
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that section 37-52.3,
2 Hawaii Revised Statutes, requires a special fund to reflect a
3 clear nexus between the benefits sought and the charges made
4 upon the users or beneficiaries of the program, as opposed to
5 serving primarily as a means of providing the program or users
6 with an automatic means of support that is removed from the
7 normal budget and appropriations process.

8 The legislature further finds that there is a need to
9 clarify the nexus between the benefits sought and charges made
10 on the users and beneficiaries of the environmental health
11 education fund. The fund is the depository of fees collected by
12 the department of health for permits, licenses, inspections,
13 various certificates, variances, investigations, and reviews
14 respecting:

15 (1) Certain occupations, practices, and persons that the
16 department deems necessary to regulate for public
17 health or safety reasons under section 321-13, Hawaii
18 Revised Statutes, including clinical laboratory

1 directors, scientists, specialists, and technicians;
2 cytotechnologists; tattoo artists; and environmental
3 health professionals; and

4 (2) Entities required by law to be licensed by the
5 department of health, except for facilities seeking
6 licensure or certification, including certain types of
7 health care facilities, such as hospitals, nursing
8 homes, freestanding outpatient surgical facilities,
9 care centers, laboratories, and special treatment
10 centers, as provided in section 321-11.5(b), Hawaii
11 Revised Statutes.

12 Section 321-27, Hawaii Revised Statutes, requires the
13 department of health to expend the moneys in the environmental
14 health education fund to enhance the capacity of the
15 environmental health programs.

16 The legislature further finds that over ninety per cent of
17 the fees deposited into the environmental health education fund
18 are collected by the sanitation branch of the department of
19 health's environmental health services division. The sanitation
20 branch is charged with implementing programs related to:

21 (1) Food protection;

- 1 (2) The regulation of barber shops, beauty parlors,
2 massage parlors, tattoo shops, mortuaries, public
3 swimming pools, and public laundries;
- 4 (3) The inspection of tenement houses, lodging houses,
5 boarding houses, and hotels;
- 6 (4) The licensing of tattoo artists and embalmers; and
- 7 (5) Enforcing the sanitation requirements for hospitals
8 and medical facilities.

9 While the legislature recognizes the importance of
10 providing a dedicated source of funding for environmental health
11 education activities, the legislature acknowledges that, in this
12 case, the fees collected must more directly benefit the fee
13 payers.

14 The purpose of this Act is to:

- 15 (1) Change the name of the environmental health education
16 fund to the environmental health special fund; and
- 17 (2) Allow the use of fund moneys for sanitation program
18 activities, including permitting, inspections, other
19 monitoring, and enforcement; and
- 20 (3) Delete the requirement that inspectors of food
21 establishments be registered.

1 SECTION 2. Section 321-4.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§321-4.5[+] **Inspection of food establishments.**

4 Inspections of food establishments may be performed only by a
5 [~~registered~~] sanitarian or a food and drug inspector."

6 SECTION 3. Section 321-11.5, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) Other than the fees collected under subsection (b),
9 all other fees collected under this section and section 321-15
10 shall be deposited into the environmental health [~~education~~]
11 special fund established under section 321-27."

12 SECTION 4. Section 321-15, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Every person holding a license to practice any
15 occupation specified in section 321-13(a)(1) shall reregister
16 with the department of health every other year in accordance
17 with the rules of the department, before February 1 except where
18 superseded by federal law, and shall pay a reregistration fee.
19 The failure, neglect, or refusal of any person holding such a
20 license to reregister or pay the reregistration fee, after
21 thirty days of delinquency, shall constitute a forfeiture of the
22 person's license; provided that the license shall be restored

1 upon written application therefor together with a payment of all
2 delinquent fees and an additional late reregistration fee that
3 may be established by the director of health. All fees
4 collected pursuant to this section shall be deposited into the
5 environmental health [~~education~~] special fund established under
6 section 321-27."

7 SECTION 5. Section 321-27, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§321-27 Environmental health [~~education~~] special fund.**

10 (a) There is established within the department of health an
11 environmental health [~~education~~] special fund, into which shall
12 be deposited all moneys collected from fees for permits,
13 licenses, inspections, various certificates, variances,
14 investigations, and reviews, pursuant to sections 321-11.5(c)
15 and 321-15.

16 (b) Moneys in the fund shall be expended by the department
17 [~~for the purpose of enhancing~~] to partially fund the operating
18 costs of program activities and functions authorized pursuant to
19 section 321-11 to enhance the capacity of environmental health
20 programs to:

21 (1) Conduct program activities including permitting,
22 investigations, other monitoring, and enforcement;

1 [~~(1)~~] (2) Improve public outreach efforts and
2 consultations to regulated businesses and industries
3 [~~regulated~~];

4 [~~(2)~~] (3) Educate the public, staff, regulated businesses,
5 and industries [~~regulated thereunder~~];

6 [~~(3)~~] (4) Plan for future growth and expansion to meet
7 emerging needs; and

8 [~~(4)~~] (5) Provide training opportunities to ensure the
9 maintenance of professional competence among
10 environmental health staff and administrators[~~-~~
11 ~~Not~~]; provided that for environmental health programs, not
12 more than \$90,000 of the fund may be [~~utilized~~] used during any
13 fiscal year [~~for~~] to fund administration, including the hiring
14 of not more than two full-time equivalent personnel, and the
15 purchase of office and electronic equipment.

16 (c) Any amount in the fund in excess of \$300,000 on
17 June 30 of each year shall be deposited into the general fund.

18 (d) The department of health shall submit a report to the
19 legislature concerning the status of the environmental health
20 [~~education~~] special fund, including[~~7~~] but not limited to[~~7~~
21 ~~the~~]:

1 (1) The amount of moneys taken in by and expended from the
2 fund~~[r]~~; and ~~[the]~~

3 (2) The sources of receipts and uses of expenditures,
4 not less than twenty days prior to the convening of each regular
5 session."

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2009.

Report Title:

Sanitation

Description:

Changes the name of the environmental health education fund to the environmental health special fund and allows the fund to be used for sanitation program activities. Deletes registration requirement for food establishment inspectors. (SD1)