

24:2-3  
**LEGISLATIVE HISTORY CHECKLIST**  
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(Local health officers)

NJSA: 24:2-3

LAWS OF: 1997 CHAPTER: 416 5

BILL NO: A840

SPONSOR(S): Arnone and Barnes

DATE INTRODUCED: Pre-filed

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SENATE: Community Affairs

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

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[Passed Both Houses]

[Second Reprint]

ASSEMBLY, No. 840

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ARNONE and Barnes

1 AN ACT concerning the licensure and duties of health officers and  
2 specialists and revising parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. R.S.24:2-3 is amended to read as follows:

8 24:2-3. The state board may appoint such analysts, chemists,  
9 specialists, chief inspectors and other inspectors and employees as may  
10 be authorized by law, and the persons thus appointed shall perform  
11 such duties as may be assigned to them by the state department. The  
12 state board shall fix the salaries of all such officers and employees  
13 subject to the provisions of Title **[11]** 11A of the New Jersey  
14 Statutes, Civil Service, except when otherwise provided by statute.  
15 (cf: R.S.24:2-3)

16

17 2. R.S.24:2-4 is amended to read as follows:

18 24:2-4. The local board of health may designate from among its  
19 **[sanitary inspectors]** registered environmental health specialists one  
20 or more **[inspectors]** registered environmental health specialists who  
21 shall **[be known as local food and drug inspectors]** perform the duties  
22 relating to food and drug inspection required under R.S.24:2-1 et seq.  
23 The local board may also appoint one or more food and drug analysts.  
24 (cf: R.S.24:2-4)

25

26 3. R.S.24:2-5 is amended to read as follows:

27 24:2-5. The **[local food and drug inspector]** registered  
28 environmental health specialist designated under R.S.24:2-4 shall have,

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALG committee amendments adopted February 15, 1996.

<sup>2</sup> Assembly floor amendments adopted June 5, 1997.

1 within the jurisdiction of the local board appointing him, all the power  
2 and authority given ~~an inspector~~ a specialist appointed by the State  
3 board under the authority of ~~section~~ R.S.24:2-3 ~~of this title~~. He  
4 shall, in addition to the usual duties of ~~a sanitary inspector~~ a  
5 registered environmental health specialist, aid in the enforcement of  
6 the provisions of this subtitle.

7 (cf: R.S.24:2-5)

8  
9 4. Section 38 of P.L.1947, c.177 (C.26:1A-38) is amended to read  
10 as follows:

11 38. The Public Health Council shall prescribe the qualifications  
12 necessary for the licensing of health officers~~,~~ sanitary inspectors, food  
13 and drug inspectors, milk inspectors, meat inspectors, plumbing  
14 inspectors and public health and laboratory technicians ~~and registered~~  
15 environmental health specialists and shall prescribe the qualifications  
16 necessary for the renewal of any license permitted to remain in effect  
17 under section 41 of P.L.1947, c.177 (C.26:1A-41).

18 (cf: P.L.1950, c.119, s.2)

19  
20 5. Section 39 of P.L.1947, c.177 (C.26:1A-39) is amended to read  
21 as follows:

22 39. The ~~Commissioner~~ 'Commissioner in consultation with the'  
23 Public Health Council shall cause examinations to be conducted in  
24 such manner and at such times and places as ~~he may prescribe,~~ may  
25 be necessary for the purpose of determining the qualifications of  
26 applicants for licenses ~~as health officers, sanitary inspectors, food and~~  
27 ~~drug inspectors, milk inspectors, meat inspectors, plumbing inspectors,~~  
28 ~~and public health laboratory technicians of the classes and grades~~ set  
29 forth in section 41 ~~hereof~~ of P.L.1947, c.177 (C.26:1A-41).  
30 Applications for examination ~~in any of classes and grades~~ for any of  
31 the licenses enumerated in section 41 of ~~this act~~ P.L.1947, c.177  
32 (C.26:1A-41), must be made in writing upon forms supplied by the  
33 department. ~~The department shall collect from each applicant who~~  
34 ~~shall be admitted to the examination the following fees: For each~~  
35 ~~examination for a health officer's license, \$25.00; for each examination~~  
36 ~~for a sanitary inspector's license of the first grade, \$25.00; for each~~  
37 ~~examination for a milk inspector's license, \$25.00; for each~~  
38 ~~examination for a food and drug inspector's license, \$25.00; for each~~  
39 ~~examination for a veterinary meat inspector's license, \$25.00; for each~~  
40 ~~examination for a meat inspector's license, \$25.00; for each~~  
41 ~~examination for a sanitary inspector's license of the second grade,~~  
42 ~~\$25.00; for each examination for public health laboratory technician's~~  
43 ~~license, \$25.00; for each examination for a plumbing inspector's license~~  
44 ~~of the first grade, \$25.00; and for each examination for a plumbing~~

