

**Organization, powers, and duties of health authorities : an analysis of the laws and regulations relating thereto in force in the United States / by J. W. Kerr, Assistant Surgeon General and A. A. Moll, A.B. ; prepared by direction of the Surgeon General.**

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United States Public Health Service

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AUGUST, 1912

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RELATING THERETO IN FORCE  
IN THE UNITED STATES

BY

J. W. KERR

*Assistant Surgeon General*

AND

A. A. MOLL, A. B.

PREPARED BY DIRECTION OF THE SURGEON GENERAL



WASHINGTON  
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1912



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United States Public Health Service

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# ORGANIZATION, POWERS, AND DUTIES OF HEALTH AUTHORITIES. AN ANALYSIS OF THE LAWS AND REGULATIONS RELATING THERETO IN FORCE IN THE UNITED STATES.

By J. W. KERR, *Assistant Surgeon General*, and A. A. MOLL, A. B.

Three requisites are indispensable in order to properly protect the public health:

1. Sanitary legislation in harmony with the latest progress in hygiene.
2. Efficient organization for the enforcement of those laws.
3. Adequate appropriations to bear the expense involved.

It is the purpose of this paper to briefly review those legislative provisions for the sanitary organization existing in the different entities forming the Union. Acknowledgments are due and here made to Assistant Surgeon General W. C. Rucker for valuable assistance in annotating the several laws and their preliminary abstracting, and to the respective State and city health authorities for reviewing the text and making helpful suggestions.

## HISTORICAL.

Health organization in this country, as elsewhere, has been a plant of slow growth. The first attempts at public-health legislation in the United States were made in Virginia in 1639, in Massachusetts in 1649, and in New York and New Jersey in 1665; but they had rather a medical than a sanitary character, as their object was to regulate the practice of medicine. The first instances of purely sanitary activity with official sanction can no doubt be found in the acts of both the Boston and Salem selectmen in 1678, when those cities were threatened with one of the periodical outbreaks of smallpox so frequent in those days. Earlier action had been taken in Virginia for the registration of vital statistics, but this must be considered as having had at that time a legal rather than a sanitary purport. Sporadic measures, especially in regard to quarantine and smallpox, were adopted in practically all the colonies during the latter part of the seventeenth century and the whole of the eighteenth, but it was only after the Declaration of Independence that serious attempts were made toward the establishment of distinct health organizations.

In those times of scattered settlements and rudimentary means of communication local organization logically preceded the centralization of power in the State authorities. The most important cities, usually situated in the vicinity of the sea, and therefore most exposed to the introduction of disease, naturally felt at an early period the necessity of a mechanism to combat the ravages of pestilences.



Health officers with purely quarantine functions were early appointed at the chief ports, while so long ago as May 27, 1796 (1 Stat. L., 474), a national law authorized the President to "direct the revenue officers and the officers commanding forts and revenue cutters to aid in the execution of quarantine and also in the execution of the health laws of the States."

The yellow-fever epidemic that afflicted Philadelphia in 1793 made the citizens realize the need for a board of health, which was created in 1794. Fear of the same disease compelled the appointment of a health officer in Baltimore in 1793; the frequent outbreaks of smallpox and yellow fever decided the creation of a board of health in Boston in 1799; the cholera outbreak of 1832 was no doubt largely instrumental in bringing about the formation of boards of health in St. Louis, Providence, Chicago, Wilmington, Del., and Portland, Me.; the reorganization of the Chicago and Detroit boards of health in 1851 and 1893, respectively, and of the health departments of New York and St. Louis in 1866 and 1867, respectively, followed the cholera pandemics of those years; while the repeated attacks of yellow fever were the influential factor which originated practically all the health legislation of the South. Thus the greatest scourges of the Nation—smallpox, yellow fever, cholera—proved also the best instruments in hastening the day of sanitary organization, both Federal and local.

Although health powers were thus very early in the history of the country exercised by local authorities, the first definite step taken in the direction of providing health organization was the Massachusetts law of 1797 establishing boards of health for towns, and giving each board power to "make such regulations as it judges necessary for the public health and safety respecting nuisances, sources of filth, and causes of sickness." The language of this statute was copied all over the land where the necessity for such bodies was recognized.

Uniform sanitary legislation was thus early enacted, but the large cities of every State have always made a practice of having incorporated in their charters special sanitary provisions with a view to meeting real or fancied peculiar local conditions or obtaining greater efficiency. Baltimore and Providence were among the first communities taking advantage of special laws to obtain the conferment of vast authority for the protection of the public health; but the list now embraces practically every city of importance in the country.

In the same way, in those States having county organization, the counties in which seaports were located, such as Jackson County in Mississippi, Escambia County in Florida, Puget Sound County in Washington, and Orleans Parish in Louisiana, secured from the legislature distinct powers to prevent the introduction of communicable diseases.

Almost parallel with the establishment of city health authorities ran the creation of county health bodies. Owing to their political organization, no such arrangement had been made in the New Eng-



land States, the administrative unit of which was the township. In the South, however, where local government had the county as a basis, the county board of health was a necessity. In the subsequent settlement of the rest of the country, some States, with more or less substantial changes, clung to the New England form of government; others adopted the southern; their health organizations being likewise modeled according to one pattern or the other; while still others combined both forms in their organization.

As the cities, owing to greater facilities, have become more and more the leaders in progress and sanitation, the tendency has been to increase the power of city boards of health at the expense of county authorities; and in very few States, excepting the undeveloped sections of the West or rural portions of the South, have now these boards the commanding position they once enjoyed.

#### DATE OF ORGANIZATION.

The dates in which boards of health or health offices were first organized in the most important cities are, in so far as can be ascertained, as follows:

|                         |                   |                                    |                   |
|-------------------------|-------------------|------------------------------------|-------------------|
| Baltimore, Md.....      | 1793              | Concord, N. H.....                 | 1853              |
| Philadelphia, Pa.....   | 1794              | Fall River, Mass.....              | 1854              |
| Newburyport, Mass.....  | 1797              | Mount Vernon, Ohio.....            | 1854              |
| New York, N. Y.....     | <sup>1</sup> 1799 | Leavenworth, Kans.....             | 1855              |
| Boston, Mass.....       | 1799              | Wheeling, W. Va.....               | 1855              |
| Fayetteville, N. C..... | 1800              | Newark, N. J.....                  | 1858              |
| Stonington, Conn.....   | 1801              | Cleveland, Ohio.....               | 1859              |
| New Haven.....          | 1806              | Burlington, Vt.....                | 1861              |
| Charleston, S. C.....   | 1815              | St. Joseph, Mo.....                | 1864              |
| Washington, D. C.....   | 1819              | Richmond, Va.....                  | 1865              |
| Pensacola, Fla.....     | 1822              | Louisville, Ky.....                | 1865              |
| Mobile, Ala.....        | <sup>1</sup> 1825 | Toledo, Ohio.....                  | 1867              |
| Galena, Ill.....        | 1825              | Nashville, Tenn.....               | 1867              |
| Providence, R. I.....   | 1832              | Savannah, Ga.....                  | 1868              |
| St. Louis, Mo.....      | 1832              | Sacramento, San Francisco, Los     |                   |
| Wilmington, Del.....    | 1833              | Angeles, and Oakland, Cal....      | 1868              |
| Portland, Me.....       | 1833              | Milwaukee, Wis.....                | 1868              |
| Columbus, Ga.....       | 1833              | Bridgeport, Conn.....              | 1869              |
| Chicago, Ill.....       | 1834              | Council Bluffs, Iowa.....          | 1869              |
| Rochester, N. Y.....    | 1834              | Buffalo, N. Y.....                 | 1870              |
| Monroe, Mich.....       | 1834              | Minneapolis, Minn.....             | 1870              |
| Madison, Wis.....       | 1836              | Brooklyn, N. Y.....                | 1870              |
| Elmira, N. Y.....       | 1840              | Grand Rapids, Mich.....            | 1871              |
| New Orleans, La.....    | <sup>1</sup> 1841 | Galveston, Tex.....                | 1871              |
| Fort Wayne, Ind.....    | 1844              | Jersey City, N. J.....             | 1871              |
| Cambridge, Mass.....    | 1846              | Evansville and Indianapolis, Ind.. | 1872              |
| Worcester, Mass.....    | 1848              | St. Paul, Minn.....                | 1874              |
| Canton, Ill.....        | 1849              | Seattle, Wash.....                 | 1877              |
| Fort Madison, Iowa..... | 1850              | Baton Rouge and Shreveport, La..   | 1878              |
| Portland, Oreg.....     | 1851              | Memphis, Tenn.....                 | 1879              |
| Pittsburgh, Pa.....     | 1851              | Detroit, Mich.....                 | <sup>2</sup> 1881 |

<sup>1</sup> Or earlier.

<sup>2</sup> City council of Detroit empowered to preserve the public health since 1832.



The above boards of health were mostly created in accordance with the provisions of city charters or special laws, and even in some cases merely under municipal ordinance, the boards being in a number of instances constituted by the municipal authorities themselves.

#### GENERAL ORGANIZATION OF LOCAL BOARDS OF HEALTH.

Laws providing for the establishment of local boards of health in all sections of the State, so as to coordinate a system of efficient health organization, have been passed as follows:

|                                       |                     |                                |                    |
|---------------------------------------|---------------------|--------------------------------|--------------------|
| Massachusetts                         | 1797                | Delaware                       | 1881               |
| Connecticut                           | 1805                | Indiana                        | 1881               |
| Porto Rico                            | 1813                | West Virginia (counties only)  | <sup>13</sup> 1881 |
| Michigan                              | <sup>1,2</sup> 1846 | Louisiana                      | 1882               |
| Wisconsin                             | <sup>1</sup> 1849   | Utah (county health officers)  | <sup>14</sup> 1882 |
| New York                              | 1850                | Montana (counties only)        | 1883               |
| Maine                                 | <sup>1</sup> 1853   | South Dakota (townships only)  | <sup>15</sup> 1883 |
| Rhode Island                          | <sup>1,3</sup> 1857 | Idaho                          | 1885               |
| Illinois (townships only)             | <sup>4</sup> 1865   | Kansas (counties only)         | 1885               |
| Minnesota (townships only)            | <sup>1,5</sup> 1866 | North Dakota (counties only)   | <sup>16</sup> 1885 |
| Iowa (townships only)                 | 1868                | Maryland (counties only)       | 1886               |
| California                            | <sup>6</sup> 1872   | Oklahoma (counties only)       | <sup>17</sup> 1890 |
| Pennsylvania (cities only)            | <sup>7</sup> 1874   | Texas (county health officers) | <sup>18</sup> 1891 |
| Ohio (townships only)                 | <sup>8</sup> 1874   | Vermont                        | 1892               |
| Alabama (counties only)               | 1875                | Arkansas (counties only)       | <sup>19</sup> 1893 |
| Colorado                              | 1877                | New Hampshire                  | <sup>20</sup> 1897 |
| North Carolina (counties only)        | <sup>9</sup> 1877   | Wyoming                        | 1899               |
| Tennessee (municipalities over 5,000) | <sup>10</sup> 1877  | New Mexico                     | 1901               |
| South Carolina                        | 1878                | Missouri (counties only)       | 1901               |
| Kentucky (counties only)              | <sup>10a</sup> 1878 | Nebraska (counties only)       | 1901               |
| Mississippi (counties only)           | <sup>11</sup> 1880  | Virginia                       | 1902               |
| New Jersey                            | <sup>12</sup> 1880  | Arizona                        | 1903               |
| Washington                            | <sup>1</sup> 1881   | Oregon (counties only)         | 1903               |
|                                       |                     | Nevada (counties only)         | 1905               |

<sup>1</sup> Or earlier.

<sup>2</sup> Township and village authorities empowered to preserve the public health since 1832.

<sup>3</sup> Local authorities acting as such; appointment of boards optional with them since 1878.

<sup>4</sup> County boards, 1901; cities and villages optional, 1872.

<sup>5</sup> Cities, 1870; villages and boroughs, 1873.

<sup>6</sup> For counties, appointment of boards is optional.

<sup>7</sup> Cities (3d class), 1889; borough (village) boards, 1893; township boards, 1907.

<sup>8</sup> County boards before 1879; optional with cities, 1852; obligatory, 1888.

<sup>9</sup> Appointment municipal health officers optional, 1911.

<sup>10</sup> County boards, 1885.

<sup>10a</sup> Cities, 1886.

<sup>11</sup> City boards, 1893.

<sup>12</sup> Optional also with municipalities.

<sup>13</sup> Municipal boards, 1907.

<sup>14</sup> County boards, 1886; city boards, 1898.

<sup>15</sup> County boards, 1895; optional with cities, 1901.

<sup>16</sup> City boards, 1893.

<sup>17</sup> Township and municipal boards, 1908.

<sup>18</sup> City health officers, 1909.

<sup>19</sup> Optional; optional with cities, 1875.

<sup>20</sup> Local health officers created before 1842.



It will be noticed that no mention is made of Florida, Georgia, and Hawaii. In Florida, although the State constitution of 1885 provides for the establishment of boards of health in such counties as may be necessary, no such boards are in existence, public-health functions being discharged by agents appointed by the State board of health. In Georgia there is no general provision in the law for the appointment of boards of health, although various city charters authorize their creation; the State board of health recommends it in their regulations, and the county authorities are explicitly authorized to take measures to protect the public health. In Hawaii the only existing board is the Territorial, which designates inspectors and agents in the various islands and districts.

#### ORGANIZATION OF STATE HEALTH AUTHORITIES.

The establishment of State health bodies came only with the further development of the country, the increase in population, wealth, commerce, and sanitary knowledge, and the betterment of facilities for communication. Their creation was as a rule subsequent to the organization of local boards of health, although in a few States, such as Alabama, Arizona, Indiana, Kansas, Kentucky, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, and West Virginia, provision was made by the legislature at the same time for both; and in others, such as California, Delaware, Louisiana, Nevada, and New Jersey, the establishment of the State board antedated the adoption of laws compelling the organization of local boards.

The sparsely settled colonies saw very little need for health supervision, and it was not until 1855 that a health body with powers extending all over the State was established in Louisiana. This was in reality a quarantine board called into being by the yellow-fever epidemic of 1853, which proved the most fatal of all that afflicted the South from 1791 to 1905. The discoveries made by Pasteur and others resulting, as they did, in the foundation of preventive medicine, opened a new field with wonderful possibilities for the activities of State health authorities. It was not until 1869 that a State board of health charged with such functions as are now performed by superior sanitary bodies was created with the organization of the State board of health of Massachusetts. The California board was authorized at the legislative session of 1869-70, and at various periods within the last four decades every State and Territory founded a superior board or department of health. Of these, those of Hawaii, Mississippi, Porto Rico, and Texas were originally purely quarantine authorities, while those of New Mexico and West Virginia began their careers as boards of medical examiners.



