

**§2499. Municipal inspections**

Notwithstanding any other provisions of this chapter, in order to ensure statewide uniformity in health standards, health inspector certification and the maintenance of inspection report records, a municipality must have been delegated authority by the department to conduct inspections and demonstrated adherence to requirements under this section prior to performing any municipal inspections under such authority. Any municipal inspection of an establishment under this section conducted by a municipality that has not been delegated authority is void. The department may issue a license to an establishment as defined in section 2491 on the basis of an inspection performed by a health inspector who works for and is compensated by the municipality in which such an establishment is located, but only if the following conditions have been met. [PL 2011, c. 589, §1 (RPR).]

**1. Adopted rules; code of standards.** The municipality involved has adopted ordinances or a code of standards for the establishments that has been approved by the department and that is consistent with the rules used by the department for the issuance of licenses in effect at the time of inspection. [PL 2011, c. 295, §2 (AMD).]

**2. Qualified to make inspections.** A municipally employed health inspector may not make inspections under the provisions of this chapter unless certified as qualified by the Commissioner of Health and Human Services. [PL 2011, c. 193, Pt. B, §7 (AMD).]

**3. Inspection to ascertain intent.** The department may from time to time inspect such municipally inspected establishments to ascertain that the intent of these statutes is being followed. [PL 1975, c. 496, §3 (NEW).]

**4. Inspection reports.** The municipalities shall furnish electronic copies of its inspection reports in a format and on a schedule determined by the department. [PL 2011, c. 193, Pt. A, §16 (AMD).]

**5. Charge.** Municipalities may not charge the department for performing such inspections. [PL 1975, c. 496, §3 (NEW).]

**6. License fee.** When a license is issued to an establishment, as described in section 2492, subsection 1, located in a municipality to which authority to conduct inspection has been delegated by the department as specified in this section, the requirement for payment of a license fee by the establishment to the department as set forth in section 2494 must be waived. However, the licensee is required to pay the department a sum not to exceed \$100 to cover the costs of standardizing inspection practices; administrative licensing and maintaining a centralized database; ongoing training, investigation, compliance and technical assistance; and legal interpretation and advice. [PL 2021, c. 125, §15 (AMD).]

**7. Licenses.** Licenses issued under this section must be displayed, renewed and in every other way treated the same as licenses issued under this chapter on the basis of inspection by the department. [PL 2003, c. 673, Pt. X, §5 (AMD).]

**8. Certification.** Certification of municipally employed health inspectors must be in accordance with standards set by the commissioner and be for a period of 3 years. [PL 2011, c. 193, Pt. B, §8 (AMD).]

**9. Delegation renewal.** Beginning January 1, 2005, and every 3 years thereafter, the department shall review the inspection program of the municipalities to which authority to conduct inspections has been delegated. The process for the delegation of this authority and other such provisions describing the assignment of and removal of this delegation of authority must be established by rule and must include, but not be limited to, staff competency, enforcement and compliance history, inspection

practices and reporting practices. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 193, Pt. A, §18 (AMD).]

#### SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 1975, c. 496, §3 (NEW). PL 1981, c. 703, §A19 (AMD). PL 2003, c. 673, §§X4-6 (AMD). PL 2003, c. 689, §B7 (REV). PL 2011, c. 193, Pt. A, §§16-18 (AMD). PL 2011, c. 193, Pt. B, §§7-9 (AMD). PL 2011, c. 295, §§1, 2 (AMD). PL 2011, c. 589, §1 (AMD). PL 2021, c. 125, §15 (AMD).

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