1 inspector's license of the second grade, \$25.00.]

2 (cf: P.L.1971, c.157, s.1)

3

4 6. Section 41 of P.L.1947, c.177 (C.26:1A-41) is amended to read  
5 as follows:

6 41. The commissioner shall, in the name of the department, issue  
7 the following **[classes and grades of]** licenses:

8 a. Health officer's license;

9 b. **[Sanitary inspector's license of the first grade;]**~~(Deleted by  
10 amendment, P.L. ., c. ) (pending before the Legislature as this bill)~~

11 c. **[Sanitary inspector's license of the second grade;]**~~(Deleted by  
12 amendment, P.L. ., c. ) (pending before the Legislature as this bill)~~

13 d. **[Plumbing inspector's license of the first grade;]**~~(Deleted by  
14 amendment, P.L. ., c. ) (pending before the Legislature as this bill)~~

15 e. **[Plumbing inspector's license of the second grade;]**~~(Deleted by  
16 amendment, P.L. ., c. ) (pending before the Legislature as this bill)~~

17 f. **[Food and drug inspector's license;]**~~(Deleted by amendment,  
18 P.L. ., c. ) (pending before the Legislature as this bill)~~

19 g. **[Milk inspector's license;]**~~(Deleted by amendment, P.L. ., c. )  
20 (pending before the Legislature as this bill)~~

21 h. **[Meat inspector's license;]**~~(Deleted by amendment, P.L. .,  
22 c. ) (pending before the Legislature as this bill)~~

23 i. **[Veterinary meat inspector's license;]**~~(Deleted by amendment,  
24 P.L. ., c. ) (pending before the Legislature as this bill)~~

25 j. **[Public health laboratory technician's license]** ~~(Deleted by  
26 amendment, P.L. ., c. ) (pending before the Legislature as this bill).~~

27 k. **Registered environmental health specialist's license.**

28 However, any health officer's license, sanitary inspector's license,  
29 and plumbing inspector's license **[heretofore]** issued before the  
30 effective date of P.L.1947, c.177 (C.26:1A-1 et seq.) by the State  
31 Department of Health shall, unless suspended or revoked in  
32 accordance with the provisions of sections 43 and 44 of **[this]** ~~that~~  
33 act, remain in effect during the employment as such of the holder  
34 thereof. <sup>2</sup>Upon enactment of P.L. ., c. (C. ) (now pending  
35 before the Legislature as this bill) any existing Sanitary Inspector, First  
36 Grade license shall become a Registered Environmental Health  
37 Specialist license without any further action required of the licensee.<sup>2</sup>

38 Any license eliminated by P.L. ., c. (c. ) (now pending before the  
39 Legislature as this bill) shall, unless suspended or revoked in  
40 accordance with the provisions of section 43 and 44 of P.L.1947,  
41 c.177 (C.26:1A-43 and C.26:1A-44), remain in effect until the holder  
42 thereof does not renew the license within two years from the date of  
43 its expiration, or the commissioner does not renew the license in  
44 accordance with section 42 of that act, whichever comes first.

45 (cf: P.L.1956, c.171, s.2)

1       7. Section 42 of P.L.1947, c.177 (C.26:1A-42) is amended to read  
2 as follows:

3       ~~4.~~42. Each applicant whose examination shall be approved by  
4 the commissioner shall receive the initial license to which his  
5 examination may entitle him. All licenses issued by the commissioner  
6 shall expire on December 31 of each year and may be renewed upon  
7 the payment of a renewal fee ~~[or \$10.00]~~ adopted by the  
8 commissioner under section 19 of P.L. , c. (C. ) (now pending  
9 before the Legislature as this bill) and upon the satisfactory completion  
10 by the applicant of any further requirements which may be adopted by  
11 the commissioner under that section.