It should be mentioned that the District of Columbia had a board of health since 1822, but this represents a municipal rather than a State health body; while in Porto Rico there has been in existence a supreme board of health since 1768, and one in Hawaii since 1851.

*Date of creation.*—The creation of State<sup>1</sup> boards of health was authorized as follows:

|   |      |  |      |
|---|------|--|------|
| Porto Rico <sup>2</sup> .....           | 1768 | Arkansas, <sup>5</sup> Indiana, New Hamp-      |      |
| District of Columbia <sup>3</sup> ..... | 1822 | shire, West Virginia.....                      | 1881 |
| Hawaii.....                             | 1851 | Missouri.....                                  | 1883 |
| Louisiana <sup>4</sup> .....            | 1855 | Kansas, Maine, Pennsylvania <sup>6</sup> ..... | 1885 |
| Massachusetts.....                      | 1869 | Ohio, Vermont.....                             | 1886 |
| California.....                         | 1870 | Florida, North Dakota <sup>7</sup> .....       | 1889 |
| Minnesota, Virginia.....                | 1872 | Oklahoma.....                                  | 1890 |
| Michigan.....                           | 1873 | Nebraska, Washington.....                      | 1891 |
| Maryland.....                           | 1874 | Colorado, Nevada.....                          | 1893 |
| Alabama.....                            | 1875 | South Dakota.....                              | 1895 |
| Wisconsin.....                          | 1876 | Utah.....                                      | 1898 |
| Illinois, Mississippi, New Jersey,      |      | Montana, Wyoming.....                          | 1901 |
| North Carolina, Tennessee.....          | 1877 | Arizona, Georgia, Oregon, New                  |      |
| Connecticut, Kentucky, Rhode            |      | Mexico <sup>8</sup> .....                      | 1903 |
| Island, South Carolina.....             | 1878 | Idaho.....                                     | 1907 |
| Delaware.....                           | 1879 | Texas <sup>9</sup> .....                       | 1909 |
| Iowa, New York.....                     | 1880 |  |      |

*Title.*—The name of the superior health body is usually State or Territorial board of health; but in Maryland, New York, and Pennsylvania it is called "State department of health," an appellation by which the public health body of Oklahoma and the executive branch of the Virginia board are often designated, although without express authorization in law; in Utah and Wisconsin, "State board of health and vital statistics"; in New Mexico, "Board of health and medical examiners"; in Porto Rico, "Insular board of health," the board, together with its executive officers, constituting what is termed the "Sanitation service."

<sup>1</sup> For the sake of brevity the word "State" is occasionally applied throughout this analysis to the District of Columbia, Hawaii, and Porto Rico. The word "board" is also used occasionally in referring to the health agency of some jurisdictions as the District of Columbia, New York, etc., which do not actually have boards.

<sup>2</sup> Reorganized in 1911 and 1912.

<sup>3</sup> Reorganized in 1871 as District board, previous to that date only a city board in existence. Board of health abolished in 1878 and health officer substituted.

<sup>4</sup> Reorganized in 1898.

<sup>5</sup> The public health organization of Arkansas was entirely changed by chapter 472 of the acts of 1911. These laws were received in the Law Library of Congress too late to be used in this analysis, and furthermore there appears to be some doubt as to whether this bill actually became law. The law has, however, been inserted in the appendix for purposes of reference.

<sup>6</sup> Reorganized in 1905.

<sup>7</sup> As board of health of Dakota Territory in existence since 1885.

<sup>8</sup> As board of medical examiners in existence since 1882.

<sup>9</sup> Position of State health officer in existence since 1879.



*Appointment and composition.*—In most of the States<sup>1</sup> the governor appoints, generally with the consent of the State senate or council, the board; in some<sup>2</sup> he appoints a majority of members who in their turn choose a secretary to become a member and complete the board; in others<sup>3</sup> the board consists of certain ex officio members and one or more other persons appointed by the governor; and in a few,<sup>4</sup> in addition to the above, a secretary elected by the other members.

The governor is a member in several States,<sup>5</sup> the attorney general in quite a number,<sup>6</sup> the State veterinarian in three,<sup>7</sup> the commissioner of agriculture in one,<sup>8</sup> the superintendent of public instruction in one,<sup>9</sup> the State engineer in one,<sup>10</sup> while in Maryland the commissioner of health of Baltimore is one of the ex officio members of the board.

A rather unusual feature of the Indiana law is the appointment of the members by a commission consisting of the governor, the secretary of State, and the State auditor, the board being augmented by the election of a secretary by its own members.

In North Carolina the State medical society chooses from among its members four persons to serve on the board, while the governor appoints the other five. In Alabama and South Carolina the medical society is de jure the health authority, although the composition of the board varies somewhat in the two States; in Alabama the association electing the State health officer, who, with the board of censors (committee of public health), of which he is chairman, administers the health affairs of the State; while in South Carolina the association every seven years recommends seven members to the governor, who, with the attorney general and the comptroller general, have power to act in the intervals between the meetings of the association.

Both in Mississippi and North Carolina there is provision in the law for the appointment by the board of an executive committee of three to act during the recesses of the board on such matters as may require immediate action.

It will be noticed that with the exception of Alabama the governor is in all the States the controlling factor in the appointment

<sup>1</sup> Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi (5 of the 13 members appointed on recommendation State medical society), Missouri, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Porto Rico, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming.

<sup>2</sup> Connecticut, Kentucky, Maine, Oregon.

<sup>3</sup> Arizona, Iowa, Nebraska, New Hampshire, North Dakota, Ohio, Tennessee, Washington.

<sup>4</sup> Idaho, Maryland, Montana.

<sup>5</sup> Arizona, Montana, Nebraska, New Hampshire.

<sup>6</sup> Arizona, Hawaii, Idaho, Iowa, Maryland, Montana, Nebraska, New Hampshire, North Dakota, Ohio, South Carolina.

<sup>7</sup> Iowa, Montana, Washington.

<sup>8</sup> Tennessee.

<sup>9</sup> Nebraska.

<sup>10</sup> Idaho.



of the board, while the State medical association is vested with considerable power in this respect in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina.

In Virginia membership in the medical association is a condition to election to the board, and also in Rhode Island, in regard to a majority of the members, while in Kentucky the State medical societies submit lists of candidates to the governor to fill vacancies.

There is no board in existence in the District of Columbia, New York, and Oklahoma, the health officer discharging such functions in the Federal District and the commissioner of health in the two States. Likewise in Pennsylvania the health powers are conferred on the commissioner, the State board being only an advisory body, a condition similar to that prevailing in Porto Rico.

Two systems seem to be in favor in the majority of the States for the organization of the superior health authority. One is to concentrate all power in the hands of an official; the other, which is more generally adopted, is to make the executive officer subordinate to a board. There is division of opinion as to what plan will eventually prove the most effective. While Pennsylvania and Porto Rico recently changed from the board system to what amounts practically to one-man control, Texas, on the other hand, in 1909, substituted a board in preference to the administration of health affairs by one officer, as had been the practice for over 30 years.

*Qualifications.*—Certain States<sup>1</sup> specify in their laws that the entire board shall be composed of physicians; others<sup>2</sup> provide for a majority of physicians; in one<sup>3</sup> the proportion of physicians and laymen is evenly balanced; in another<sup>4</sup> at least a strong minority is secured to the medical profession; in a few<sup>5</sup> at least one member must be a physician; in one<sup>6</sup> the majority must be laymen; while in quite a number of States<sup>7</sup> the selection of either physicians or laymen is left to the discretion of the governor, a power also enjoyed by the Indiana appointing commission.

*Medical members.*—In some States a certain number of years of practice or residence in the State is required in the case of the medical members. In New York, Pennsylvania, Tennessee, and Texas they must have practiced 10 years; 7 years in Arkansas, Kansas, and

<sup>1</sup> Alabama, California, Delaware, Kentucky (apparently), Louisiana, Mississippi, Nevada (apparently), New Mexico, New York, Oregon, South Dakota, Texas, Virginia, West Virginia.

<sup>2</sup> Arkansas, Connecticut, Georgia, Idaho, Iowa, Kansas, Maryland, Missouri, Montana, Nebraska (if secretaries are considered as members of the board), Pennsylvania, Porto Rico, Rhode Island, South Carolina, Tennessee, Utah.

<sup>3</sup> New Hampshire.

<sup>4</sup> North Carolina.

<sup>5</sup> Arizona, Indiana, New Jersey, North Dakota, Wyoming.

<sup>6</sup> Hawaii.

<sup>7</sup> Colorado, Florida, Illinois, Maine, Massachusetts, Michigan, Minnesota (must be learned in sanitary science), New Jersey, Ohio, Oklahoma, Vermont, Washington, Wisconsin.



Nebraska; 6 years in West Virginia; and 5 years in Missouri, Nevada, New Jersey, New Mexico, and Porto Rico. In various States an additional requirement is in force to the effect that the practice must have been within the State.

That they be graduates of medical colleges is required in some States;<sup>1</sup> representative physicians in one;<sup>2</sup> enjoy good professional standing in others;<sup>3</sup> be duly licensed in a few;<sup>4</sup> possess experience in three;<sup>5</sup> skill and experience in two;<sup>6</sup> fitness and public spirit in one;<sup>7</sup> known ability in another;<sup>8</sup> other requisites being "recognized professional and scientific knowledge";<sup>9</sup> "good education and membership in some incorporated medical society";<sup>10</sup> "good moral character, temperate habits, and devotion to the study of medicine and allied sciences."<sup>11</sup>

Representation to the various schools of medicine is assured under various forms in four States,<sup>12</sup> while in one<sup>13</sup> the members of the board can not belong to the faculty of any medical school.

*Apportionment.*—Some laws require that the various sections of the State be given representation on the board. In some States<sup>14</sup> members must be elected from the different congressional districts; in others<sup>15</sup> the apportionment is by counties; while in some<sup>16</sup> due consideration must be shown the various sections of the State. In three States<sup>17</sup> the most important city or county surrounding it must be reserved representation.

*Lawyer members.*—As stated before, there are 11 States in which the attorney general is a member of the board; in others<sup>18</sup> a lawyer must be included in the membership.

*Sanitary engineers.*—A number of States<sup>19</sup> require the appointment on the board of a civil or sanitary engineer; in other States,<sup>20</sup> although not required in the law, it is customary to include an engineer in the membership.

<sup>1</sup> Arkansas, Kansas, Missouri, New Mexico, New York, North Dakota, Pennsylvania, Texas, Utah.

<sup>2</sup> Louisiana.

<sup>3</sup> Missouri, South Dakota, Texas, Utah.

<sup>4</sup> California, Delaware, Idaho, Mississippi, Montana, Nebraska.

<sup>5</sup> Idaho, Maryland, Montana.

<sup>6</sup> Delaware, Tennessee.

<sup>7</sup> Oregon.

<sup>8</sup> New Mexico.

<sup>9</sup> Missouri.

<sup>10</sup> Rhode Island.

<sup>11</sup> Kansas.

<sup>12</sup> Kansas, Kentucky, Missouri, Nebraska.

<sup>13</sup> Iowa.

<sup>14</sup> Georgia, Mississippi, Virginia, West Virginia.

<sup>15</sup> Delaware, Rhode Island.

<sup>16</sup> Idaho, Iowa, Louisiana, Oregon, Rhode Island, Tennessee.

<sup>17</sup> Maryland, Rhode Island, Virginia.

<sup>18</sup> Connecticut, Kansas (not necessarily), Porto Rico.

<sup>19</sup> Idaho (State engineer), Iowa, Maryland, New Hampshire, North Carolina, Pennsylvania, Porto Rico, Utah.

<sup>20</sup> Connecticut, Kansas, Massachusetts, New Jersey, Ohio, Rhode Island.



*Pharmacist.*—A chemist or pharmacist must form part of the board in Porto Rico.

*Number.*—The number of members varies considerably in the different parts of the Union. In the majority <sup>1</sup> it is fixed at 7. It is 1, of course, in the District of Columbia, New York, and Oklahoma, and also in Pennsylvania, if the members of the advisory board are not counted; 3 in seven States,<sup>2</sup> 4 in one,<sup>3</sup> 5 in three,<sup>4</sup> 6 in four,<sup>5</sup> 8 in three,<sup>6</sup> 9 in four,<sup>7</sup> 10 in three,<sup>8</sup> 12 in two,<sup>9</sup> 13 in one,<sup>10</sup> and indefinite in Alabama,<sup>11</sup> owing to the peculiar composition of the board.

*Term of office.*—There is more or less discrepancy in the length of the terms of office of the various boards, as evidenced below:

| STATE.   | Years.      |
|--|-------------|
| Arizona, Arkansas, Delaware, Hawaii, North Dakota, Texas-----  | 2           |
| Kansas, Minnesota-----   | 3           |
| California, Florida, Idaho, Indiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Virginia, West Virginia, Wyoming-- | 4           |
| South Dakota, Washington-----  | 5           |
| Colorado, Connecticut, Georgia, Kentucky, Maine, Michigan, New Jersey, North Carolina, Rhode Island, Tennessee, Vermont-----   | 6           |
| Illinois, Iowa, Louisiana, Massachusetts, Ohio, South Carolina, Utah, Wisconsin-----   | 7           |
| Alabama, District of Columbia, Porto Rico-----   | Indefinite. |

*Meetings.*—In most of the States the frequency of the meetings of the board is regulated by law, although authority is usually granted for holding special meetings when necessity so requires. The minimum number of meetings to be held during the year is here given:

|   |                  |
|---|------------------|
| Massachusetts, Porto Rico-----  | 12               |
| Arkansas, California, Connecticut, Indiana, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, Rhode Island, Tennessee, Texas, Utah----- | 4                |
| Arizona, Colorado, Delaware, Georgia, Illinois, Iowa, Kentucky, Missouri, Montana, Nevada, North Dakota, South Dakota, Virginia, Washington, Wisconsin, Wyoming-----                  | 2                |
| Alabama, <sup>12</sup> Florida, Idaho, North Carolina, Ohio, Oregon, South Carolina--   | 1                |
| Vermont-----  | 1 every 2 years. |
| Hawaii, Mississippi, Nebraska, Pennsylvania, West Virginia-----   | Not fixed.       |

<sup>1</sup> California, Connecticut, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska (including secretaries), New Mexico, Oregon, Pennsylvania (including members advisory board), Porto Rico, Rhode Island, Texas, Utah, Wisconsin.

<sup>2</sup> Arizona, Florida, Nebraska, Nevada, North Dakota, Vermont, Wyoming.

<sup>3</sup> Tennessee.

<sup>4</sup> Idaho, Indiana, South Dakota.

<sup>5</sup> Arkansas, New Hampshire, New Jersey, Washington.

<sup>6</sup> Kentucky, Ohio, Hawaii.

<sup>7</sup> Colorado, Minnesota, North Carolina, South Carolina.

<sup>8</sup> Iowa, Kansas, West Virginia.

<sup>9</sup> Georgia, Virginia.

<sup>10</sup> Mississippi.

