

1 **LOCAL HEALTH DEPARTMENT AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Edward H. Redd

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to local health departments.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ establishes a committee within the Department of Environmental Quality that
13 reviews matters affecting the Department of Environmental Quality and local health
14 departments.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **19-1-201**, as last amended by Laws of Utah 2012, Chapter 360 and last amended by
22 Coordination Clause, Laws of Utah 2012, Chapter 360

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **19-1-201** is amended to read:

26 **19-1-201. Powers and duties of department -- Rulemaking authority --**

27 **Committee.**

28 (1) The department shall:

29 (a) enter into cooperative agreements with the Department of Health to delineate

30 specific responsibilities to assure that assessment and management of risk to human health
31 from the environment are properly administered;

32 (b) consult with the Department of Health and enter into cooperative agreements, as
33 needed, to ensure efficient use of resources and effective response to potential health and safety
34 threats from the environment, and to prevent gaps in protection from potential risks from the
35 environment to specific individuals or population groups;

36 (c) coordinate implementation of environmental programs to maximize efficient use of
37 resources by developing, in consultation with local health departments, a Comprehensive
38 Environmental Service Delivery Plan that:

39 (i) recognizes that the department and local health departments are the foundation for
40 providing environmental health programs in the state;

41 (ii) delineates the responsibilities of the department and each local health department
42 for the efficient delivery of environmental programs using federal, state, and local authorities,
43 responsibilities, and resources;

44 (iii) provides for the delegation of authority and pass through of funding to local health
45 departments for environmental programs, to the extent allowed by applicable law, identified in
46 the plan, and requested by the local health department; and

47 (iv) is reviewed and updated annually; and

48 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
49 Rulemaking Act, as follows:

50 (i) for a board created in Section 19-1-106, rules regarding:

51 (A) board meeting attendance; and

52 (B) conflicts of interest procedures; and

53 (ii) procedural rules that govern:

54 (A) an adjudicative proceeding, consistent with Section 19-1-301; and

55 (B) a permit review adjudicative proceeding, consistent with Section 19-1-301.5.

56 (2) The department shall establish a committee that consists of:

57 (a) the executive director or the executive director's designee;

58 (b) two representatives of the department appointed by the executive director; and

59 (c) three representatives of local health departments appointed by a group of all the
60 local health departments in the state.

61 (3) The committee established in Subsection (2) shall:

62 (a) review the allocation of environmental quality resources between the department
63 and the local health departments;

64 (b) evaluate department policies that affect local health departments;

65 (c) consider policy changes proposed by the department or by local health departments;

66 (d) coordinate the implementation of environmental quality programs to maximize
67 environmental quality resources; and

68 (e) review each department application for any grant from the federal government that
69 affects a local health department before the department submits the application.

70 (4) The committee shall create bylaws to govern the committee's operations.

71 [~~2~~] (5) The department may:

72 (a) investigate matters affecting the environment;

73 (b) investigate and control matters affecting the public health when caused by
74 environmental hazards;

75 (c) prepare, publish, and disseminate information to inform the public concerning
76 issues involving environmental quality;

77 (d) establish and operate programs, as authorized by this title, necessary for protection
78 of the environment and public health from environmental hazards;

79 (e) use local health departments in the delivery of environmental health programs to
80 the extent provided by law;

81 (f) enter into contracts with local health departments or others to meet responsibilities
82 established under this title;

83 (g) acquire real and personal property by purchase, gift, devise, and other lawful
84 means;

85 (h) prepare and submit to the governor a proposed budget to be included in the budget

86 submitted by the governor to the Legislature;

87 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
88 department according to the procedures and requirements of Section 63J-1-504; and

89 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
90 the cost of services provided;

91 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
92 environmental quality for local health departments;

93 (k) perform the administrative functions of the boards established by Section 19-1-106,
94 including the acceptance and administration of grants from the federal government and from
95 other sources, public or private, to carry out the board's functions;

96 (l) upon the request of any board or a division director, provide professional, technical,
97 and clerical staff and field and laboratory services, the extent of which are limited by the funds
98 available to the department for the staff and services; and

99 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
100 that the person paying the fee agrees by contract to be charged for the service in order to
101 efficiently utilize department resources, protect department permitting processes, address
102 extraordinary or unanticipated stress on permitting processes, or make use of specialized
103 expertise.

104 [~~(3)~~] (6) In providing service under Subsection [~~(2)~~] (5)(m), the department may not
105 provide service in a manner that impairs any other person's service from the department.