12 (cf: P.L.1971, c.157, s.2)

13

14       8. Section 43 of P.L.1947, c.177 (C.26:1A-43) is amended to read  
15 as follows:

16       43. Any license issued in accordance with the provisions of this  
17 article, and any health officer's license~~[,]~~or sanitary inspector's  
18 license~~[,]~~ and plumbing inspector's license~~]~~ heretofore issued by the  
19 State Department of Health, may be suspended or revoked, ~~[in the~~  
20 ~~manner provided in section 44 hereof]~~ after notice and hearing  
21 conducted by an administrative law judge pursuant to the  
22 "Administrative Procedure Act." P.L.1968, c.410 (C.52:14B-1 et  
23 seq.), for any of the following causes:

24       a. Violation of any of the provisions of this act or of any law  
25 relating to public health;

26       b. Violation of any provision of the State Sanitary Code;

27       c. Violation of any applicable local health regulation or ordinance;

28       d. Any act or happening occurring after the making of application  
29 for such license which, if the same had occurred prior to said time,  
30 would have prevented the issuance of such license; or

31       e. A conviction in a court of competent jurisdiction, either within  
32 or outside this State, of a crime involving moral turpitude, except that  
33 if the conviction is reversed and the holder of the license is discharged  
34 or acquitted, or if the holder is pardoned or the civil rights of the  
35 holder are restored, the holder may obtain a license.

36       Notwithstanding any provision of section 10 of P.L.1968, c.410  
37 (C.52:14B-10) to the contrary, the commissioner, before adopting,  
38 rejecting or modifying the recommended report and decision of an  
39 administrative law judge, shall consult with the Public Health Council.

40       The suspension or revocation of a license shall be effected by a  
41 notice in writing of the suspension or revocation, designating the  
42 effective date thereof, and in the case of a suspension, the term of the  
43 suspension, which notice may be served upon the licensee personally  
44 or by mailing the same by registered mail addressed to the licensee at  
45 the licensee's home address.

46       The commissioner shall file a copy of the notice of suspension or

1 revocation of license with the local board of health.

2 (cf: P.L.1947, c.177, s.43)

3

4 9. R.S.26:3-19 is amended to read as follows:

5 26:3-19. The local board may employ such personnel as it may  
6 deem necessary, [including health officers, public health laboratory  
7 technicians, plumbing inspectors, food and drug inspectors, milk  
8 inspectors and meat inspectors, of the classes and grades provided for  
9 by law,]to carry into effect the powers vested in it. It shall fix the  
10 duties and compensation of every appointee and, as to local boards  
11 which shall not be operating under the provisions of [subtitle  
12 three,]Title [11] 11A, Civil Service, of the [Revised] New Jersey  
13 Statutes, fix the term of every appointee.

14 The appointees, agents and officers of a local board, which shall not  
15 be operating under the provisions of [subtitle three,]Title [11] 11A  
16 Civil Service, of the [Revised] New Jersey Statutes shall hold their  
17 offices during the term for which they are severally appointed, and  
18 shall not be removed except for cause and after an opportunity has  
19 been given them for a hearing.

20 Any duly appointed health officer shall, subject to the superior  
21 authority of the local board appointing him, be its general agent for the  
22 enforcement of its ordinances and the sanitary laws of the State. The  
23 health officer shall provide leadership in the field of public health in the  
24 community served by the local board as required under the  
25 "Recognized Public Health Activities and Minimum Standards of  
26 Performance." In addition to being the chief executive officer of the  
27 local board, the health officer is responsible for evaluating the health  
28 problems of the community served by the local board, planning  
29 appropriate activities to meet the health problems of the citizens  
30 thereof, developing necessary budget procedures to cover these  
31 activities and directing the staff of the local board to carry out these  
32 activities efficiently and economically.

33 Any other duly appointed [public health laboratory technician,  
34 sanitary inspector, food and drug inspector, milk inspector, meat  
35 inspector or plumbing inspector] person shall be the agent of the local  
36 board appointing him for the performance of such services not  
37 inconsistent with the license held as such local board, or any officer  
38 under the authority of such board, shall assign to him. [A sanitary  
39 inspector] A registered environmental health specialist is authorized  
40 to make all types of inspections for a local board except plumbing  
41 inspections. A registered environmental health specialist is required  
42 to compile proper records of these inspections, inform persons of  
43 their violations, the bases thereof, and the methods of abating these  
44 violations and obtain any evidence necessary for legal action.