<sup>11</sup> The committee of public health, which acts for the board, consists of 10 members.

<sup>12</sup> The committee of public health, which acts for the board, holds two regular meetings annually, and is subject to call.



*Reports.*—There are provisions in practically all the laws requiring the rendition by the board or department of reports showing its operations. These reports are issued in most cases coincidentally with the meeting of the State legislature, for whose use they are intended; in only a few States<sup>1</sup> the law is rather indefinite on the subject, or no report is mentioned at all. The frequency with which these reports are rendered is as follows:

Annually in Alabama, Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma (preceding each regular and special session of the legislature), Oregon, Pennsylvania, Porto Rico, Rhode Island, South Carolina, Virginia, Washington, West Virginia.

Biennially in California, Connecticut, Delaware, Iowa, Kansas, Maryland, Minnesota, Mississippi, Montana, Nevada, North Carolina, North Dakota, South Dakota, Utah, Vermont, Wisconsin.

*Compensation* (members of the board other than executive officer).—In many States<sup>2</sup> the laws provide that the members of the board shall receive no other compensation than their traveling and other necessary expenses while on duty. The same provision exists in Tennessee and Wisconsin, although in the former State they are entitled to a remuneration of \$10 per diem while employed in suppressing epidemics, and in the latter to the same sum when they are engaged outside of their home town in service other than attending meetings.

They are allowed mileage at the rate of 5 cents per mile and other necessary expenses in North Dakota and South Dakota; mileage at the rate of 10 cents per mile and other expenses in Arizona. When on official duty they are paid \$3 per diem and the necessary expenses incurred by them in Mississippi; \$4 per diem in Vermont and West Virginia; \$4 per diem, and in addition traveling and hotel expenses in North Carolina; \$5 per diem in Maryland; \$5 per diem and traveling expenses in Montana and Porto Rico; \$5 per diem and traveling and hotel expenses in Georgia, Kansas, New Mexico, and Ohio; \$6 per diem and in addition mileage at the rate of 10 cents per mile in Florida; \$8 per diem and mileage in Virginia; \$10 per meeting in Indiana; \$10 per diem and traveling and other expenses in Idaho; \$10 per diem and mileage at the rate of 3 cents per mile in Texas; \$10 per diem, both when in attendance at meetings and while en route, and mileage at the rate of 5 cents per mile in Louisiana; \$20

<sup>1</sup> Nebraska, Tennessee, Texas, Wyoming.

<sup>2</sup> Arkansas, California, Connecticut, Delaware, Illinois, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, Oregon, Pennsylvania, Rhode Island, Utah, Washington.



per diem and traveling expenses in Nevada; \$200 a year and traveling expenses in Wyoming; and \$1,500 a year and traveling expenses in New Jersey.

Their compensation is not specified in the laws of a few States,<sup>1</sup> and in one Territory<sup>2</sup> the law explicitly states that they shall receive none.

*Executive officer.*—In the immense majority of the States the laws provide for the appointment of an executive officer charged with the administration of the health laws and the enforcement of the orders or rules of the board.

In the States of New York and Oklahoma this officer is also the supreme authority in health matters; he is practically so in Pennsylvania and Porto Rico, the boards of which have purely advisory functions, the health executive being in no wise subordinate to them.

In most of the States<sup>3</sup> the executive officer is ex officio a member of the board; in some,<sup>4</sup> the law expressly declares that he shall not be a member; in others,<sup>5</sup> no definite assertion is made, although it can be inferred in most cases that his becoming a member is not contemplated.

Usually<sup>6</sup> he is the secretary of the board, but in a number of States<sup>7</sup> this position is not held by him. In three States<sup>8</sup> he is the president of the board, and in one,<sup>9</sup> chairman.

*Title.*—His title usually corresponds with his position in the board, but in a few States<sup>10</sup> his designation in the law is "State health officer," and in others, "superintendent of health,"<sup>11</sup> "commissioner of health,"<sup>12</sup> "health commissioner,"<sup>13</sup> "State health inspector,"<sup>14</sup> "director of sanitation,"<sup>15</sup> and "health officer,"<sup>16</sup> respectively.

<sup>1</sup> Alabama, Colorado, Nebraska, South Carolina, Washington.

<sup>2</sup> Hawaii.

<sup>3</sup> Alabama, Arizona, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Texas, Utah, West Virginia, Wisconsin, Wyoming.

<sup>4</sup> Iowa, Kansas, Massachusetts, Nebraska, Porto Rico, Virginia.

<sup>5</sup> Delaware, Florida, Illinois, South Carolina, Vermont.

<sup>6</sup> Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

<sup>7</sup> Alabama, District of Columbia, Hawaii, Louisiana, Nebraska, New York, Oklahoma, Pennsylvania, Porto Rico, Texas, Virginia.

<sup>8</sup> Hawaii, Louisiana, Texas.

<sup>9</sup> Alabama.

<sup>10</sup> Alabama, Florida, Montana, North Carolina, Oregon, South Carolina, Texas.

<sup>11</sup> Arizona, North Dakota, South Dakota.

<sup>12</sup> Indiana, New York, Oklahoma, Pennsylvania, Virginia, Washington.

<sup>13</sup> Rhode Island.

<sup>14</sup> Nebraska.

<sup>15</sup> Porto Rico.

<sup>16</sup> District of Columbia.



*Appointment.*—In the majority of the States<sup>1</sup> the executive officer is elected by the board itself; in a respectable minority<sup>2</sup> he is appointed or designated by the governor, in one State<sup>3</sup> the recommendation of the board being, however, necessary to such appointment; and in the District of Columbia by the commissioners.

In some of these States<sup>4</sup> the executive officer practically constitutes the whole board or department, as it is usually called; in others<sup>5</sup> his election makes him ipso facto a member of the board; while in two States<sup>6</sup> he is specifically forbidden to vote on matters pertaining to his office.

*Qualifications.*—In a number of States<sup>7</sup> the executive officer has to be selected from among the membership of the board; in others<sup>8</sup> his appointment from among the members is optional; and in some<sup>9</sup> he can not, either by express or implied dictation of the law, be elected from among the members. In the first group of States the qualifications required from the other members will naturally apply in his case.

The majority of the laws in force<sup>10</sup> emphatically require his being a physician; others,<sup>11</sup> in addition, demand experience; some<sup>12</sup> a knowledge of sanitary science; a few<sup>13</sup> familiarity with public health administration; while in a small minority<sup>14</sup> no attempt is made to fix standards for qualification.

Special requirements appear in the laws of some States. Thus, various statutes specify that he must be a "suitable person";<sup>15</sup> "a

<sup>1</sup> Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, New Hampshire, North Carolina, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin.

<sup>2</sup> Arizona, Hawaii, Louisiana, Michigan, Nebraska, Nevada, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Porto Rico, South Carolina, Texas, Virginia, Wyoming.

<sup>3</sup> South Carolina.

<sup>4</sup> New York, Oklahoma, Pennsylvania.

<sup>5</sup> Arizona, Nevada, North Dakota, Wyoming.

<sup>6</sup> Arkansas, Rhode Island.

<sup>7</sup> Alabama, California, Colorado, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, South Dakota, Texas, Utah, West Virginia, Wyoming.

<sup>8</sup> Arkansas, Connecticut, Delaware, Idaho, Illinois, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Tennessee, Washington, Wisconsin.

<sup>9</sup> Florida, Georgia, Indiana, Iowa, Kansas, Massachusetts, Michigan, Nebraska, North Carolina, Ohio, Oregon, Porto Rico, South Carolina, Vermont, Virginia.

<sup>10</sup> Alabama, Arizona, California, Connecticut, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Maryland, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Pennsylvania, Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wyoming.

<sup>11</sup> Idaho, Indiana, Nevada, New Jersey, New York, North Carolina, Pennsylvania, Porto Rico, South Dakota, Texas, Washington.

<sup>12</sup> Arkansas, Florida, Maryland, Montana, New York, South Carolina, Virginia.

<sup>13</sup> Arkansas, New York, Washington.

<sup>14</sup> Hawaii, Illinois, Kansas, Kentucky, Maine, Minnesota, Missouri, Ohio, Oklahoma, Wisconsin.

<sup>15</sup> Connecticut.



suitable and competent person";<sup>1</sup> "versed in bacteriology and sanitary science";<sup>2</sup> "expert in the diagnosis of infectious diseases, of recognized ability and skill in hygiene and sanitary science";<sup>3</sup> "educated";<sup>4</sup> "able-bodied, thoroughly informed and experienced in hygiene and sanitation, skilled in the management of infectious and contagious diseases, temperate, not addicted to drugs, and of good moral character."<sup>5</sup>

In three States<sup>6</sup> the laws require the executive officer to give all his time to the duties of his office.

*Term of office.*—In the majority of the States the term of office of the executive officer is regulated by law, although generally there are appended provisos to the effect that he may be removed for cause by the board or the governor, as the case may be, and that he must hold office until his successor qualifies. In a few States<sup>7</sup> only, the duration of the term is not specified. In the others, it varies from one year,<sup>8</sup> two years,<sup>9</sup> four years,<sup>10</sup> five years,<sup>11</sup> six years,<sup>12</sup> to office holding during good behavior,<sup>13</sup> or during the pleasure of the board<sup>14</sup>

*Salary.*—The salary of the executive officer is usually fixed or appropriated by law; but in a few States<sup>15</sup> the laws provide that it shall be determined by the board and paid out of its appropriation; and in one,<sup>16</sup> that it shall be fixed by the board, subject to the approval of the governor and paid out of the general funds. In some States additional compensation is provided for his duties as registrar of vital statistics.

The salaries paid are as follows: Pennsylvania, \$10,000; Porto Rico, \$6,000; Alabama, Louisiana, Massachusetts, New York, \$5,000; District of Columbia, Minnesota, Oregon, \$4,000; California, Illinois, Washington, \$3,600; Ohio, Tennessee, Virginia, \$3,500; Connecticut, Florida, Hawaii, Indiana, Iowa, Montana, North Carolina, \$3,000; Utah, \$2,750; Rhode Island, \$2,700; Kansas, Maryland, Michigan, New Hampshire, New Jersey, South Carolina, Texas,

<sup>1</sup> Michigan, Oregon.

<sup>2</sup> Virginia.

<sup>3</sup> Florida.

<sup>4</sup> Maryland, Montana.

<sup>5</sup> Indiana.

<sup>6</sup> California, Indiana, North Carolina, Porto Rico.

<sup>7</sup> California, District of Columbia, Illinois, Iowa, Mississippi, Missouri, New Mexico, Ohio, South Dakota.

<sup>8</sup> Nebraska.

<sup>9</sup> Arizona, Arkansas, Colorado, Hawaii, North Dakota, Texas.

<sup>10</sup> Florida, Indiana, Kentucky, Louisiana, Montana, Nevada, New York, Oklahoma, Pennsylvania, Virginia, West Virginia, Wyoming.

<sup>11</sup> Alabama, Tennessee, Washington.

<sup>12</sup> Georgia, Michigan, New Jersey, North Carolina.

<sup>13</sup> Connecticut, Idaho, Kansas, Maine, Maryland, Oregon, Porto Rico.

<sup>14</sup> Delaware, Massachusetts, Minnesota, New Hampshire, Rhode Island, South Carolina, Utah, Vermont, Wisconsin.

<sup>15</sup> Arkansas, Delaware, Maine, Wisconsin.

<sup>16</sup> Vermont.



\$2,500; Missouri, \$2,400; Arizona, Georgia, \$2,000; Idaho, Nebraska, Oklahoma, \$1,800; Colorado, Nevada, \$1,500; Kentucky, North Dakota, \$1,200; Mississippi, West Virginia, \$500; Wyoming, \$200; New Mexico, South Dakota, \$5 per day while actually on duty.

*Office.*—His office is usually at the capital of the State, but in a number of States it is maintained at the most important city<sup>1</sup> or his own residence.<sup>2</sup>

*Other employees.*—In addition to the clerical force, provision is made in many State laws for the employment of other agents to assist the executive officer in the discharge of his duties.

*Secretary:* In some of those States<sup>3</sup> in which the executive officer does not act as secretary of the board, the laws authorize the appointment of such officer.

*Assistant:* Authority is granted in various States<sup>4</sup> for the designation of an assistant who may perform the duties of the executive officer during absence or inability to act. In other States,<sup>5</sup> such officers have been appointed under less specific provisions in the statutes. It is noteworthy that in Minnesota the president of the State board of health substitutes in such cases the secretary; and in the District of Columbia the chief clerk or the chief inspector may act as deputy to the health officer in the absence of the assistant health officer.

*Engineer:* There is authorization in the laws of Florida, Porto Rico, and Vermont for the employment of a sanitary engineer, while a North Carolina act empowers the board to employ its engineer member as consulting engineer and compensate him for his services. In the exercise of their general powers, engineers are employed by the New Jersey and Virginia boards. An appropriation for the services of engineers is contained in the Massachusetts law. A bureau of sanitary engineering is provided for in the laws of Maryland, and such bureaus or divisions are also maintained in Minnesota, New York, Ohio, and Pennsylvania.

*Lawyer:* Provision for the employment of a lawyer is made in the laws of California, Illinois, and Louisiana; while in Alabama part of the appropriation may be spent in securing legal advice. In other States, such as Ohio, Oklahoma, Porto Rico, Rhode Island, Texas, and Wisconsin, it is provided that the attorney general will assist the health authorities in the enforcement of the laws.

<sup>1</sup> Florida, Louisiana, Maryland, Oregon, Washington.

<sup>2</sup> Arizona, Kentucky, New Jersey, North Dakota, South Dakota, Tennessee, Vermont, West Virginia.

<sup>3</sup> Hawaii, Louisiana, Nebraska (one of the four secretaries acts as such), New York, Pennsylvania, Porto Rico, Texas (acts also as registrar of vital statistics), Virginia.

<sup>4</sup> California, District of Columbia, Florida, Hawaii, Illinois, Michigan, New York, Porto Rico, Texas, Virginia, Washington.

<sup>5</sup> Massachusetts, North Carolina, Pennsylvania, Tennessee.



*Bacteriologist:* With but few exceptions,<sup>1</sup> hygienic laboratories are maintained by all State boards. In a number of cases<sup>2</sup> specific provision is made in the law for the appointment of bacteriologists; in others<sup>3</sup> bulk appropriations are made for the maintenance of the laboratory; while in some<sup>4</sup> these assistants are employed by the board under its general powers; and in a few<sup>5</sup> the professors of the State university discharge these functions.

*Chemists:* In a number of States,<sup>6</sup> especially in those in which the board is charged with the duty of enforcing the pure-food laws, the appointment of a chemist is authorized. Such duties are discharged in Oklahoma by a professor of the State university, and in Montana by the professor of the agricultural college, while in some States, as in Ohio and Texas, the bacteriologist must also be a chemist.

