

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

06/25/2025-AMENDED AND REPORTED OUT TO THE FLOOR

05/27/2025-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 36-0043

Thirty-Sixth Legislature of the Virgin Islands

March 28, 2025

An Act amending title 19 Virgin Islands Code, part VI, chapter 53, subchapter IV, section 1481 by increasing the penalties for violation of sanitation laws

PROPOSED BY: Senators Angel L. Bolques, Jr. and Marvin A. Blyden
Co-sponsor: Milton E. Potter

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, part VI, chapter 53 is amended as follows:

(a) Subchapter II:

(1) Section 1433 is amended in the final sentence of the section by adding “along with the inspection grade” after the words “Such health permit”;

(2) In section 1434, strike the existing language and insert the following language:

“(1) A health permit may be suspended by the Commissioner of Health upon violation by the permit holder of any provisions of this chapter or of rules promulgated under this chapter.

1 (a) A notice letter will be issued to the permit holder from the
2 Environmental Health Division of the Department of Health notifying the
3 permit holder of an imminent health hazard.

4 (b) A suspension shall remain in effect until conditions cited in the
5 cease-and-desist letter no longer exist and their elimination has been
6 confirmed by the Environmental Health Division through reinspection or
7 other appropriate means.

8 (c) A written application for the reinstatement of the permit must be
9 made from the permit holder stating that the conditions cited in the letter no
10 longer exist.

11 (d) Upon receipt of the written application, the Environmental
12 Health Division shall conduct reinspection within two business days.

13 (e) The suspended permit shall be reinstated immediately if the
14 Environmental Health Division determines that the public health hazard, or
15 unhealthy conditions, or unsanitary conditions, or nuisance no longer exists.

16 A written notice of reinstatement must be provided to the permit holder.

17 (2) In the event of an imminent health hazard the Commissioner of Health,
18 without prior notice, may issue a permit suspension, or a cease and desist order for certain
19 operations. The Environmental Health Division shall designate which operations must
20 cease because of the imminent health hazard.

21 (3) For serious or repeated violations, the health permit may be permanently
22 revoked by the Commissioner of Health.

23 (4) Contesting the Suspension or Revocation

1 (a) The permit holder must notify the Environmental Health Division in
2 writing within ten business days of receiving the notice of violation, stating his
3 intent to contest the suspension or permit revocation.

4 (b) The permit holder must submit any relevant evidence or arguments
5 supporting his case within ten business days of the notice of intent to contest.

6 (c) The Commissioner of Health shall schedule a hearing within ten
7 business days of receiving the contestation request.

8 (d) The Commissioner of Health shall notify the permit holder of the date,
9 time, and location of the hearing at least five business days before the hearing date.

10 (e) Both parties shall provide the opposing party with a list of proposed
11 witnesses they intend call or subpoena at the hearing.

12 (f) The Commissioner of Health, or his designee, shall conduct the hearing
13 as the hearing officer.

14 (g) A full and complete record must be kept of all proceedings, and all
15 testimony shall be reported but need not be transcribed unless the decision is
16 appealed. A copy or copies of the transcript may be obtained by an interested party
17 upon payment of the cost of preparing such copy or copies.

18 (h) The hearing officer will issue a written decision within ten business
19 days of the hearing detailing the findings of fact, conclusions of law, and any
20 penalties or corrective actions required.

21 (i) A copy of the written decision will be provided to the permit holder
22 and will include information on the right to appeal the decision, if applicable.”

23 (b) In section 1435, strike the existing language and insert the following language:

1 “(a) A permit holder has the right to appeal the decision of the hearing to the
2 Superior Court of the Virgin Islands by an appeal made within 30 days from the issuance
3 of the decision.

4 (b) The permit holder must file a notice of appeal in writing within ten business
5 days of receiving the decision, stating the grounds for the appeal.”

6 (c) Strike the existing language in section 1481 and insert the following language:

7 “§ 1481. Civil Penalties; Risk-Based Enforcement Framework

8 (a) Definitions

9 (1) Risk-based inspection means a regulatory framework that transitions
10 from reactive enforcement to proactive risk management grounded in national best
11 practices and public health priorities and designed to optimize resources while
12 strengthening food safety outcomes.

13 (2) Risk-based framework means:

14 (A) Classification of violations by their public health risk level from
15 low to high;

16 (B) Assignment of penalties according to classification;

17 (C) Encouragement of compliance through structured reductions for
18 good performance; and

19 (D) Transparency and consistency in enforcement practices.

20 (b) In accordance with the principles of Risk-Based Inspection, a person who
21 violates any provision of this chapter or any regulation promulgated under it shall attend
22 a mandated food borne prevention educational course provided by the Department of
23 Health's Environmental Division and shall be subject to civil penalties as set forth in this
24 section.

(c) The Commissioner shall assign a risk level to each violation based on (1) the potential for foodborne illness or injury; (2) the type of food or process involved; and (3) whether the violation reflects systemic failure or isolated error.

(d) Risk level classifications; penalties

(1) low-risk violation – maximum \$250 per occurrence

(2) moderate-risk violation – \$251-\$500 per occurrence

(3) high-risk violation – \$501- \$1,000 per occurrence

(e) Repeated violations. In addition to the risk violation fines proscribed in this section:

(1) A second violation within 24 months of the first violation shall be fined an additional \$250, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(2) A third or subsequent violation within 36 months of the first violation shall be fined an additional \$500, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(f) Imminent Health Hazard. Any condition deemed to present an imminent threat to public health shall incur a fine of up to \$2,000 and may result in immediate permit suspension pursuant to section 1434(2) of this chapter.

(g) Compliance-Based Adjustments. Establishments with no priority or priority foundation violations in the past 24 months may qualify for a reduction of up to \$100 in civil penalties for subsequent minor infractions.

(h) Each day a violation continues beyond the identified timeline for compliance constitutes a separate violation.

(i) Civil penalties collected under this section shall be deposited into the Health Revolving Fund and used for inspection services, training, and enforcement efforts of the Environmental Health Division.”

BILL SUMMARY

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BR25-0037/March 25, 2025/PFA

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