

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

364

By: Senator Fitch

For An Act To Be Entitled

"AN ACT TO REQUIRE THAT ANY PERSON ENGAGED IN REGULATION AND INSPECTION OF FOOD SERVICE, THERAPEUTIC WATER FACILITIES AND SANITARY PROCEDURES, WITHIN ALL HEALTH CARE AND DOMICILIARY CARE FACILITIES AS WELL AS PERSONS ACTIVELY INVOLVED IN THE REGULATION OF FOOD PRODUCTS AND ENVIRONMENTAL SANITATION OR PROTECTION BE A PROFESSIONAL SANITARIAN DULY REGISTERED BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR PROFESSIONAL SANITARIANS AS PRESCRIBED BY ARKANSAS CODE §17-36-101 ET SEQ.; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this act, unless the context indicates otherwise:

(1) "Person means any person or firm, corporation, or association, or his agent, or any person acting for or on behalf of him under contract of agreement or by regulatory requirement of any duly constituted governmental agency.

(2) "Health care facility" means a hospital, nursing home or intermediate care institution wherein residents are provided with medical or other supervised care.

(3) "Domiciliary care facility" means all other facilities that provide water therapy, meals prepared in a common food preparation area and/or health services as they relate to common supervised residence.

(4) "Inspection" means the lawful review of food handling, storage, catering, preparation, packaging, and distribution, or water quality maintenance and general hygienic condition, as it relates to health in regulated facilities as defined by this act.

(5) "Therapeutic water facilities" (water quality maintenance) shall apply to healthful maintenance of general water quality in pools and other

therapeutic waters as defined and published by the Center for Disease Control, Atlanta, Georgia, "Swimming Pool Safety and Disease Control Through Proper Design and Maintenance." A pool is a common vessel containing water that is used in the treatment of persons where body contact of more than one person is conducted, i.e., whirlpools, hot tubs and spas. Therapeutic water is water used to soak or massage or bath for the purpose of treatment of more than one person.

(6) "Environmental sanitation" (general hygienic condition) means all general measures to facilitate the protection of public health through the accepted environmental management of all potential sources of disease transmission inclusive of but not limited to: garbage, laboratory waste, general facility wastes, and heating and air conditioning systems, so as to prevent a public health nuisance.

(7) "Professional sanitarian" means any person who meets the general criteria as stated in Arkansas Code §17-36-101 et seq., and regulations duly promulgated thereunder.

(8) "Board" means the State Board of Registration for Professional Sanitarians.

(9) "Food service" shall be defined as all food preparation units as defined by the Food, Drug and Cosmetic Act, Arkansas Code §20-56-201 et seq.

SECTION 2. All persons covered by this act shall meet its requirements within a period of two (2) calendar years from the effective date of this act.

SECTION 3. Persons working before the effective date of this act shall not be required to be registered if, after making formal application to the Board, they are determined to be eligible for registration. Persons employed after the effective date of this act must meet the requirements for registration as a sanitarian provided for in Arkansas Code §17-36-101 et seq.

SECTION 4. (a) Registration shall be the responsibility of each person who performs the activities described in this act and shall be completed under the provisions of Arkansas Code §17-36-101 et seq.

(b) All agencies, commissions, boards, and professional organizations which function in the professional areas of food service, water quality, and environmental management are directed to render any reasonable assistance to

all qualified persons seeking registration.

SECTION 5. It shall be the duty of the State Board of Sanitarians to revise testing procedures to allow for registration limited to practice within a particular sub-specialty, so that persons that desire to limit their practice may register within a specific sub-specialty upon successful completion of a qualifying examination. Penalties for non-compliance shall be as provided in Arkansas Code §17-36-101 et seq. Enforcement of this act shall be the responsibility of the State Board of Sanitarians.

SECTION 6. This act shall not be construed to require additional registration or testing of any persons duly registered within an allied profession where practice is confined within the scope of existing registration. It shall be the duty of the State Board of Sanitarians to review and rule upon all requests for reciprocity registration.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.