*Experts, etc.:* The laws of a few States<sup>7</sup> empower the board "to engage suitable persons to render sanitary services and to make or supervise practical and scientific investigations and examinations requiring expert skill," or "experts in sanitation,"<sup>8</sup> or "expert assistants for the examination of inland waters."<sup>9</sup>

*Inspectors:* Exclusive of the food inspectors that the board is authorized to appoint in some States,<sup>10</sup> power is granted in various health laws<sup>11</sup> for the appointment of medical inspectors, as in California, "for the inspection, examination, quarantine, and disinfection of persons, places, and things," or as in New Jersey, "to aid in the execution of the laws relating to the public health and to investigate local epidemics, nuisances, needs for drainage, neglect of sanitary law, conditions of schools, tenements, manufactories, public buildings."

The Wisconsin laws authorize the appointment of only one State inspector "to make thorough and complete investigation of nuisances, sources of sickness, infectious and contagious diseases, water supplies and sewerage disposal systems, sanitary condition of public buildings." One inspector is also to be appointed in Texas "to assist in the enforcement of quarantine and sanitary laws," and one

<sup>1</sup> Arizona, Arkansas, Montana, Nebraska, New Mexico, Tennessee.

<sup>2</sup> California, Colorado, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, New Hampshire, Ohio, Oregon, Porto Rico, Utah, Virginia, Washington.

<sup>3</sup> Alabama, Georgia, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Nevada.

<sup>4</sup> Florida, Mississippi, Montana, Rhode Island, South Carolina, Tennessee.

<sup>5</sup> Iowa, Kansas, North Dakota, Oklahoma, South Dakota, Utah, Wisconsin.

<sup>6</sup> California, Colorado, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, New Hampshire, Porto Rico, Rhode Island, Utah.

<sup>7</sup> Arkansas, Connecticut, Kansas, Minnesota, New York, Pennsylvania, Virginia.

<sup>8</sup> Massachusetts.

<sup>9</sup> North Carolina.

<sup>10</sup> Colorado, Idaho, Indiana, Kansas, New Hampshire, Porto Rico, Tennessee, etc.

<sup>11</sup> California, District of Columbia, Hawaii, Louisiana, Maryland, Massachusetts, Michigan, Pennsylvania, Porto Rico, Texas. Utah (special medical inspectors), Wisconsin.



in Colorado, but apparently only to attend to the inspection of lying-in hospitals.

In Massachusetts the 14 State inspectors of health are appointed by the State board of health. Their duties are especially related to the sanitation of factories, the hygiene of employees, and the prevention of tuberculosis. In Porto Rico two inspectors of health are provided "to perform such duties as the director of sanitation may determine." Hawaii is also divided into a number of sanitary districts under the supervision of inspectors.

In Indiana, New York, Virginia, Washington, and Pennsylvania the commissioner of health has power "to employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department"; and acting under this provision, medical inspectors have been appointed in the last State for every county to direct all quarantine measures through the health officers, enforce the regulations of the health department, and supervise the sanitary conditions of their respective counties.

In New Hampshire the one or more food inspectors may be utilized by the State board to investigate local sanitary conditions upon request of local boards or to perform other duties in connection with public-health matters.

In other States, such as Delaware (ch. 327, acts of 1903), Kansas (sec. 8030, Gen. Stats.), Kentucky (sec. 2049, Carroll's Stats.), Maine (sec. 9, ch. 18, Rev. Stats.), New Hampshire (sec. 4, ch. 30, acts of 1893), Oregon (secs. 4717, 4725, Lord's Laws), Tennessee (sec. 3096, Shannon's Code), Washington (sec. 5407, Remington & Ballinger's Anntd. Codes & Stats.), and Wisconsin (sec. 1408, Anntd. Stats.), authority exists for the appointment of inspectors or sanitary officers, but this apparently contemplates only emergency situations when interstate or intrastate quarantine has to be established.

*Committees.*—In quite a number of States<sup>1</sup> specific authority is given the State board of health to send their secretary or a committee of the board "to any part of the State whenever deemed necessary to investigate the cause and circumstances of any special or unusual disease or mortality" (sec. 1407, Annotd. Stats., Wisconsin) or to "report on the sanitary condition of State institutions" (sec. 1085, Idaho Codes).

*Interior organization.*—In order to best handle the business coming before the board, in some States the members of the board are assigned to a number of standing committees, each of which is charged with the consideration of a special subject—for instance,

<sup>1</sup> Arkansas, Connecticut, Delaware, Idaho, Kansas, Maryland, Michigan, Oregon, Wisconsin, Wyoming.



printing, disinfection, schools, legal matters, plumbing, etc. The number of these committees varies in different States. There are 19 in Iowa.

Other boards are organized into a number of divisions or departments. These, for instance, are in Ohio called "administrative department," "engineering department," "hygienic laboratories," "bureau of contagious and infectious diseases," "plumbing inspection department," and "lying-in hospitals inspection department."

The Maryland department of health is organized into five bureaus, known, respectively, as the bureau of communicable diseases, the bureau of bacteriology, the bureau of chemistry, the bureau of sanitary engineering, and the bureau of vital statistics, each of these bureaus having a chief and an assistant in charge.

One of the bureaus of the Virginia health department deals exclusively with rural sanitation.

The New York department of health maintains six divisions in charge of the following subjects: Administration, sanitary engineering, laboratory work, vital statistics, communicable diseases, and publicity and education; the Minnesota board, three, namely, laboratory, epidemiological, and engineering; and the Pennsylvania department of health, eight, namely, vital statistics, medical inspection, sanitary engineering, sanatoria and dispensaries, laboratories, distribution of biological products, accounting, auditing and purchasing, and supplies.

*Appropriations.*—The amount appropriated for the use of the State board can not in all cases be considered an accurate guide to its activities and importance, as this amount is largely governed by the population of the State and the work assigned to the board. The figures given below can, therefore, hardly be used for purposes of comparison. A department of health like that of Pennsylvania, charged with the administration of tuberculosis sanatoria and dispensaries, medical inspection of schools, distribution of biological products, collection of vital statistics, etc., must necessarily have at its disposal an appropriation larger than those allowed to boards of other less populous States, the sphere of action of which is more limited. Likewise a large portion of the Hawaii appropriation is devoted to the care of lepers; and in some States out of the appropriations must be paid the expenses of enforcing pure-food and medical-practice laws, etc., which are in other States administered by special authorities with separate appropriations.

It will be noticed that not all these appropriations cover the same year; and the fact that in some cases the appropriations made cover two years has made it more difficult to estimate the accurate amount intended for one year, the amount here given being obtained by dividing the total. Even in those cases, when the same year is re-



ferred to, the period covered is not exactly the same, as the beginning of the fiscal year is set variously in different States at January 1, April 1, June 1, July 1, August 1, September 1, October 1, November 1, and December 1.

| State.                    | Population,<br>1910. | Amount for fiscal year— |             |           |
|---------------------------|----------------------|-------------------------|-------------|-----------|
|                           |                      | 1911                    | 1912        | 1913      |
| Pennsylvania.....         | 7,665,111            | \$1,853,740             | \$1,853,740 | .....     |
| Porto Rico.....           | 1,118,012            |                         |             | (1)       |
| Hawaii.....               | 191,909              |                         | 411,915     | \$411,915 |
| Massachusetts.....        | 3,366,416            | 168,200                 | 174,900     | .....     |
| New York.....             | 9,113,614            |                         | 166,437     | .....     |
| New Jersey.....           | 2,537,167            |                         | 174,590     | 125,425   |
| Illinois.....             | 5,638,591            |                         | 118,500     | 118,500   |
| District of Columbia..... | 331,069              |                         | 104,440     | .....     |
| Florida.....              | 752,619              |                         |             | (2)       |
| Minnesota.....            | 2,075,708            |                         | 62,500      | 67,000    |
| California.....           | 2,377,549            |                         | 60,766      | 64,600    |
| Indiana.....              | 2,700,876            |                         | 59,500      | 59,500    |
| Ohio.....                 | 4,767,121            |                         | 50,482      | .....     |
| Louisiana.....            | 1,656,388            | 25,000                  | 40,000      | \$40,000  |
| Virginia.....             | 2,061,612            | 20,000                  | 35,000      | \$35,000  |
| Maryland.....             | 1,295,346            |                         | 36,500      | 36,500    |
| Montana.....              | 376,053              |                         | 34,900      | 33,900    |
| Oklahoma.....             | 1,657,155            |                         | 30,700      | 30,700    |
| Georgia.....              | 2,609,121            |                         | 30,500      | 30,500    |
| Kansas.....               | 1,690,949            |                         | 43,400      | 28,400    |
| Kentucky.....             | 2,289,905            |                         | 30,000      | .....     |
| Colorado.....             | 799,024              |                         | 26,450      | .....     |
| Michigan.....             | 2,810,173            |                         | 25,500      | 25,500    |
| Alabama.....              | 2,138,093            |                         | 25,000      | 25,000    |
| Missouri.....             | 3,293,335            |                         | 23,650      | 23,650    |
| Vermont.....              | 355,956              |                         | 21,500      | 21,500    |
| South Carolina.....       | 1,515,400            | 21,220                  |             | .....     |
| Wisconsin.....            | 2,333,860            |                         | 20,600      | 20,600    |
| Connecticut.....          | 1,114,756            | 15,500                  | 20,000      | 20,000    |
| Mississippi.....          | 1,797,114            |                         | 25,000      | 19,000    |
| North Carolina.....       | 2,206,287            |                         | 18,000      | 18,000    |
| Rhode Island.....         | 542,610              |                         | 15,000      | 17,700    |
| Idaho.....                | 325,594              |                         | 16,050      | 16,050    |
| Maine.....                | 742,371              |                         | 15,000      | 15,000    |
| Oregon.....               | 672,765              |                         | 15,000      | 15,000    |
| Tennessee.....            | 2,184,789            |                         | 14,700      | 14,700    |
| Iowa.....                 | 2,224,771            |                         | 8,600       | \$8,600   |
| Utah.....                 | 373,351              |                         | 13,375      | .....     |
| Washington.....           | 1,141,990            |                         | 13,500      | 13,500    |
| New Hampshire.....        | 430,572              |                         | 11,750      | 13,000    |
| Texas.....                | 3,896,542            | 12,000                  |             | .....     |
| Nevada.....               | 81,875               |                         | 10,000      | .....     |
| Nebraska.....             | 1,192,214            |                         | 9,240       | 9,240     |
| Delaware.....             | 202,322              |                         | 6,000       | 6,000     |
| Arizona.....              | 204,354              |                         | 4,500       | .....     |
| North Dakota.....         | 577,056              |                         | 2,700       | \$2,700   |
| South Dakota.....         | 583,888              |                         | 2,000       | \$2,000   |
| Wyoming.....              | 145,965              |                         | 1,500       | 1,500     |
| West Virginia.....        | 1,221,119            |                         |             | 1,500     |
| Arkansas.....             | 1,574,449            |                         |             | .....     |
| New Mexico.....           | 327,301              |                         |             | .....     |

<sup>1</sup> Every municipality pays into the insular treasury 12 per cent of its revenue for public health purposes; the island pays out of its funds the balance of the expenses incurred. During the year 1913 this health fund will amount to nearly \$500,000.

<sup>2</sup> A property tax of one-half mill is collected annually for the maintenance of the State board of health; it amounted in 1910 to \$82,814.

<sup>3</sup> Exclusive of fees; this amounted in 1911 to about \$20,000.

<sup>4</sup> Exclusive of appropriation for tuberculosis sanatorium.

<sup>5</sup> Exclusive of appropriation for State laboratory.

#### POWERS AND DUTIES.

The powers and duties of the State boards may be said to center around what is statutorily and rather broadly defined as their specific function, to "take cognizance of the interests of health and life



among the citizens" (sec. 4, ch. 75, Rev. Laws, Mass.), or to "have supervision of all matters relating to the preservation of the life and health of the people" (sec. 3, ch. 327, 1903, Del.). In a number of States, however, as Arizona, California, North Dakota, Porto Rico, South Dakota, etc., the powers conferred on them are specifically enumerated.

The tendency has been in recent years to increase their powers at the expense of local boards of health, and many functions are now discharged by them, which were once considered the legitimate province of city or county authorities. Among the State health authorities having powers of the widest scope, special mention may be made of those of California, Hawaii, Louisiana, New York, Oklahoma, Pennsylvania, and Porto Rico.

Roughly speaking, the powers and duties of the State authorities in regard to the public health may be classified under a number of heads, namely, investigative, executive, advisory, educational, quasi-legislative, and quasi-judicial. The division is not altogether satisfactory, as some of these classes overlap each other, but it may be used for purposes of convenience.

In order to fully comprehend the extent of these powers, and the limitations on them, it will be well in each case to examine the decisions of the courts in relation thereto, abstracts or citations of which will be found in the appendix.

#### INVESTIGATIVE FUNCTIONS.

Practically all the laws contain provisions authorizing, and even in some cases directing, the State health authorities to "investigate the causes, modes of propagation, and means of prevention of endemic, epidemic, infectious, and contagious diseases" (sec. 702, Ala. Code), or to "make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the source of mortality and effects of localities, employments, conditions, and circumstances on the public health" (sec. 4, ch. 75, R. L., Massachusetts). In some cases they are specifically directed to conduct such investigations in regard to drugs and foods or granted appropriations to investigate certain sanitary problems—for instance, the effect of industrial occupations on health (J. R., p. 749, Ohio Acts, 1911), injuries to the eyesight by improper lighting of factories (ch. 603, 1911, Massachusetts), the sanitary condition of the penitentiary (J. R. 285, 1911, South Carolina), or certain communicable diseases, tuberculosis (California, Massachusetts, Minnesota), infantile paralysis (Massachusetts, Rhode Island), Rocky Mountain spotted fever (Montana). In addition, routine examinations of water, food, and drugs, and also of pathological specimens are conducted at the laboratories maintained by the boards. As stated before, these laboratories are in existence in



practically all the States. In some of the States, as, for instance, California, Idaho, and Minnesota, provision is made for the establishment also of branch laboratories. In New York the county authorities and in Alabama the cities and towns have power to establish such institutions. Under certain restrictions, the services of these laboratories are usually free to the public. It is noteworthy that in some States, as Iowa, Kansas, North Dakota, Oklahoma, South Dakota, Utah, and Wisconsin, and, until recently, in California, these laboratories properly form part of the State university, and only as an incidental part of their duties do they perform the work of the State board of health, while in Delaware a close relation is maintained between both institutions.

#### EXECUTIVE OR ADMINISTRATIVE FUNCTIONS.

A most important part of the duties and powers of the board comes under this branch. It comprises the collection of vital statistics, control of communicable diseases, protection of water supplies, abatement of nuisances, sanitation of public buildings, etc. Most of these functions are usually discharged through the executive officer, but in many cases the board in toto must take action.

It being intended to publish in subsequent bulletins the laws relating to these various subjects, only a brief discussion of the same will be made here.