45 The licensure requirements of this section shall not apply to a

1 person engaged in the administration and enforcement of  
2 environmental protection laws and regulations governed by the State  
3 Department of Environmental Protection.

4 (cf: P.L.1950, c.119, s.5)

5

6 10. Section 1 of P.L.1951, c.333 (C.26:3-19.1) is amended to read  
7 as follows:

8 1. All health officers, **[sanitary inspectors, plumbing inspectors and**  
9 **employees of]** registered environmental health specialists and other  
10 persons selected to fill available positions in a local board of health in  
11 any municipality, which has adopted, or shall hereafter adopt, the  
12 provisions of **[subtitle three of]** Title **[11] 11A** (Civil Service) of the  
13 **[Revised] New Jersey** Statutes, shall be appointed in accordance with  
14 the provisions **[of said subtitle three]** of Title **[11] 11A** of the  
15 **[Revised] New Jersey** Statutes and all such health officers, sanitary  
16 inspectors**[, plumbing inspectors]** and employees of any such local  
17 board of health now holding office, position or employment and who  
18 were holding such office, position or employment on July 1, 1950,  
19 shall be placed in the career service of the civil service, without  
20 examination, and shall be entitled to all the rights, privileges and  
21 benefits of such classified service and their successors shall be  
22 appointed in accordance with the provisions of **[said subtitle three of]**  
23 Title **[11] 11A** of the **[Revised] New Jersey** Statutes.

24 (cf: P.L.1951, c.333, s.1)

25

26 11. R.S.26:3-20 is amended to read as follows:

27 26:3-20. No local board shall appoint any person **[as health officer,**  
28 **public health laboratory technician, sanitary inspector, food and drug**  
29 **inspector, milk inspector, meat inspector or plumbing inspector]** to  
30 a position for which a license is required under section 41 of P.L.1947,  
31 c.177 (C.26:1A-41) nor employ a person to do work ordinarily  
32 performed by a **[health officer, public health laboratory technician, or**  
33 **an inspector of any of the classes named]** person required to hold a  
34 license under that section, who is not the holder of a proper license as  
35 such.

36 (cf: P.L.1950, c.119, s.6)

37

38 12. R.S.26:3-21 is amended to read as follows:

39 26:3-21. Any holder of a license **[as a health officer]** required  
40 under section 41 of P.L.1947, c.177 (C.26:1A-41) shall be eligible to  
41 appointment **[as such officer]** to the position for which the license is  
42 required by any local board.

43 **[Any holder of a license as a public health laboratory technician**  
44 **shall be eligible to appointment as a public health laboratory**  
45 **technician by any board of health.**

1 Any holder of a license as a sanitary inspector of the first grade  
2 shall be eligible to appointment as such inspector by any local board.

3 Any holder of a license as a sanitary inspector of the second grade  
4 shall be eligible to appointment as such inspector by the local board in  
5 any municipality having a population of not more than 25,000 at the  
6 last federal census.

7 In every municipality having a population of more than 25,000, all  
8 sanitary inspectors appointed shall be of the first grade; provided,  
9 however, that if the local board of such municipality employs two or  
10 more inspectors of the first grade, it may employ sanitary inspectors  
11 of the second grade on a temporary basis until such inspectors have  
12 qualified for and received licenses as sanitary inspector of the first  
13 grade. In no case shall such temporary employment of a second grade  
14 sanitary inspector continue for more than three years from the date of  
15 his original appointment.

16 Any holder of a license as food and drug inspector shall be eligible  
17 to appointment as such inspector by any local board.

18 Any holder of a license as milk inspector shall be eligible to  
19 appointment as such inspector by any local board.

20 Any holder of a license as meat inspector shall be eligible to  
21 appointment as such inspector by any local board.

22 Any holder of a license as plumbing inspector of the first grade shall  
23 be eligible to appointment as such inspector by any local board.

