

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Wimberly

HOUSE BILL 1787

"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 ACT 281 OF 1957 AND AMENDED BY ACT 257 OF 1977 AND ACT 582 OF 1985."

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

SECTION 1. As used in this Act, the following words shall have the following meanings, unless the context hereof clearly indicates otherwise:

(1) "Person" shall mean 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" shall mean a hospital, nursing home or intermediate care institutions wherein residents are provided with medical or other supervised care.

(3) "Domiciliary Care Facility" shall mean 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" shall mean 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) "Professional Sanitarian" shall mean any person who meets the general criteria as stated in Act 281 of 1957 as amended by Act 257 of 1977 and regulations duly promulgated thereunder.

(6) "Board" as used in this Act is the State Board of Registration for Professional Sanitarians.

SECTION 2. Within a period of two (2) calendar years of the effective date of this Act all persons covered by the Act must meet its requirements. Provided, however, persons working before the effective date of this Act, and after formal application to the Board are determined to be ineligible for registration due to educational requirements may not be required to become registered. Persons employed after the effective date of this Act must meet requirements for registration as a sanitarian as provided in Act 281 of 1957 as amended by Act 257 of 1977 and Act 582 of 1985.

SECTION 3. It shall be the responsibility of each person who performs activities as described within this Act to register as a professional sanitarian in the manner provided in Act 281 of 1957 as amended by Act 257 of 1977 and Act 582 of 1985.

All agencies, commissions, boards, and professional organizations which function in the professional areas of food service, water quality, and environmental management are encouraged to render any reasonable assistance to all qualified persons seeking registration.

SECTION 4. It shall be the duty of the State Board of Sanitarians to revise testing procedures to allow for registration limited to practice within a specific subspecialty, so that persons who desire to limit their practice may certify in a specific subspecialty after satisfactorily completing a general qualifying examination. The State Board shall also investigate reported violations of this Act and cause legal proceedings to be instituted when appropriate.

SECTION 5. Any person who violates any provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or by imprisonment not exceeding three (3) months, or by both fines

and imprisonment, and each day of violation shall constitute a separate offense.

SECTION 6. If any provisions of the Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Act or enforcement of the remainder of the Act.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