*Vital statistics.*—This important function is discharged by the health authorities in most of the States, but in Massachusetts, Michigan, Ohio, and South Dakota morbidity reports only are collected by the boards of health, nativity and mortality reports being collected by the secretary of state in the first three States and in South Dakota by the secretary of the State historical society. In New Mexico statistics are apparently not collected by the State authorities, the county probate clerks being the only officers authorized by law to keep records of births and deaths. In most of the States the executive officer of the board is designated under various names as the State registrar of vital statistics, while in Nebraska the board itself is declared the registrar. Provision is made in the statutes of Kansas, Kentucky, and Pennsylvania for the appointment by the board of the State registrar and in Texas by the president of the board, while the California and Wisconsin laws authorize the appointment of a vital statistician to help the secretary of the board in the collection of vital statistics. In a number of States bureaus of vital statistics are maintained by the board.

Practically all the laws provide that the board shall prepare and furnish the forms for the collection of the statistics; in various States the board is also authorized to appoint the local registrars, but usually the health officers or town, city, or county clerks are



required to serve in this capacity. In New York the functions of the State department of health are not limited to the supervision of local registrars, but the commissioner is empowered to take charge of the registration of vital statistics in any district where defects exist in the registration.

The collection of data relating to the prevalence of communicable diseases forms an important part of the duties of the boards of health, special divisions or bureaus being maintained in various States for this purpose. The subject having been amply discussed in Public Health Bulletin No. 45, consideration of it is withheld here.

*Communicable diseases.*—Since the prevention and control of disease constitutes a prime *raison d'être* of health organization, vast powers are conferred on State boards to make this control effective. In addition to their power to issue rules which must be enforced by local authorities, and their duty and power to conduct investigations, the board has power, as in Arizona, North Dakota, Oklahoma, and South Dakota, "to establish quarantine, and isolate any person affected with any contagious or infectious disease"; or, as in California, to "quarantine or isolate and inspect and disinfect persons, animals, property, and things"; or, as in Delaware, "to adopt such measures, including quarantine, vaccination, etc., as they may deem most efficient to eradicate all infectious diseases"; or, as in Indiana, "to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease"; or, as in Pennsylvania, "to determine and employ the most efficient and practical means for the prevention and suppression of disease"; or, as in Porto Rico, "to attend to all problems affecting the public health."

In Massachusetts any city or town may be required by the State board of health to establish isolation hospitals, failure to comply with such request being punishable by a fine of \$500 for each refusal. A similar provision is in force in Montana, where it applies also to counties. In Florida, South Carolina, and Virginia the State board has power to enforce reasonable rules providing for the care, segregation, and isolation of persons having or suspected of having any communicable disease.

In many of the States<sup>1</sup> the board is also specifically authorized to designate what diseases must be considered communicable or to add other diseases to those already so designated in the law.

*Special campaigns.*—In the appropriations, general or special, granted to the State boards mention is often made of some specific diseases against which campaigns must be directed. In addition to

<sup>1</sup> Arizona, Colorado, California, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Virginia, Washington, Wisconsin.



the antituberculosis measures and the educational provisions mentioned elsewhere, the board is directed in Alabama to spend a part of its appropriation for the control of hookworm disease, typhoid fever, malaria, and other prevalent diseases; in Indiana a special fund is created for the prevention of the spread of infectious, contagious, and other diseases; in Porto Rico for the suppression of epidemics, a bureau of the service of sanitation being charged with the study and prevention of tuberculosis, uncinariasis, and other tropical diseases; and in Hawaii funds were provided for antirrat and antimosquito campaigns to prevent the occurrence of plague and yellow fever. Similar provisions are in force in other States.

*Emergency fund.*—An emergency fund to be used in the suppression of communicable diseases is provided in practically all the States, although in some cases the approval of the governor is necessary before it can be used. In Florida (sec. 1126, Gen. Stats.) and Mississippi (sec. 2502, Code) the law authorizes the State board of health, with the consent of the governor, to call upon the Government of the United States for financial and medical aid in cases of epidemic.

*Conferences.*—In order to bring about uniformity in the methods of prophylaxis, an annual conference between the State and local health authorities "for the consideration of the spread of dangerous communicable diseases" or school is authorized in various States,<sup>1</sup> while in others, for instance, Iowa, Kansas, Michigan, Washington, although not specifically authorized by law, such conferences are regularly held under the auspices of the State board. Attendance at sanitary meetings outside the State by representatives of the State board of health is also specifically authorized in several State laws.<sup>2</sup>

*Special features.*—In New York an institute having for its exclusive object the investigation of cancer and allied diseases has recently been established in the city of Buffalo, the State commissioner of health being one of the seven trustees. In Florida the State board of health is authorized to establish a hospital for the treatment of indigent crippled children or to have them treated in existing hospitals.

Acting in cooperation with the Rockefeller Sanitary Commission, the State boards of health of nine Southern States<sup>3</sup> have perfected organizations for the eradication of hookworm disease. This organization consists of a State director of sanitation appointed conjointly by the State board and the commission, of a field force of sanitary

<sup>1</sup> Indiana, Kentucky, Maryland, New Hampshire, New Jersey, New York, Ohio, Texas, Utah, Vermont, Wisconsin.

<sup>2</sup> Idaho, Kansas, Kentucky, Maryland, North Carolina, Vermont.

<sup>3</sup> Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.



inspectors nominated by the director of sanitation and confirmed by the State board and the commission. The work of the director of sanitation is conducted under the general supervision of the State board of health, to which body he reports quarterly, his reports being sent through the board to the commission. The microscopic examinations necessary to the work are made at the laboratories of the State boards of health.

*Special powers.*—In addition to the general powers granted the board in regard to the prevention and control of disease, special powers are granted in a number of States relative to certain diseases.

*Tuberculosis:* In Florida, Pennsylvania, Vermont, and Virginia the sanatoria maintained by the State are under the administration of the State health authorities, while in New Hampshire, Pennsylvania, and Porto Rico power to establish tuberculosis sanatoria is vested in the same authority. In New Jersey and Vermont the permission of the board, and in New York, of the commissioner, is necessary for the establishment of sanatoria; while in California, Connecticut, Nebraska, and Porto Rico those institutions receiving State aid are subject to inspection by the State board of health. In most of the States, however, control of the sanatoria rests with a board of trustees, but in Alabama, Kansas, and Texas the executive officer, in Oregon both the executive officer and the president, and in North Dakota and Wisconsin a member of the State board of health are ex officio members of the board of trustees. Appropriations for campaigns against tuberculosis have been allotted the State boards in a number of States, such as Alabama, California, Hawaii, Kansas, Massachusetts, Minnesota, Porto Rico. In Massachusetts the State board of health may require cities and towns to establish tuberculosis hospitals or wards.

*Rabies:* The laws of Alabama, Georgia, Indiana, Maryland, and Minnesota authorize the State board of health to manufacture and distribute, free of cost, antirabic treatment; while an act empowers the North Carolina board to furnish such treatment at their laboratory, and a Wisconsin law authorizes the establishment in connection with the State laboratory of a Pasteur Institute for the prevention of hydrophobia. The most general practice<sup>1</sup> is, however, to leave the decision as to the administration and payment of the treatment with the local authorities. In New York the institute furnishing the treatment may be inspected by the State department of health; while in Florida and Maine the board, and in South Carolina the State health officer, is authorized to make rules to prevent the spread of rabies. In the District of Columbia the treatment is given at the Hygienic Laboratory of the United States Public Health Service,

<sup>1</sup> Connecticut, Illinois, Michigan, New York, Ohio, Pennsylvania, Virginia.



this institution also supplying antirabic virus to State boards of health on request.

*Diphtheria:* In a number of States<sup>1</sup> the State board of health is authorized by law to distribute diphtheria antitoxin free of charge to indigent persons or at cost through local agencies or physicians, or free to all persons, as in Georgia, Illinois, Massachusetts, and Vermont, appropriations being made by the legislature in most cases for the carrying out of these provisions.

*Serums, etc.*—The New York department and the Connecticut board of health are also authorized to furnish tetanus antitoxin; the New York department being also empowered to spend part of its appropriation to investigate the serum therapy for tuberculosis, typhoid fever, and kindred diseases. Acting under its general powers, the Kansas board distributes antidiphtheritic and anti-meningococcic serum, tetanus antitoxin, and typhoid and scarlet fever vaccines; the Pennsylvania department, diphtheria antitoxin, tubercle bacilli products, vaccine virus, and tetanus antitoxin; the Rhode Island board, diphtheria antitoxin and typhoid vaccine; and the Oklahoma board, diphtheria antitoxin; while in other States, Texas, for instance, the board, by special arrangements with the manufacturers, furnishes this product and also antimeningococcic serum and vaccine virus at cost.

The California board is empowered to distribute at cost approved serums and lymphs, while in Porto Rico the inoculation of any organic, prophylactic, or therapeutic product may be made compulsory by the director, with the approval of the insular board of health, in cases of epidemic, and viruses and serums may be prepared at the biological laboratory of the board.

In Massachusetts the law authorizes the board to furnish material for inoculation against typhoid fever and other diseases; while in Texas, South Carolina, and Florida typhoid vaccine is furnished by the State board under regulation.

The sale of diphtheria antitoxin or any other article prepared from the blood serum of any animal is controlled by the State board of health of Connecticut. In New Jersey the board has authority to forbid the sale of any dangerous, inert, impure, or inefficacious product, while in Louisiana the permission of the board is required for the introduction of "any substance, matter, or thing which in the opinion of the board may cause a liability to infection or contagion of any disease, whether the same shall be in the form of bacteria germs, microbes, virus (vaccine virus excepted)."

*Smallpox and vaccination:* The furnishing of both diphtheria antitoxin and vaccine virus is in most States a matter of local public-

<sup>1</sup> Alabama, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, New Jersey, New York, North Carolina, Vermont, Wisconsin, and also in Oregon in the case of interstate passengers who have been exposed to the disease, and during emergencies.



health administration, but in some of them,<sup>1</sup> vaccine virus may be, according to the provisions of the law, prepared or furnished by the State board.<sup>1a</sup> In various States<sup>2</sup> the State health authorities are specifically empowered to adopt measures for the vaccination of the inhabitants, while in others the vaccine used must be approved<sup>3</sup> or its manufacture controlled by the board.<sup>4</sup>

*Ophthalmia neonatorum*: In a number of States<sup>5</sup> the State board distributes prophylactic outfits for the prevention of ophthalmia neonatorum.<sup>5a</sup>

*Diagnosis*: Provision for diagnosis in certain diseases is made in various of the laws<sup>6</sup> authorizing the establishment of State laboratories, while in Massachusetts special appropriations have been granted the board for the extension of its work also in the diagnosis of typhoid fever.

Practically all large cities operate nowadays public-health laboratories, thus greatly circumscribing the sphere of action of the State board in this line.

*Animal diseases*: There seems to be no doubt as to the power of health authorities to take adequate action in regard to those diseases peculiar to animals which are transmissible to men, and measures have been adopted in various States bearing on such diseases as anthrax, rabies, glanders, etc.

In only a few States,<sup>7</sup> however, the State board of health is specifically charged with the enforcement of the laws relative to the control and prevention of disease among domestic animals. In a number of States<sup>8</sup> authority exists for the investigation by the board of such diseases, and in some cases for the suggestion of remedies, or, as in Florida, the furnishing of hog cholera serum; in others<sup>9</sup> the board may isolate, kill, or remove any afflicted animal; in some<sup>10</sup> power is granted to make rules to protect the people against diseases of the lower animals; while in California and West Virginia the board is empowered to investigate, quarantine, etc., in cases of communicable disease among animals. In Iowa the rules for the control of disease among animals are made by the State veterinarian in

<sup>1</sup> California, Connecticut, Georgia, Hawaii, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Porto Rico, South Carolina, and also Oregon (in emergencies).

<sup>1a</sup> The laws relative to vaccination have been published in Public Health Bulletin No. 52.

<sup>2</sup> Delaware, Hawaii, Porto Rico, South Carolina, Wyoming.

<sup>3</sup> New York, Vermont.

<sup>4</sup> Massachusetts, Minnesota.

<sup>5</sup> Massachusetts, New Jersey, New York, Ohio, Rhode Island, Vermont, District of Columbia.

<sup>5a</sup> The laws relative to ophthalmia neonatorum have been published in Public Health Bulletin No. 4.

<sup>6</sup> Alabama, Connecticut, Delaware, Illinois, Maine, Maryland, Michigan, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Porto Rico, Vermont, Virginia, Wisconsin.

<sup>7</sup> Delaware, Florida, Kentucky, New Jersey, Porto Rico.

<sup>8</sup> Maine, Missouri, Oregon, Rhode Island, Utah, Washington, West Virginia.

<sup>9</sup> Arizona, North Dakota, South Dakota.

<sup>10</sup> Nebraska, Ohio, South Carolina.



concurrence with the State board of health, of which he is a member, and in Nevada the board examines, by request, cattle, sheep, and horses to determine their freedom from disease.

Separate bulletin: The laws relating to communicable diseases being about to be published in another bulletin, further consideration of the same may be omitted here.

*Water supply and sewage disposal.*—Health authorities have everywhere by implication certain powers and duties relative to the protection of the public water supplies. Municipal authorities are usually given statutory powers for this purpose. In a few States this duty devolves upon a special organization, such as the "State water survey" of Illinois, with which the State board of health cooperates. In many States, however, the laws vest specific powers in the State board of health with a view to preventing the pollution of water supplies. In some,<sup>1</sup> the board has "the general oversight and care of all inland waters and of all streams and ponds use by any city, town, or public institution, or by any water or ice company in this Commonwealth as sources of water supply, and of all springs, streams, and watercourses tributary thereto" (sec. 112, ch. 75, R. L., Mass.); in others,<sup>2</sup> power to prevent the pollution is granted; in some,<sup>3</sup> rules or orders may be issued by the State health authorities to accomplish this object; or the use of contaminated water may be forbidden;<sup>4</sup> while in others,<sup>5</sup> the board is also charged with the duty of supervising water-supply plants.

Practically all these boards have the power to inspect or examine water supplies, as do also those of other States,<sup>6</sup> while the Kentucky board is required to spend part of its appropriation "to make survey of the rivers, creeks, watersheds, springs, wells, and other matters relative to the sources and purity of the water supply in all sections of the State," and the Washington board for "investigation and controlling of public waters." In a number of States<sup>7</sup> the State boards of health are required to advise with local authorities as to water supply, drainage, etc.; in many others,<sup>8</sup> plans for new water supplies and sewerage systems must be approved by the State health authorities, while the Florida and Virginia boards have power to regulate local disposal of garbage and sewage.

<sup>1</sup> Massachusetts, Montana, North Carolina, Vermont.

<sup>2</sup> California, Indiana, Kansas, Minnesota.

<sup>3</sup> California, Indiana, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Porto Rico, Rhode Island, Vermont.

<sup>4</sup> New Hampshire.

<sup>5</sup> Michigan, New Jersey.