24 Any holder of a license as plumbing inspector of the second grade  
25 shall be eligible to appointment as such inspector by the local board of  
26 any municipality having a population of not more than 25,000 at the  
27 last Federal census.

28 All sanitary inspectors' licenses of the first class issued prior to the  
29 passage of this act shall be accepted as sanitary inspectors' licenses of  
30 the first grade. All sanitary inspectors' licenses of the second class  
31 issued prior to the passage of this act shall be accepted as sanitary  
32 inspectors' licenses of the second grade. All sanitary inspectors'  
33 licenses of the third class issued prior to the passage of this act shall  
34 remain valid in townships and entitle holders thereof to serve legally  
35 as sanitary inspectors in the employ of township boards of health. All  
36 plumbing inspectors licenses issued prior to the passage of this act  
37 shall be accepted as plumbing inspectors' licenses of the first grade.  
38 Any holder of a license as plumbing inspector issued prior to the  
39 passage of this act who applies to the department for a corresponding  
40 license of the first grade shall be issued such license.

41 All laboratory technicians now employed by boards of health under  
42 whatsoever title for the specific purpose of performing laboratory tests  
43 in bacteriology, serology, chemistry and related technical laboratory  
44 tests shall be granted public health laboratory technicians' licenses,  
45 without further examination, by the State Department of Health;  
46 provided, that said technicians apply to the department for same on a



1 form provided by the department within one year of the effective date  
2 of this act.]

3 (cf: P.L.1950, c.119, s.7)

4

5 13. R.S.26:3-22 is amended to read as follows:

6 26:3-22. Local boards of health of two or more adjacent  
7 municipalities may join in employing a health officer and one or more  
8 **[sanitary inspectors] registered environmental health specialists** and  
9 other personnel. In such case, the local boards of such municipalities  
10 or a regional health commission formed by them, as the case may be,  
11 shall fix the salary to be paid to **[the health officer, inspectors and**  
12 **other personnel] these persons**, arrange the duties of such persons and  
13 in the case of regional health commissions apportion the sums to be  
14 paid by each of the municipalities, which sums shall be paid from  
15 moneys appropriated to the local boards of such municipalities.

16 (cf: P.L.1947, c.181, s.4)

17

18 14. R.S.26:3-23 is amended to read as follows:

19 26:3-23. If in any township sufficient **[sanitary] environmental**  
20 inspection is not secured, the **[state] State** department may, on notice  
21 to the local board, require the appointment by the local board of **[a**  
22 **sanitary inspector] a registered environmental health specialist** for the  
23 township who shall be paid by the local board of the township **[a sum**  
24 **not less than fifty dollars a year] at an equitable rate of reimbursement**  
25 **for his services [as inspector].**

26 (cf: R.S.26:3-23)

27

28 15. R.S.26:3-24 is amended to read as follows:

29 26:3-24. In every municipality**[, other than a township,]**containing  
30 a population of 2,000 inhabitants or more, there shall be at least one  
31 **[sanitary inspector] registered environmental health specialist**  
32 appointed by the local board.

33 (cf: R.S.26:3-24)

34

35 16. Section 5 of P.L.1947, c.181 (C.26:3-25.1) is amended to read  
36 as follows:

37 5. Every **[health officer and every sanitary inspector, plumbing**  
38 **inspector, food and drug inspector, milk inspector, meat inspector and**  
39 **public health laboratory technician holding] person holding** a license  
40 **[as such issued in the name of the State Department of Health] issued**  
41 **under section 41 of P.L.1947, c.177 (C.26:1A-41)**, who is employed  
42 **[as such] in a position for which this license is required** by any board  
43 of health, municipality or group of municipalities shall receive **[his or**  
44 **her] the maximum salary in [their respective salary ranges] the**  
45 **person's range**, within five years from the date of **[his or her]**

1 appointment **【as such health officer inspector or public health**  
2 **laboratory technician】** to this position if the majority of the person's  
3 job performance evaluations are satisfactory.

4 (cf: P.L.1950, c.119, s.8)

5

6 17. R.S.26:3-27 is amended to read as follows:

7 26:3-27. The local board or regional health commission, not  
8 operating under the provisions of **【subtitle three,】**Title **【11】** 11A,  
9 Civil Service, of the **【Revised】** New Jersey Statutes, employing a  
10 health officer**【, public health laboratory technician or inspector】** or any  
11 other person whom it is sought to remove, shall formulate or receive  
12 charges in writing, against such person and shall fix a time and place  
13 for a hearing thereon.

