H.B. NO. 36 H.D.1 S.D.2 C.D.1

Report Title:

Sanitation

Description:

Changes the name of the Environmental Health Education Fund to the Sanitation and Environmental Health Fund and allows the Fund to be used for sanitation program activities. (HB36 CD1)

H.B. NO. ³⁶ H.D. 1 S.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

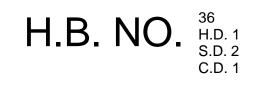
HB36 CD1.DOC

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.

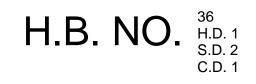
8 The legislature further finds that there is a need to 9 clarify the nexus between the benefits sought and charges made 10 on the users and beneficiaries of the environmental health 11 education fund. The fund is the depository of fees collected by 12 the department of health for permits, licenses, 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 HB36 CD1.DOC *HB36 CD1.DOC*



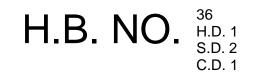
1	directors, scientists, specialists, and technicians;		
2	cytotechnologists; tattoo artists; and environmental		
3	health professionals; and		
4	(2) Facilities seeking licensure or certification, except		
5	certain types of health care facilities, including		
6	hospitals, nursing homes, freestanding outpatient		
7	surgical facilities, care centers, laboratories, and		
8	special treatment centers, as provided in section 321-		
9	11.5, Hawaii Revised Statutes.		
10	Section 321-27, Hawaii Revised Statutes, requires the		
11	department of health to expend the moneys in the environmental		
12	health education fund to enhance the capacity of the		
13	environmental health programs.		
14	The legislature further finds that over ninety per cent of		
15	the fees deposited into the environmental health education fund		
16	are collected by the sanitation branch of the department of		
17	health's environmental health services division. The sanitation		
18	branch is charged with implementing programs related to:		
19	(1) Food protection;		
20	(2) The regulation of barber shops, beauty parlors,		
21	massage parlors, tattoo shops, mortuaries, public		
22	swimming pools, and public laundries;		
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1	(3)	The inspection of tenement houses, lodging houses,
2		boarding houses, and hotels;
3	(4)	The licensing of tattoo artists and embalmers; and
4	(5)	Enforcing the sanitation requirements for hospitals
5		and medical facilities.
6	While	e the legislature recognizes the importance of
7	providing	a dedicated source of funding for environmental health
8	education	activities, the legislature acknowledges that, in this
9	case, the	fees collected must more directly benefit the fee
10	payers.	
11	The j	purpose of this Act is to:
12	(1)	Change the name of the environmental health education
13		fund to the sanitation and environmental health
14		special fund; and
15	(2)	Allow the use of fund money for sanitation program
16		activities.
17	SECT	ION 2. Section 321-11.5, Hawaii Revised Statutes, is
18	amended by	y amending subsection (c) to read as follows:
19	"(C)	Other than the fees collected under subsection (b),
20	all other	fees collected under this section and section 321-15
21	shall be o	deposited into the sanitation and environmental health
22	[education HB36 CD1.1 *HB36 CD1 *HB36 CD1	.DOC*