<sup>6</sup> Alabama, Connecticut, Georgia, Maryland, West Virginia, Wyoming.

<sup>7</sup> Vermont, Washington, West Virginia, etc.

<sup>8</sup> California, Kansas, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Porto Rico, Wisconsin.



Further consideration will be given this subject in a separate bulletin containing all the laws relating thereto.

*Nuisances.*<sup>1</sup>—The abatement and prevention of nuisances is usually a matter for local regulation, although the State boards of health have in a number of States<sup>2</sup> been granted specific powers for such purpose, and the enforcement of the existing laws must everywhere in default of the local authorities rest upon the State board. In Massachusetts the State board of health, after an examination of local sewers, drainage, and sewage disposal, makes annual recommendations for the prevention of objectionable odors and conditions.

*Disposal of the dead.*<sup>3</sup>—State boards of health possess in all States either by implication or by specific enactment, as in quite a number of States,<sup>4</sup> quite comprehensive powers governing the transportation, burial, disinterment, and cremation of the dead.

*Embalming.*<sup>5</sup>—In some States<sup>6</sup> the State board of health is empowered to regulate the practice of embalming; in others<sup>7</sup> the board has been statutorily designated to administer the laws regarding the examination and licensing of embalmers; in a few<sup>8</sup> the board under its general power has prescribed regulations for their licensing; while in others<sup>9</sup> some of the members of the special board in charge of the examination and licensing must belong to the State board of health; and in three<sup>10</sup> this special board is appointed by the health authorities. In the majority of cases, however, the embalming board is independent of the State board of health.

*Practice of medicine.*—In a number of States<sup>11</sup> the State board of health is also constituted the authority for the examination and licensing of persons desiring to practice medicine; in one<sup>12</sup> the examining board is appointed by the State board of health; in another<sup>13</sup> the examinations are conducted by a special board, but the board of health is in charge of the licensing; while in another<sup>14</sup> the commis-

<sup>1</sup> The laws relative to nuisances will be published and analyzed in a separate bulletin.

<sup>2</sup> Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Porto Rico, South Carolina, South Dakota, Vermont, Virginia.

<sup>3</sup> Laws relative to this subject were analyzed in P. H. Bull. No. 40. and will be published subsequently.

<sup>4</sup> Alabama, Arkansas, California, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Minnesota, Montana, New Jersey, New York, North Dakota, Ohio, Porto Rico, South Carolina, Texas, Vermont, Washington, Wisconsin.

<sup>5</sup> Laws relative to this subject will be published in a separate bulletin.

<sup>6</sup> California, New Jersey, Porto Rico.

<sup>7</sup> Colorado, Illinois, Michigan, Minnesota, New Hampshire, South Carolina, Wisconsin.

<sup>8</sup> Florida, Louisiana, Montana, Oregon, Utah, Wyoming.

<sup>9</sup> Connecticut, Maine, North Dakota, Ohio, South Dakota, Tennessee, Washington.

<sup>10</sup> Idaho, Iowa, Nebraska.

<sup>11</sup> Alabama, Illinois, Iowa, Kentucky, Mississippi, Missouri, Nebraska, New Mexico, Rhode Island, West Virginia.

<sup>12</sup> Connecticut.

<sup>13</sup> Hawaii.

<sup>14</sup> Pennsylvania.



sioner of health forms part of the medical council that supervises the examinations of all candidates.

*Nurses.*—The examination and licensing of nurses is in most States under the direction of special boards, but in Iowa and Wisconsin the State board of health itself licenses persons qualified to practice nursing; and in Alabama schools for nurses must have their courses approved by the State health officer.

*Midwives.*—In the majority of the States having made provision for the licensing of midwives the enforcement of the law is in charge of special boards. In Maryland, however, the State board of health has charge of the examination and licensing of persons desiring to exercise this profession, while in other States, as Illinois and Missouri, the State board of health licenses them under the acts relative to medical practice in general.

*Lunacy.*—In one State<sup>1</sup> the State board of health must also act as the State commission on lunacy.

*Maternity homes.*—The licensing and supervision of lying-in hospitals and institutions of a similar character are ordinarily in charge of the State board of charities or local boards of health, or both these authorities acting in cooperation. In some States,<sup>2</sup> however, these functions are by law assigned to the State board of health, the Colorado board having charge also of the licensing of all hospitals, dispensaries, and other institutions for the treatment of the sick, the latter power being also enjoyed by the Porto Rico board.

*Barbers.*—In a number of the States<sup>3</sup> which have enacted legislation providing for the sanitation of barber shops the right is specifically reserved to the State board of health to approve the rules issued by State barber boards governing the sanitary condition of the shops, while in North Dakota the manner in which tools are disinfected must be approved by the State board of health; and in Missouri the board of health is also to pass upon the qualifications of the members of the barber board. In Kansas and Porto Rico the board of health is charged with the sanitary supervision not only of barber shops but also of barber schools and public bathhouses and bathrooms.

*Plumbing.*—The licensing of plumbers is generally a matter left in the hands of local boards of health, but in Massachusetts the issuance of licenses to practice that profession rests with the State examiners of plumbers, a body appointed by the State board of health, who must also approve the rules made by the examiners for the discharge of their duties. In Porto Rico the licensing of plumbers is also under the control of the insular board; while in Maryland two

<sup>1</sup> New Hampshire.

<sup>2</sup> Colorado, Iowa, Minnesota, Nebraska, Ohio.

<sup>3</sup> Connecticut, Illinois, Rhode Island, Texas, Utah.



members of the State board of health are ex officio members of the State board of plumbing. In Ohio the State board of health appoints a State inspector of plumbing, charged with the duty of inspecting public and private institutions, sanatoriums, hospitals, prisons, schools, factories, workshops, etc., with a view to detecting defective conditions and ordering such changes as may be necessary.

*Private buildings.*—The construction of private residences is usually a subject for local regulation, and where laws governing such construction exist they are usually administered by local authorities. Only in Hawaii and Porto Rico is the superior board empowered to make sanitary regulations governing drainage, location, ventilation, and general sanitation of such buildings.

In the District of Columbia the health officer forms parts of the board of three for the condemnation of insanitary dwellings; while the sanitary regulation of tenements by the State board is contemplated by the New Jersey, Porto Rico, and Vermont laws.

*Public buildings.*—Special mention of the duty of the State board of health to "advise in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public structure or building" is made in similar terms in the laws of a number of States;<sup>1</sup> special instructions being added in some States<sup>2</sup> to visit the State institutions and report on their sanitary conditions.

Power to regulate the sanitary features of public buildings is in varying words granted the State board of health in various States;<sup>3</sup> while the right of the board to inspect such buildings is explicitly stated in several laws.<sup>4</sup> The New York and Pennsylvania laws are worded in similar terms, both vesting in the commissioner of health and his agents power to enter, examine, and survey without fee or hindrance, all grounds, vehicles, apartments, buildings, and places; while the authority of the West Virginia board is limited to advise as to ventilation and warming.

The plans for public buildings must be approved by the State board of health in a number of States;<sup>5</sup> while in Michigan the plans for educational, charitable, penal, or reformatory institutions must be submitted to the board for its consideration; and in Connecticut the board advises, on request, regarding improvements in public institutions.

*Hotels.*—Specific authority to administer the existing laws relative to the sanitation of hotels, etc., or to make regulations for this pur-

<sup>1</sup> Colorado, Delaware, Georgia, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nevada, North Carolina, Ohio, Tennessee, Washington, Wisconsin.

<sup>2</sup> Idaho, Mississippi, Montana, North Carolina, Oklahoma, South Carolina, Wyoming.

<sup>3</sup> California, Florida, Indiana, Minnesota, Oklahoma, Porto Rico, South Carolina, Utah, Vermont, Virginia.

<sup>4</sup> Alabama, Arkansas, Connecticut, Kansas, Louisiana, New Hampshire, New Jersey; also Delaware in the case of public institutions.

<sup>5</sup> California, Montana, New York, Porto Rico, Vermont.



pose is granted the board in the laws of some States;<sup>1</sup> while in Iowa the engineer member of the board is charged with the inspection of hotels, inns, and public lodging houses; and in Rhode Island the board must, on request of owners, examine into the sanitary condition of such establishments. Similar laws have been recently passed in Alabama and Georgia, but no mention is made therein of the authority which is to enforce them.

*Schools.*—In addition to the advisory functions assigned to the State board of health in relation to the management of schools, and those general provisions relative to public buildings, which are referred to under different headings, in a number of States,<sup>2</sup> the laws vest in the board certain definite powers in regard to the sanitation of schools and the hygiene of persons attending the same. In Vermont the State board of health is to prepare the rules for the medical inspection of children, while in Indiana, Louisiana, Maine, and Virginia the rules or the appliances for such inspection are decided upon jointly by the board and the school authorities. In Massachusetts the board prescribes directions for the testing of eyesight and hearing of children, and its inspectors visit regularly the schools to see if the buildings conform to sanitary requirements; in the District of Columbia the inspection of school children is conducted by medical inspectors under the direction of the health officer; in Indiana, Montana, and Utah the board prepares or helps to prepare sanitary data for use in the schools; in Montana and Vermont the board issues regulations for the lighting, heating, and ventilation of school buildings; and in Utah it prepares the form for the inspection of school-houses by local boards of health. In Maine the plans for school buildings must be approved by the board, in Utah the secretary of the board forms part of a commission of three charged with this duty, and in Pennsylvania the commissioner prescribes modern methods of school disinfection for such communities where no local board of health exists, and also the regulations for the medical examination of children, and appoints the school medical inspectors for communities with less than 5,000 inhabitants and other communities which fail to appoint such officers as required by the school code.

*Factories.*—In a number of States<sup>3</sup> the board enforces the laws relative to the sanitation of food establishments. In one<sup>4</sup> the inspectors of the board enforce the laws relating to the sanitation of factories, while the board itself decides finally all sanitary questions and issues

<sup>1</sup> Florida, Hawaii, Illinois, Kansas, Minnesota, Porto Rico, Oklahoma, South Carolina, Vermont, Virginia.

<sup>2</sup> Alabama, District of Columbia, Florida, Indiana, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, New Jersey, Oklahoma, Pennsylvania, Porto Rico, South Carolina, Utah, Vermont, Virginia, West Virginia.

<sup>3</sup> California, Hawaii, Kansas, Massachusetts, New Hampshire, New Jersey, Porto Rico, Tennessee, Wisconsin.

<sup>4</sup> Massachusetts.



orders to remedy defective conditions. In several <sup>1</sup> the laws authorize the board to regulate the sanitation of factories and workshops. In another <sup>2</sup> the board is empowered to issue regulations to protect the health of operatives employed in workshops where poisonous materials are handled, while in several States <sup>3</sup> the board collects the data reporting the occurrence of occupational diseases, and in one <sup>4</sup> it is charged by a resolution with the special duty of investigating the effects of occupational diseases on health.

*Public resorts.*—In the majority of cases no definition is given in the law of the term "public building." In some States <sup>5</sup> such institutions as hospitals, jails, almshouses, etc., are specifically mentioned; while in Alabama the phrase is made to include also theaters, court-houses, dairies, markets, slaughterhouses, etc.; in Florida and Virginia, all places open to the public; in Mississippi, Montana, and Oklahoma, all places of public resort; in Vermont, churches and all places of amusement; in West Virginia, public halls and churches; and in Porto Rico, cafés, restaurants, slaughterhouses, markets, sanatoria, milk depots, and even plantations.

*Railroad cars and depots.*—The power of State boards of health to regulate the movements of railroad cars and boats in case of epidemic or outbreak of disease is expressly recognized or implied in the laws in force for the control of communicable diseases. In a number of States, <sup>6</sup> however, specific authority in various forms and with more or less amplitude is conferred upon the State board to make rules for the sanitation of depots and passenger cars, and also in some cases of steamboats and other vehicles of transportation. A similar power is also granted in other States, <sup>7</sup> but this apparently applies only when outbreaks of communicable disease occur or are threatened.

*Mines.*—In only two States is specific power granted the State board of health in relation to the sanitation of mines; in Oklahoma the board being authorized to conduct investigations and also to prescribe and enforce measures of sanitation, while in West Virginia its duties are confined to investigate the ventilation of coal mines and advise in relation thereto and the treatment of accidents caused by poisonous gases.

*Foods and drugs.*—In only a few States <sup>8</sup> the laws relative to the purity of foods and drugs are enforced by the State health author-

<sup>1</sup> Florida, New Jersey, Porto Rico, Vermont, West Virginia.

<sup>2</sup> Louisiana.

<sup>3</sup> California, Illinois, Michigan, Wisconsin.

<sup>4</sup> Ohio.

<sup>5</sup> Connecticut, Delaware, Minnesota, New Hampshire, New Jersey, Wyoming.

<sup>6</sup> Alabama, Florida, Louisiana, Mississippi, New Jersey, New Mexico, Oklahoma, Porto Rico, South Carolina, Utah, Virginia.

<sup>7</sup> Kansas, Kentucky, Maine, Montana, South Carolina, West Virginia.

<sup>8</sup> California, Colorado, Delaware, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, Oklahoma, Porto Rico (Federal law in force; enforcement of law delegated by secretary of agriculture to director of sanitation), Tennessee, Vermont.



ities. In most instances, a food and dairy commissioner is charged with the administration of these laws, but in one State, Louisiana, this officer is appointed by the State board of health.

*Liquors.*—In Massachusetts the inspection and assaying of liquors are conducted by the State board of health, while in California the board must examine into the effects of intoxicating liquors and recommend any necessary legislation on the subject.

*Illuminant oils.*—In only two States, Iowa and Louisiana, the laws governing the inspection of illuminant oils are enforced by inspectors subject to the orders of the State board of health, which also issues rules for the interpretation of the laws in force.

#### ADVISORY FUNCTION.

Mention has already been made of those States in which the advice of the State board of health must be obtained regarding the installation of waterworks and sewage disposal systems, and also of those in which it is obligatory or optional to consult the board as to the sanitary features of public buildings.

In some States<sup>1</sup> this function is given emphasis by specific declarations in the law to the effect that the State board of health is the advisory body of the State in all questions pertaining to hygiene or sanitation.

#### EDUCATIONAL FUNCTIONS.

One of the most important duties of State boards, which has been receiving special attention during the last years, is the education of the masses in the preservation of health and the prophylaxis of disease. This has been tried to be accomplished in various ways.

In a majority of the States<sup>2</sup> direction or authorization is contained in the laws for the insertion in the report of the State board of health of useful information for the prevention of disease or of recommendations for the preservation of the public health.

In a number of States<sup>3</sup> provision is also made for the dissemination of such information among the people in other forms. In some cases there is specific authority for the issuance of circulars,<sup>4</sup> sanitary

<sup>1</sup> Alabama, Delaware, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina.

<sup>2</sup> Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Missouri, Kentucky, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Washington.

<sup>3</sup> Alabama, California, Colorado, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, West Virginia, Wisconsin, Wyoming.