14 A written copy of the charges and a written notice of the time and  
15 place of the hearing shall be served upon the person sought to be  
16 removed at least 20 days prior to the hearing.

17 At the hearing the local board or regional health commission shall  
18 hear all witnesses and receive all evidence produced, and if the charges  
19 are found to be true in fact, and just cause be shown, the local board  
20 or regional health commission may remove or reduce the pay, or  
21 position of the person against whom the charges are made.

22 (cf: P.L.1950, c.119, s.9)

23

24 18. R.S.26:3-53 is amended to read as follows:

25 26:3-53. A notice by any health officer**【,】**or **【sanitary or plumbing**  
26 **inspector,】**registered environmental health specialist **【or authorized**  
27 **member of the local board,】**to remove and abate any nuisance shall be  
28 taken as a notice from the board. If the owner or persons notified fails  
29 to remove and abate the nuisance complained of, the board may cause  
30 it be removed and abated in a summary manner, giving written  
31 directions to its representative in relation thereto, and he shall proceed  
32 according to the directions so given.

33 (cf: R.S.26:3-53)

34

35 19. (New section) The commissioner shall prepare a fee schedule  
36 to cover the reasonable administrative costs associated with  
37 examination and licensing procedures and submit the fee schedule to  
38 the Legislature for review. The commissioner shall subsequently  
39 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
40 c.410 (C.52:14B-1 et seq.), the fee schedule. These fees shall be  
41 maintained in a separate account and used only for the purposes set  
42 forth in this section.

43

44 20. R.S.26:3-28, section 1 of P.L.1971, c.454 (C.26:1A-40.1),  
45 section 44 of P.L.1947, c.177 (C.26:1A-44) and section 9 of  
46 P.L.1968, c.105 (C.24:16B-9) are repealed.

1 21. This act shall take effect on the 180th day following enactment.

2

3

4

5

6 Revises titles and duties of certain local health officers.

1 operating under the provisions of [subtitle three,] Title [11] 11A,  
2 Civil Service, of the [Revised] New Jersey Statutes, employing a  
3 health officer[, public health laboratory technician or inspector] or any  
4 other person whom it is sought to remove, shall formulate or receive  
5 charges in writing, against such person and shall fix a time and place  
6 for a hearing thereon.

7 A written copy of the charges and a written notice of the time and  
8 place of the hearing shall be served upon the person sought to be  
9 removed at least 20 days prior to the hearing.

10 At the hearing the local board or regional health commission shall  
11 hear all witnesses and receive all evidence produced, and if the charges  
12 are found to be true in fact, and just cause be shown, the local board  
13 or regional health commission may remove or reduce the pay, or  
14 position of the person against whom the charges are made.

15 (cf: P.L.1950, c.119, s.9)

16

17 18. R.S.26:3-53 is amended to read as follows:

18 26:3-53. A notice by any health officer[, ] or [sanitary or plumbing  
19 inspector, ] registered environmental health specialist [or authorized  
20 member of the local board, ] to remove and abate any nuisance shall be  
21 taken as a notice from the board. If the owner or persons notified fails  
22 to remove and abate the nuisance complained of, the board may cause  
23 it be removed and abated in a summary manner, giving written  
24 directions to its representative in relation thereto, and he shall proceed  
25 according to the directions so given.

26 (cf: R.S.26:3-53)

27

28 19. (New section) The commissioner shall prepare a fee schedule  
29 to cover the reasonable administrative costs associated with  
30 examination and licensing procedures and submit the fee schedule to  
31 the Legislature for review. The commissioner shall subsequently  
32 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
33 c.410 (C.52:14B-1 et seq.), the fee schedule. These fees shall be  
34 maintained in a separate account and used only for the purposes set  
35 forth in this section.

36

37 20. R.S.26:3-28, section 1 of P.L.1971, c.454 (C.26:1A-40.1),  
38 section 44 of P.L.1947, c.177 (C.26:1A-44) and section 9 of  
39 P.L.1968, c.105 (C.24:16B-9) are repealed.

40

41 21. This act shall take effect on the 180th day following enactment.

