTH.

27 (3) ON OR BEFORE THE EXPIRATION OF 2 YEARS AFTER THE

1 EFFECTIVE DATE OF THIS SECTION AND UPON APPLICATION BY AN
2 INDIVIDUAL WHO INTENDS TO CONTINUE TO ENGAGE IN THE PRACTICE OF
3 ENVIRONMENTAL HEALTH, THE BOARD SHALL ISSUE A LIMITED LICENSE
4 UNDER THIS PART TO AN INDIVIDUAL WHO WAS NOT A REGISTERED
5 SANITARIAN UNDER THIS PART ON THE DAY BEFORE THE EFFECTIVE DATE
6 OF THIS SECTION AND WHO PERFORMED ACTIVITIES WITHIN THE PRACTICE
7 OF ENVIRONMENTAL HEALTH FOR A PERIOD OF TIME OF LESS THAN 5 YEARS
8 BEFORE THE EFFECTIVE DATE OF THIS SECTION. AN INDIVIDUAL APPLYING
9 FOR LICENSURE UNDER THIS SUBSECTION SHALL PROVIDE EVIDENCE OF HIS
10 OR HER ACTIVITIES BEFORE THE EFFECTIVE DATE OF THIS SECTION AS
11 REQUIRED BY THE BOARD. A LIMITED LICENSE ISSUED UNDER THIS
12 SUBSECTION SHALL BE FOR A DURATION OF 2 YEARS. THE HOLDER OF A
13 LIMITED LICENSE ISSUED UNDER THIS SUBSECTION MAY APPLY FOR A
14 RENEWAL OF THE LIMITED LICENSE, BUT AN INDIVIDUAL SHALL NOT HOLD
15 A LIMITED LICENSE UNDER THIS SUBSECTION FOR MORE THAN A TOTAL OF
16 6 YEARS. THE HOLDER OF A LIMITED LICENSE ISSUED UNDER THIS
17 SUBSECTION MAY ENGAGE IN THE PRACTICE OF ENVIRONMENTAL HEALTH
18 ONLY UNDER THE SUPERVISION OF A SANITARIAN WHO HOLDS A LICENSE
19 UNDER THIS PART.

20 (4) TO BE ELIGIBLE FOR LICENSE RENEWAL UNDER THIS PART, A
21 SANITARIAN SHALL DEMONSTRATE THE SUCCESSFUL COMPLETION OF A
22 MINIMUM OF 24 HOURS OF CONTINUING EDUCATION EVERY 2 YEARS IN
23 ACCORDANCE WITH NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION
24 CRITERIA OR SUCCESSOR CRITERIA AS DETERMINED BY THE BOARD.

25 SEC. 18427. (1) THE BOARD MAY ISSUE A LIMITED LICENSE UNDER
26 THIS PART TO AN APPLICANT WHO DOES NOT MEET THE REQUIREMENTS OF
27 SECTION 18425, IF THE APPLICANT MEETS ANY OF THE FOLLOWING

1 REQUIREMENTS:

2 (A) THE INDIVIDUAL HAS RECEIVED A BACHELOR'S OR GRADUATE
3 DEGREE IN ENVIRONMENTAL HEALTH FROM A UNIVERSITY ACCREDITED BY
4 THE NATIONAL ENVIRONMENTAL HEALTH SCIENCE AND PROTECTION
5 ACCREDITATION COUNCIL.

6 (B) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE
7 REQUIREMENTS FOR A BACHELOR'S DEGREE THAT INCLUDE ALL OF THE
8 FOLLOWING:

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

10 (ii) THIRTY SEMESTER HOURS OR 45 QUARTER HOURS IN BASIC
11 SCIENCES.

12 (2) THE HOLDER OF A LIMITED LICENSE ISSUED UNDER THIS
13 SECTION MAY APPLY FOR A RENEWAL OF THE LIMITED LICENSE, BUT AN
14 INDIVIDUAL MAY NOT HOLD A LIMITED LICENSE FOR MORE THAN A TOTAL
15 OF 6 YEARS. THE HOLDER OF A LIMITED LICENSE ISSUED UNDER THIS
16 SECTION MAY ENGAGE IN THE PRACTICE OF ENVIRONMENTAL HEALTH ONLY
17 UNDER THE SUPERVISION OF A SANITARIAN WHO HOLDS A LICENSE UNDER
18 THIS PART.