<sup>4</sup> Arizona, Michigan, Mississippi, Montana, North Dakota, Pennsylvania, Rhode Island, Vermont.



bulletins,<sup>1</sup> or suitable notices,<sup>2</sup> while in case of epidemics the publications of bulletins or reports is authorized in various laws.<sup>3</sup> In Massachusetts the board may also at stated periods issue manuals of the health laws in force.

A recent inquiry<sup>4</sup> shows that with the following exceptions<sup>5</sup> literature on one or more health subjects is distributed by all the State boards of health now in existence.

In some cases specific mention is made in the law that part of the appropriation for the State board of health must be expended in conducting campaigns for the education of the people in the causation and prevention of preventable diseases and methods of securing pure milk and water,<sup>6</sup> or instructing the public in hygienic methods to prevent disease,<sup>7</sup> or disseminating information relative to tuberculosis, uncinariasis, and other diseases,<sup>2</sup> while provision for courses of lectures and demonstrations in sanitation and hygiene is made in some laws.<sup>8</sup>

*Bulletins.*—Periodical bulletins containing sanitary information are published by a majority of the State boards of health monthly,<sup>9</sup> bimonthly,<sup>10</sup> or quarterly.<sup>11</sup>

*Health trains.*—As an educational measure of great potency, health exhibits carried on trains all over the State have been recently used by the health authorities of various States.<sup>12</sup>

*Tuberculosis.*—In the case of tuberculosis, appropriations for educational campaigns by the board against the disease have been made in a number of States;<sup>13</sup> some laws<sup>14</sup> providing that public exhibits must be arranged. In various States<sup>15</sup> printed documents describing the precautions to be taken to avoid the spread of the disease must be sent by the State board of health to the physician or the patient as soon as a case is reported; in some<sup>16</sup> circulars are prepared by the

<sup>1</sup> Alabama, Maryland, New Hampshire, Vermont.

<sup>2</sup> Porto Rico.

<sup>3</sup> Hawaii, North Carolina.

<sup>4</sup> Jour. A. M. A., July 1, 1911 (p. 65).

<sup>5</sup> Alabama, Arizona, Arkansas, Colorado, Delaware, Georgia, Missouri, Nebraska, Nevada, New Mexico, South Dakota.

<sup>6</sup> Alabama.

<sup>7</sup> Indiana.

<sup>8</sup> Alabama, Utah, Virginia.

<sup>9</sup> California, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Montana, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Porto Rico, Texas, Virginia, Washington.

<sup>10</sup> Maine.

<sup>11</sup> Arizona, Colorado, Delaware (laboratory bulletins), Iowa, Louisiana, Missouri, New Hampshire, Oregon, South Carolina, South Dakota, Vermont, Wisconsin.

<sup>12</sup> California, Colorado, Louisiana, Michigan, Tennessee.

<sup>13</sup> Alabama, California, Kansas, Massachusetts, New Jersey, Porto Rico.

<sup>14</sup> California, Massachusetts, New Jersey.

<sup>15</sup> District of Columbia, Hawaii, Mississippi, New Hampshire, Vermont.

<sup>16</sup> Maine, Michigan.



board for this purpose, while in others<sup>1</sup> the literature is distributed by local boards of health, but the form used must be approved by the State board.

The above-mentioned inquiry disclosed the fact that literature relative to tuberculosis had been prepared and distributed by at least 33 State boards of health.

*Schools.*—One of the phases of the educational activity of health authorities is shown in the provision in various laws<sup>2</sup> authorizing the State board of health to recommend works on hygiene and sanitation for use in the schools. In other States<sup>3</sup> collaboration is provided between the State health and school authorities for the preparation of suitable data to be used for this purpose, while in Montana instruction must be given in the public schools relating to such diseases as the board of health may designate and furnish data about, and in Porto Rico the director of the tropical and transmissible diseases service was before 1912 required to prepare bulletins for use in the schools in regard to tuberculosis and hookworm disease.

#### QUASI-JUDICIAL POWERS.

The majority of the functions of the board which may be placed under this category could be said also to come under the executive jurisdiction. Such are, for instance, decisions by the board as to whether certain acts or states of things constitute nuisances or are dangerous to the public health, or, where the board administers the food laws, whether the sale of certain products is in violation of the pure food and drug acts.

In a number of States specific authority is vested in the State board of health or its executive officer to summon witnesses, compel their attendance, and make them testify in matters under the jurisdiction of the board,<sup>4</sup> to administer oaths,<sup>5</sup> to issue warrants for the apprehension of persons violating health regulations.<sup>6</sup> The statutory and common-law powers of a constable at law in all parts of the State are vested in the State health officer in one State;<sup>7</sup> in another<sup>8</sup> the members of the State board of health and its inspectors and officers are constituted peace officers, and in others<sup>9</sup> they have power to make arrests.

<sup>1</sup> Kansas, Maryland, New Jersey, New York.

<sup>2</sup> Colorado, Louisiana, Maine, Michigan, Montana, Tennessee, Wisconsin.

<sup>3</sup> Indiana, Utah.

<sup>4</sup> Connecticut (when investigating cases of water pollution), Nebraska, New York, Pennsylvania, Texas.

<sup>5</sup> Connecticut (when investigating cases of water pollution), Kentucky, Oklahoma, South Carolina, Texas, West Virginia.

<sup>6</sup> Florida, Louisiana, Pennsylvania.

<sup>7</sup> Indiana.

<sup>8</sup> Texas.

<sup>9</sup> Louisiana, Porto Rico.



Similar powers are also granted in those States in which the board is expected to enforce the laws relative to nuisances, and searches of houses are authorized.

Powers closely resembling this are likewise conferred on officers of local boards of health in various State laws.

#### QUASI-LEGISLATIVE POWERS.

In many of the States a great part of health administration is conducted under the provisions contained in regulations adopted by the board. The legal status of these regulations and the power of boards to adopt them even in the presence of express authority by the legislature have often been contested in the courts, widely divergent decisions having been rendered in relation thereto. (See *Potts v. Breen*, 167 Ill., 67; *Blue v. Beach*, 155 Ind., 121; *Isenhour v. State*, 157 Ind., 517; *Osborn v. Russell*, 64 Kans., 507; *State v. Zimmerman*, 86 Minn., 353; *State v. Board of Education*, 21 Utah, 401; *State v. Burdge*, 95 Wis., 390; and a number of other decisions given in the appendix.)

In the majority of States<sup>1</sup> specific power is conferred on the board to enact regulations to prevent the introduction or spread of communicable diseases; in a great many,<sup>2</sup> for the transportation of dead bodies, extending also, in a few cases, to the regulation of interments, embalming, etc. Mention of the power of the board to govern, by means of rules or regulations, the establishment, maintenance, and enforcement of quarantine is made in a few State laws;<sup>3</sup> in some<sup>4</sup> express authority is granted to so regulate the care and management of communicable diseases, the specific features of quarantine,<sup>5</sup> or terminal disinfection.<sup>6</sup>

In some States<sup>7</sup> the board is authorized to issue rules for the preservation of the public health when communicable diseases are present, or, in general,<sup>8</sup> for the preservation of the public health, or for the preservation and improvement of the public health,<sup>9</sup> or

<sup>1</sup> Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania, Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

<sup>2</sup> Alabama, Arizona, Arkansas, California, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, New Jersey, New York, North Carolina, North Dakota, Ohio, Porto Rico, South Carolina, Vermont, Washington, Wisconsin.

<sup>3</sup> Georgia, Louisiana, South Carolina, Texas.

<sup>4</sup> Florida, Louisiana, Minnesota, Porto Rico, South Carolina, Virginia, Wyoming.

<sup>5</sup> Indiana, Louisiana, North Carolina, Oregon, South Carolina, Utah.

<sup>6</sup> Maryland, Montana, New Hampshire, North Carolina, Ohio, Texas, Utah.

<sup>7</sup> Montana, Nevada, Vermont.

<sup>8</sup> Florida, Oregon, Utah.

<sup>9</sup> Illinois, Iowa.



the protection of health and life;<sup>1</sup> while in some States<sup>2</sup> a sweeping authorization has been conveyed to adopt regulations on such matters as may be best controlled by general or universal rule, or which can not, in the opinion of the board, be effectively regulated by local boards.<sup>3</sup> In two States<sup>4</sup> the commissioner of health is authorized to revoke or modify any local regulation or ordinance which, in his opinion, affects the public health beyond the territory over which the local board has jurisdiction.

In a number of cases specific mention is made of the power of the board to enact by-laws or rules for its own government;<sup>5</sup> or to carry into effect the purposes of the law creating the board;<sup>6</sup> for the execution of its duties;<sup>7</sup> to facilitate the transaction of business;<sup>8</sup> to properly perform its work;<sup>1</sup> or to enable it to discharge its duties.<sup>9</sup>

Many laws contain provisos to the effect that the regulations issued by the board are to be subject to the provisions of the health acts<sup>10</sup> or must not be inconsistent with the existing laws.<sup>11</sup>

In several States<sup>12</sup> these regulations must be approved by the governor; in Maine, by the governor and council; in Minnesota, by the attorney general; and in Porto Rico, by the council.

In an effort to avoid possible adverse decisions by the courts it has been the practice in various States<sup>13</sup> to enumerate in detail the specific matters which can be controlled by the board by means of regulations. It is noteworthy that in various States the board or department is specifically empowered to regulate only one or two health matters, outside of transportation of dead bodies; for instance, in New York, only the protection of water supplies and the collection of vital statistics; in Massachusetts, the sanitation of police station houses, lockups, and houses of detention, and the use of the public drinking cup and roller towels; in Alabama, the sanitation of railroad depots and passenger cars; in Arkansas, only the transaction of business, etc.; while no mention of this quasi legislative power of the board is contained at all in the Connecticut health laws.

In the health laws of various States<sup>14</sup> specific mention is made of

<sup>1</sup> Pennsylvania.

<sup>2</sup> Delaware, Ohio, Washington.

<sup>3</sup> Louisiana.

<sup>4</sup> New York, Pennsylvania.

<sup>5</sup> Arizona, Arkansas, California, Colorado, Massachusetts, Missouri, North Dakota, South Dakota, Virginia, Wisconsin, Wyoming.

<sup>6</sup> Georgia, Indiana, Kansas, New Mexico.

<sup>7</sup> California.

<sup>8</sup> Kansas.

<sup>9</sup> Mississippi, Nebraska, West Virginia.

<sup>10</sup> Idaho, Kentucky, Maine, Michigan, Montana, Oregon, Tennessee.

<sup>11</sup> Georgia, Minnesota, Missouri, Nebraska, New Mexico, Utah, Virginia, West Virginia.

<sup>12</sup> Hawaii, Rhode Island.

<sup>13</sup> Florida, Hawaii, Louisiana, Minnesota, Porto Rico, South Carolina, Virginia.

<sup>14</sup> Delaware, Florida, Maine, Minnesota, Nebraska, New Mexico, Ohio, South Carolina, Virginia, Washington.



the power of the board to issue either standing or special rules or orders covering only a section of the State or a determined period of time; in others<sup>1</sup> the board is expressly authorized to adopt and enforce regulations for towns or villages having no board of health.

The present tendency seems to be against the government of health affairs by regulation, substituting therefor the action of the law, and reserving the exercise of the regulating power for emergencies in which it would be impossible to obtain immediate action by the legislature. As instances of this tendency may be cited the example of boards, such as those of California and Texas, in securing the enactment into law of health provisions formerly contained in regulations; the fact that even the rules governing transportation of dead bodies have been given statutory form in various States,<sup>2</sup> and the adoption of few, if any, permanent rules by the State health authorities of some of the most important States of the Union.<sup>3</sup>

On the other hand, practically all health administration in such States as Louisiana and Minnesota is governed by means of regulations under law; previous statutes bearing on the public health having been expressly repealed in the case of Minnesota in view of the power conferred upon the board to control such matters by regulation. A similar vast power has been recently vested in the Hawaii and Porto Rico boards.

In many of the States<sup>4</sup> the laws make specific mention of the power or duty of the board to recommend in their annual or biennial reports such health legislation as may be necessary, so that adequate action may be taken by the legislature.

In other States<sup>5</sup> the board is merely required to make recommendations for the better protection of the public health.

#### RELATION OF STATE TO LOCAL HEALTH AUTHORITIES.

The predominance intended for State boards of health in the sanitary affairs of the State is given expression in the laws in such phrases as that the board is declared supreme in all health matters,<sup>6</sup> or in all quarantine matters;<sup>7</sup> or that it shall be the superior health board of the State;<sup>8</sup> or that it shall have general control over the enforcement

<sup>1</sup> Maryland, North Carolina (in times of epidemic), etc.

<sup>2</sup> California, Missouri, New Mexico, Texas, Virginia.

<sup>3</sup> California, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania.

<sup>4</sup> Alabama, Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Missouri, New York, Ohio, Pennsylvania, Rhode Island, Utah, Washington, Wisconsin.

<sup>5</sup> Arizona, Delaware, Florida, Minnesota, Mississippi, Montana, New Hampshire, New Jersey, North Dakota, Oklahoma, South Dakota, Vermont, West Virginia.

<sup>6</sup> Nevada.

<sup>7</sup> Delaware, Georgia, Illinois, Louisiana, Ohio, Texas, Washington.

<sup>8</sup> Indiana.



of the health laws;<sup>1</sup> the general oversight and direction of the enforcement of the statutes for the preservation of health;<sup>2</sup> the general charge, oversight, and care of health and lives;<sup>3</sup> the general care of the sanitary interests;<sup>4</sup> the general supervision of the interests of health,<sup>5</sup> or of health and life;<sup>6</sup> or of health and sanitary interests;<sup>7</sup> or of all matters relating to the public health;<sup>8</sup> or to the preservation of health and life;<sup>9</sup> or to the protection of the people from communicable diseases;<sup>10</sup> or of health interests;<sup>11</sup> or that it shall have supervision and control of all matters pertaining to health;<sup>12</sup> or supervisory power over quarantine and over care and control of communicable diseases;<sup>13</sup> or over the entire sanitary service.<sup>14</sup> In other States<sup>15</sup> it is briefly stated that the board shall take cognizance of the interests of health and life among the citizens.

The secondary rôle of county and municipal boards of health is emphasized in many laws by specific declarations of their being subordinate to the State board,<sup>16</sup> or placed under its supervision and control or direction,<sup>17</sup> or bound to follow its advice.<sup>18</sup> Some statutes<sup>19</sup> contain provisions directing county and local health officers to perform such duties as may be required by the State board.

In various statutes it is directed that the State and county or local boards shall act in harmony,<sup>20</sup> conjunction,<sup>21</sup> or cooperation,<sup>22</sup> especially for the suppression or prevention of epidemics.<sup>23</sup> In the case of Georgia it is, however, stated that the State board has no power to supersede local boards of health where these are properly maintained, and also that it must not violate the provisions relative to their duties; while in Minnesota the State board may direct various boards to act together to suppress disease.