42

43

44

#### STATEMENT

45

46 This bill revises Titles 24 and 26 of the Revised Statutes to reflect

1 the modern titles and duties of certain health officials and inspectors  
2 in the State. The bill eliminates the various grades and classes of  
3 inspectors and changes the title of "sanitary inspector first grade" to  
4 "registered environmental health specialist." The bill also deletes  
5 statutory references to licensing fees and provides, instead, that the  
6 fees will be established through regulations adopted by the  
7 Commissioner of Health.

8 Specifically, the change in the license title from "sanitary inspector  
9 first grade" to "registered environmental health specialist" is made to  
10 reflect the comprehensiveness of the sanitary inspector's  
11 responsibilities, which include working with environmental issues and  
12 offering occupational safety training programs, as well as inspection  
13 of restaurants. The bill also eliminates obsolete health officer titles and  
14 licenses, which include: sanitary inspector of the second grade,  
15 plumbing inspectors of the first and second grades, food and drug  
16 inspector, milk inspector, meat inspector, veterinary meat inspector  
17 and public health laboratory technician.

18 In addition, the bill enables the Public Health Council established  
19 pursuant to P.L.1947, c.177 (C.26:1A-1 et seq.), to prescribe the  
20 qualifications for the licensing of local health officers and registered  
21 environmental health specialists, which may include the establishment  
22 of continuing education requirements for these officials. The licensure  
23 requirements in R.S.26:3-19 (section 9 of the bill) do not apply to  
24 persons engaged in the enforcement of laws and regulations governed  
25 by the Department of Environmental Protection and Energy.

26 Finally, the bill directs the Commissioner of Health to establish  
27 licensing fees which will cover the reasonable costs of administering  
28 licensing examinations and carrying out licensing procedures. The  
29 current licensing fees, which are established by law, are not adequate  
30 to cover the costs of the examination and licensing procedures.

31 The bill repeals the following statutory provisions:

32 (1) R.S.26:3-28, concerning the exemption from the requirement  
33 that sanitary inspectors wear uniforms in certain cases, as this  
34 requirement is now obsolete;

35 (2) Section 1 of P.L.1971, c.454 (C.26:1A-40.1), concerning the  
36 appointment of a physician, notwithstanding his lack of working  
37 experience qualifications, as a public health officer, as this exemption  
38 is no longer necessary;

39 (3) Section 44 of P.L.1947, c.177 (C.26:1A-44), concerning Public  
40 Health Council hearings on alleged violations, which now may be  
41 effectuated through the "Administrative Procedure Act," P.L.1968,  
42 c.410 (C.52:14B-1 et seq.); and

43 (4) Section 9 of P.L.1968, c.105 (C.24:16B-9), concerning local  
44 meat inspectors, as this function is now under the control of the U.S.  
45 Department of Agriculture.

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 840

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 15, 1996

The Assembly Local Government Committee reports favorably Assembly Bill No. 840, with committee amendments.

Assembly Bill No. 840, as amended, revises Titles 24 and 26 of the Revised Statutes to reflect the modern titles and duties of certain health officials and inspectors in the State. The bill eliminates the various grades and classes of inspectors and changes the title of "sanitary inspector first grade" to "registered environmental health specialist." The bill also deletes statutory references to licensing fees and provides, instead, that the fees will be established through regulations adopted by the Commissioner of Health.

Specifically, the change in the license title from "sanitary inspector first grade" to "registered environmental health specialist" is made to reflect the comprehensiveness of the sanitary inspector's responsibilities, which include working with environmental issues and offering occupational safety training programs, as well as inspection of restaurants. The bill also eliminates obsolete health officer titles and licenses, which include: sanitary inspector of the second grade, plumbing inspectors of the first and second grades, food and drug inspector, milk inspector, meat inspector, veterinary meat inspector and public health laboratory technician.

In addition, the amended bill enables the Public Health Council established pursuant to P.L.1947, c.177 (C.26:1A-1 et seq.), to prescribe the qualifications for the licensing of local health officers and registered environmental health specialists, which may include the establishment of continuing education requirements for these officials. The licensure requirements in R.S.26:3-19 (section 9 of the bill) do not apply to persons engaged in the enforcement of laws and regulations governed by the Department of Environmental Protection and Energy.