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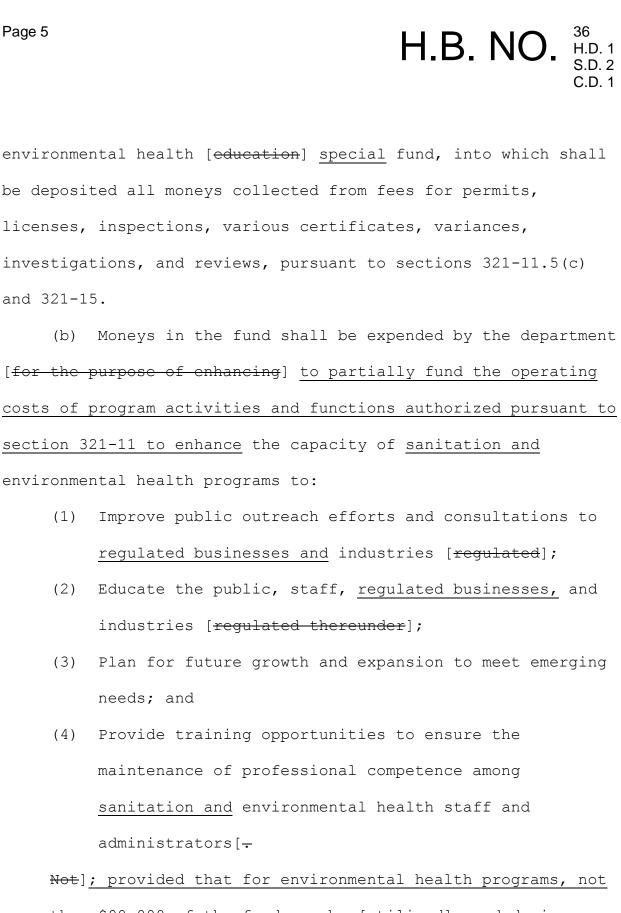
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1	SECTION 3. Section 321-15, Hawaii Revised Statutes, is
2	amended by amending subsection (a) to read as follows:
3	"(a) Every person holding a license to practice any
4	occupation specified in section 321-13(a)(1) shall reregister
5	with the department of health every other year in accordance
6	with the rules of the department, before February 1 except where
7	superseded by federal law, and shall pay a reregistration fee.
8	The failure, neglect, or refusal of any person holding such a
9	license to reregister or pay the reregistration fee, after
10	thirty days of delinquency, shall constitute a forfeiture of the
11	person's license; provided that the license shall be restored
12	upon written application therefor together with a payment of all
13	delinquent fees and an additional late reregistration fee that
14	may be established by the director of health. All fees
15	collected pursuant to this section shall be deposited into the
16	sanitation and environmental health [education] special fund
17	established under section 321-27."
18	SECTION 4. Section 321-27, Hawaii Revised Statutes, is
19	amended to read as follows:

20 "\$321-27 [Environmental] Sanitation and environmental 21 health [education] special fund. (a) There is established 22 within the department of health [an] the sanitation and HB36 CD1.DOC *HB36 CD1.DOC* *HB36 CD1.DOC* Page 5

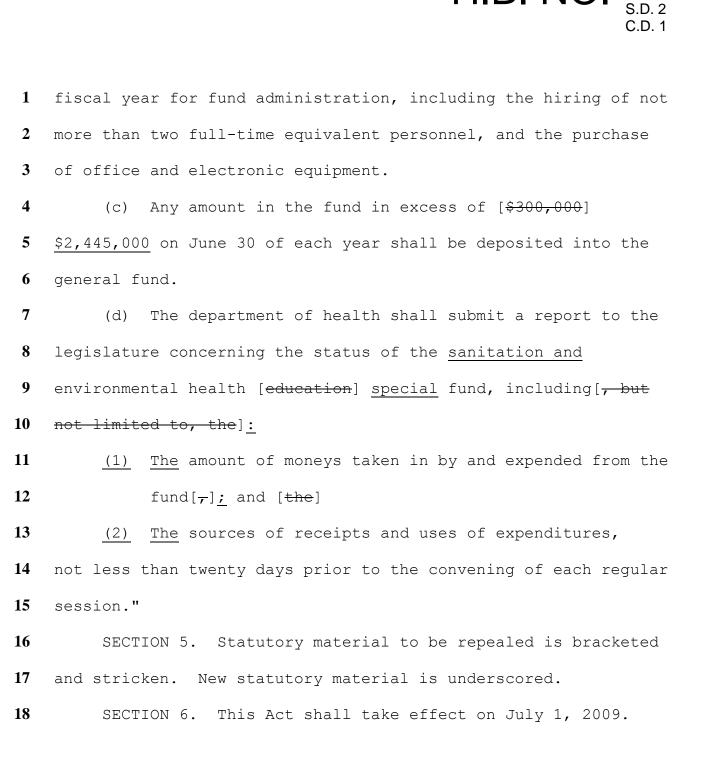
(1)

(2)



more than \$90,000 of the fund may be [utilized] used during any HB36 CD1.DOC *HB36 CD1.DOC* *HB36 CD1.DOC*

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