

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

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: Senator Angel L. Bolques. Jr.

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.

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

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

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

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

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

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

14 (2) In the event of an imminent health hazard, a permit suspension, or a cease
15 and desist order for certain operations, may be issued without prior notice. The
16 Environmental Health Division shall designate which operations must cease because of
17 the imminent health hazard.

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

20 (4) Contesting the Suspension or Revocation

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “(a) Whoever violates any provision of this chapter shall be fined:

(1) not more than \$900 for the first offense.

(2) not more than \$1500 for the second offense.

(3) not more than \$1700 for the third offense.

(4) for the fourth offense, and any subsequent offense, a notice of suspension will be issued to the permit holder in accordance with section 1434, and a fine of not more than \$1700 will be imposed.

(b) In the event of an imminent health hazard, a permit suspension, or a cease-and-desist order for certain operations, may be issued without prior notice. The Environmental Health Division shall designate which operations must cease because of the imminent health hazard.”

BILL SUMMARY

This bill amends title 19 Virgin Islands Code, part VI, chapter 53, subchapter IV, section 1481 by increasing the penalties for violation of sanitation laws.

BR25-0037/March 25, 2025/PFA

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