Finally, the amended bill directs the Commissioner of Health to establish licensing fees which will cover the reasonable costs of administering licensing examinations and carrying out licensing procedures. The current licensing fees, which are established by law, are not adequate to cover the costs of the examination and licensing procedures.

The bill repeals the following statutory provisions:

(1) R.S.26:3-28, concerning the exemption from the requirement that sanitary inspectors wear uniforms in certain cases, as this requirement is now obsolete;

(2) Section 1 of P.L.1971, c.454 (C.26:1A-40.1), concerning the appointment of a physician, notwithstanding his lack of working experience qualifications, as a public health officer, as this exemption is no longer necessary;

(3) Section 44 of P.L.1947, c.177 (C.26:1A-44), concerning Public Health Council hearings on alleged violations, which now may be effectuated through the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); and

(4) Section 9 of P.L.1968, c.105 (C.24:16B-9), concerning local meat inspectors, as this function is now under the control of the U.S. Department of Agriculture.

The committee amended the bill to retain the Commissioner of Health's authority over the examination of licensed food inspectors but to require the commissioner to act in consultation with the Public Health Council.

Assembly Bill No. 840 was pre-filed for introduction in the 1996-1997 legislative session pending technical review. As reported by the committee, the bill contains the changes required by technical review, which has been performed.

# SENATE COMMUNITY AFFAIRS COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 840**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 11, 1997

The Senate Community Affairs Committee reports favorably Assembly Bill No. 840 (2R).

This bill would revise Titles 24 and 26 of the Revised Statutes to reflect the modern titles and duties of certain health officials and inspectors in the State. The bill would eliminate the various grades and classes of inspectors and change the title of "sanitary inspector first grade" to "registered environmental health specialist" without further action needed by an incumbent licensee. The bill would also delete statutory references to licensing fees and provides, instead, that the fees would be established through regulations adopted by the Commissioner of Health.

Specifically, the change in the license title from "sanitary inspector first grade" to "registered environmental health specialist" is made to reflect the comprehensiveness of the sanitary inspector's responsibilities which include working with environmental issues and offering occupational safety training programs, as well as inspecting restaurants. The bill would also eliminate obsolete health officer titles and licenses which include: sanitary inspector of the second grade, plumbing inspectors of the first and second grades, food and drug inspector, milk inspector, meat inspector, veterinary meat inspector, and public health laboratory technician.

In addition, the bill would enable the Public Health Council established pursuant to P.L.1947, c.177 (C.26:1A-1 et seq.) to prescribe the qualifications for the licensing of local health officers and registered environmental health specialists which may include establishing continuing education requirements for these officials. The licensure requirements in R.S.26:3-19 (section 9 of the bill) do not apply to persons engaged in the enforcement of laws and regulations governed by the Department of Environmental Protection and Energy.

Finally, the bill would direct the Commissioner of Health to establish licensing fees that will cover the reasonable costs of administering licensing examinations and carrying out licensing procedures. The current licensing fees, which are established by law, are not adequate to cover the costs of the examination and licensing procedures.



The bill repeals the following statutory provisions:

(1) R.S.26:3-28, concerning the exemption from the requirement that sanitary inspectors wear uniforms in certain cases, as this requirement is now obsolete;

(2) Section 1 of P.L.1971, c.454 (C.26:1A-40.1), concerning the appointment of a physician, notwithstanding his lack of working experience qualifications, as a public health officer, as this exemption is no longer necessary;

(3) Section 44 of P.L.1947, c.177 (C.26:1A-44), concerning Public Health Council hearings on alleged violations, which now may be effectuated through the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); and

(4) Section 9 of P.L.1968, c.105 (C.24:16B-9), concerning local meat inspectors, as this function is now under the control of the U.S. Department of Agriculture.

The bill would retain the Commissioner of Health's authority over the examination of licensed food inspectors but require the commissioner to act in consultation with the Public Health Council.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 840**

with Assembly Floor Amendments  
(Proposed By Assemblyman ARNONE)

ADOPTED: JUNE 5, 1997

The purpose of this floor amendment is to ensure that existing sanitary inspector, first grade, licensees shall have their titles changed to registered environmental health specialist upon enactment of this bill without further action on the part of such licensees.