<sup>1</sup> Alabama.

<sup>2</sup> Maine, Montana.

<sup>3</sup> Hawaii.

<sup>4</sup> Maryland.

<sup>5</sup> Kansas, Kentucky, Utah.

<sup>6</sup> Colorado, Illinois, Iowa, Maine, Michigan, Montana, Oregon, Pennsylvania, Tennessee, Wisconsin.

<sup>7</sup> Missouri.

<sup>8</sup> Florida, Oklahoma.

<sup>9</sup> Delaware, Georgia, Idaho, Ohio, Washington.

<sup>10</sup> Nebraska.

<sup>11</sup> Mississippi.

<sup>12</sup> Texas.

<sup>13</sup> Louisiana.

<sup>14</sup> Porto Rico.

<sup>15</sup> Arkansas, Connecticut, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Rhode Island, Vermont, West Virginia, Wyoming.

<sup>16</sup> Indiana, Missouri, Oregon.

<sup>17</sup> Alabama, Arizona, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, South Carolina, South Dakota, Washington, Wyoming.

<sup>18</sup> Colorado.

<sup>19</sup> Kansas, Montana, Oregon, Texas.

<sup>20</sup> Georgia, Louisiana, West Virginia.

<sup>21</sup> Idaho, Maryland, Nevada, Oklahoma.

<sup>22</sup> Colorado, Louisiana, Minnesota, Wyoming.

<sup>23</sup> Connecticut, Maryland, Wyoming.



In three States<sup>1</sup> the respective State boards of health are specifically authorized to issue rules governing the conduct of health officers. Penalties are usually provided for violations of the regulations adopted by the State board, and county and municipal health authorities would naturally be expected to enforce them. This duty is, however, placed upon them by specific provisions appearing on the statute books of many States;<sup>2</sup> in various States<sup>3</sup> the regulations made by local health authorities must not conflict with those of the State board; in others,<sup>4</sup> local health regulations are not valid until approved by the State board; and in a few,<sup>5</sup> power is granted the superior authority to add to, modify, or reverse regulations adopted by local boards. In Illinois, Iowa, Wisconsin, and some other States, should the local boards fail to enforce the regulations of the State board, this body may do so at local expense.

The State board of health is granted coordinate powers with local boards in two States;<sup>6</sup> in one,<sup>7</sup> it may assume such powers at its discretion; in another,<sup>8</sup> in times of epidemic; while in some<sup>9</sup> the State board may exercise the powers conferred upon local boards or enforce its own regulations in localities where no boards exist<sup>10</sup> or the existing boards fail to act promptly and efficiently.

When the public health is menaced by pestilences or epidemics the State board of health may control and regulate the action of local health authorities,<sup>11</sup> take necessary measures to safeguard the public health,<sup>12</sup> even independently of local action,<sup>13</sup> or in cooperation with them,<sup>14</sup> or at their request;<sup>15</sup> appoint medical or sanitary officers to enforce its regulations if the efforts of local authorities are ineffective,<sup>16</sup> or make special regulations to suppress nuisances or outbreaks of communicable disease,<sup>17</sup> assuming, if necessary, entire charge of the infected district.<sup>18</sup> If intrastate quarantine is established, the

<sup>1</sup> Indiana, Mississippi, Wyoming.

<sup>2</sup> California, Delaware, Georgia, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, Wisconsin.

<sup>3</sup> California, Idaho, Iowa, Louisiana, Mississippi, Montana, Pennsylvania.

<sup>4</sup> Connecticut, Ohio (those of villages), Washington.

<sup>5</sup> New Hampshire, New York, Ohio (quarantine regulations only), Oregon, Pennsylvania.

<sup>6</sup> Massachusetts, Utah.

<sup>7</sup> Vermont.

<sup>8</sup> Oregon.

<sup>9</sup> Colorado, Delaware, Illinois, Iowa, Nebraska, Ohio, Pennsylvania, Virginia, Washington, Wisconsin.

<sup>10</sup> North Carolina (during epidemics).

<sup>11</sup> California, Vermont, Washington, Wisconsin.

<sup>12</sup> Illinois, Maryland, Tennessee, Virginia.

<sup>13</sup> New Jersey, Oklahoma, Porto Rico.

<sup>14</sup> Louisiana, Missouri, Utah, Massachusetts.

<sup>15</sup> Nevada, South Carolina, West Virginia.

<sup>16</sup> Delaware, Georgia, Maine, Minnesota, New Hampshire, Ohio, Washington, Wisconsin.

<sup>17</sup> Florida, Virginia.

<sup>18</sup> Oklahoma.



State board<sup>1</sup> has the right to modify, approve, or abrogate it, its approval being in some cases<sup>2</sup> required before it can go into effect.

The usual policy of State boards of health is, however, not to interfere in local affairs unless its regulations are not enforced or when in the presence of an epidemic the local board is absolutely unable to control it and the disease threatens to spread to other localities. In most of the States<sup>3</sup> special appropriations are made on behalf of the State board of health, to be used in the prevention or suppression of epidemics or the control of communicable diseases, although in some cases the consent of the governor is indispensable before these funds can be touched.

The power and even the duty of the State board of health to investigate outbreaks of disease, and especially epidemics, is specifically mentioned in practically all the health laws. In order, however, to coordinate its activities with those of local boards provision is made in various laws for the interchange of sanitary information between these authorities.

In several States<sup>4</sup> the secretary of the State board is required to communicate with local health authorities, or to transmit to them such pertinent information as may be in his possession, coupled with suggestions for the prevention of disease.<sup>5</sup>

The local boards of health on their part must keep the State board posted on the sanitary condition of their jurisdictions by means of immediate reports in case of communicable diseases,<sup>6</sup> weekly reports,<sup>7</sup> periodical reports,<sup>8</sup> monthly reports,<sup>9</sup> quarterly reports,<sup>10</sup> annual reports,<sup>11</sup> and also special reports when required<sup>12</sup> or during

<sup>1</sup> Illinois, New Hampshire, Oregon, West Virginia, Wyoming, Iowa.

<sup>2</sup> Ohio.

<sup>3</sup> Alabama, Colorado, Connecticut, Delaware, Hawali, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, South Carolina, Tennessee, Washington.

<sup>4</sup> Colorado, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Montana, Oregon, Wisconsin.

<sup>5</sup> Connecticut, New Hampshire, Wyoming.

<sup>6</sup> Alabama, Arizona, California, Connecticut, Delaware, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey (if required), New York, North Carolina, North Dakota, Ohio, Porto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin, Wyoming, South Dakota.

<sup>7</sup> New Hampshire (in times of epidemic), New Jersey, Pennsylvania, Vermont (in times of epidemic), Virginia.

<sup>8</sup> (Period not fixed), Missouri, Oklahoma, Utah.

<sup>9</sup> Alabama, Arizona, California, Connecticut, Indiana, Louisiana, Montana, Nevada, New York, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah.

<sup>10</sup> Idaho, Indiana, Kentucky, Maryland, Oklahoma, Tennessee, West Virginia.

<sup>11</sup> Alabama, Colorado, Connecticut, Maine, Massachusetts, Michigan, Maryland, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Utah, Wisconsin.

<sup>12</sup> California, Colorado, Connecticut, Delaware, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Montana, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming.



outbreaks of disease dangerous to the public health.<sup>1</sup> This, of course, is in addition to the monthly reports of births and deaths required in the States belonging to the "registration area."

Violations of health laws are also required to be reported by local health authorities in California, while in Arkansas and Maryland they must communicate useful sanitary information. In Alabama delinquencies of duty by local health officers must be brought to their attention by the State health officer.

In some cases<sup>2</sup> all local health officers are appointed by the State board; in others<sup>3</sup> those of counties; in three States<sup>4</sup> the majority of the members of the county boards of health; in one<sup>5</sup> the majority of the members of both county and local boards of health; while in Connecticut, in case of vacancies, appointments to the position of county health officer for the unexpired term are made by the governor on the nomination of the State board of health; in South Carolina boards of health for unincorporated towns and villages are appointed by the State board; and in Porto Rico local health officers are appointed by the director of sanitation, with the approval of the governor; in North Carolina the qualifications of the county quarantine officer must be approved by the State board; and in Ohio not only the appointments of village health officers must be approved by the State board, but also the regulations made by them. In Delaware the State board is empowered to encourage the establishment of local boards, and in Maryland to organize them; while in New Jersey the State board may require township boards of health to appoint sanitary inspectors for their jurisdiction; and in New Hampshire it may during epidemics or emergencies appoint health officers for localities not provided with boards of health.

Of special interest in this connection is the experiment recently undertaken by the State board of health of Minnesota, which agrees to pay one-third of the salary of the health officer of Rochester if granted the privilege of nominating the incumbent and this officer devotes his whole time to public health work. The arrangement is similar to that in operation in England between the local government board and the sanitary authorities, and will undoubtedly be further used in this country.

In New Jersey the State board of health may also call special meetings of any local board of health, while in New York the State commissioner may direct the convening of a local board for the purpose of taking some action which he deems necessary for the public

<sup>1</sup> Colorado, Michigan, North Carolina, North Dakota, Ohio, Wisconsin.

<sup>2</sup> Hawaii, Vermont.

<sup>3</sup> Florida, Mississippi, Oklahoma, Wyoming.

<sup>4</sup> Kentucky, South Dakota, West Virginia.

<sup>5</sup> Virginia.



good. Questions of jurisdiction between local boards are in some States<sup>1</sup> to be decided by the State board of health.

In case the proper authorities fail to appoint either boards of health or health officers authority is conveyed in the law for the appointment by the State board of both county and local health authorities,<sup>2</sup> county health officers,<sup>3</sup> municipal health officers,<sup>4</sup> township health officers,<sup>5</sup> city boards of health,<sup>6</sup> and town and city boards of health.<sup>7</sup>

Power is granted the State health authorities to remove for cause county health officers in two States,<sup>8</sup> members of local boards of health in another,<sup>9</sup> and both local and town or county health officers in various States,<sup>10</sup> while in two States<sup>11</sup> the State board may file charges for removal with local authorities; and in another<sup>12</sup> the State board must notify county and local boards of delinquencies committed by health officers, and may file complaint before peace officers. In New York the removal by a local board of a health officer must be approved by the State commissioner of health.

In a number of States<sup>13</sup> the laws require that the State board of health be immediately notified of the appointment, name, and address of every health officer, or that a notice be sent annually showing the composition of the local board.<sup>14</sup>

Mention has been made elsewhere of those States providing for annual conferences between the State and local boards of health, and also those in which inspectors of the State board or department survey the sanitary affairs of localities and report on such conditions as may threaten the public health.

Pennsylvania, Porto Rico, and Hawaii may be given special mention as Commonwealths in which the State or Territorial authority exercise profound control in local health matters.

In Pennsylvania the law authorizes the commissioner of health to apportion the State into 10 districts, appointing to each district a health officer and the necessary assistants to supervise and control the sanitary affairs of the district and the registration of vital statis-

<sup>1</sup> Idaho, Maryland.

<sup>2</sup> California, Montana, Texas.

<sup>3</sup> North Carolina, Washington.

<sup>4</sup> New York, Ohio.

<sup>5</sup> New Jersey, Ohio.

<sup>6</sup> Minnesota.

<sup>7</sup> Maine, Wisconsin.

<sup>8</sup> Kansas, Maryland.

<sup>9</sup> South Carolina.

<sup>10</sup> Indiana, Nevada, New York, Oregon, Washington.

<sup>11</sup> Texas, Utah.

<sup>12</sup> Alabama, Montana.

<sup>13</sup> California, Connecticut, Idaho, Kansas, Kentucky, Maine, Maryland, Michigan, Montana, New Hampshire, New York, Ohio, Texas.

<sup>14</sup> Pennsylvania, South Carolina, Wisconsin.



tics. Acting under this provision and the authority conferred by section 6 of the act of April 27, 1905, to employ the necessary assistants for the proper performance of the work of his department, the commissioner has appointed county medical inspectors for each of the counties of the State, and a force of nearly 700 health officers to cover that part of the State lying outside of incorporated cities or boroughs with special reference to the enforcement of the laws for the reporting of vital statistics. In addition, under the provisions of an act passed in 1911, the commissioner appoints the medical inspectors for all school districts of the fourth class, these inspectors numbering more than 1,000.

In Porto Rico the local health administration is in charge of municipal health officers appointed by the director of sanitation.

In Hawaii the Territorial board constitutes the only health authority, a force of eight sanitary inspectors being distributed through the islands and nine in the city of Honolulu, in addition to the Government physicians or board of health agents who are stationed in various parts of the Territory.

The Territorial board of health acts also as a local board of health for the capital of the Territory, an arrangement similar to that which prevailed in Louisiana previous to the passage of the health law of 1898.

In Alabama, on the other hand, the State medical association, which is also the State board of health, consists of the county societies which act as county boards of health. These county medical societies are in their turn chartered by the State medical association and subject to its supervision and control, the parent organization being empowered to withdraw for cause the charter of any of these societies and cause the organization of another in its place.

In Arkansas the law provides that a physician's membership in the State board shall not be held to be in conflict with his holding of a position in a local board.

#### COOPERATION OF FEDERAL, STATE, AND LOCAL AUTHORITIES.

To a great degree the success met by health authorities in their fight against disease must depend on the support given by those competent to do so.

Practically all laws require the reporting by physicians and others of such cases of disease as may come to their knowledge.<sup>1</sup>

In a number of States<sup>2</sup> special provisions exist making compulsory on the part of physicians and officials of incorporated companies

<sup>1</sup> See Public Health Bull. No. 45.

<sup>2</sup> Colorado, Idaho, Maine, Michigan, Montana, Wisconsin, Porto Rico.



to furnish to the State board of health such information bearing on the public health as they may have in their possession; in others,<sup>1</sup> similar information may be required from persons in charge of public institutions or places of public resort.

Special emphasis on the duty of other State and local officers and peace officers to lend their aid in the enforcement of health measures deemed necessary by the State board is placed in various of the State laws.<sup>2</sup> Many laws contain similar directions in the case of measures adopted by local health authorities.

In various health laws<sup>3</sup> it is made obligatory for the executive officer of the board to communicate with other State boards of health, in order to better promote the cause of public sanitation; while in Kentucky the board is authorized to cooperate with other State boards in prosecuting sanitary investigations, and in Vermont with boards of health of other countries.

The provisions in various health laws for attendance at national conferences have already been mentioned.

In addition to State health laws, authorizing the holding of State conferences, attendance at national conferences, and cooperation between local authorities, physicians, and others, provision is made in the Federal statutes for the holding of conferences of State and Territorial health authorities with the United States Public Health Service. This provision is contained in an act approved July 1, 1902. There is also authority in the Federal statutes (act of Feb. 15, 1893) for cooperation of the Federal public-health agency with State and local authorities to prevent the spread of contagious and infectious diseases in interstate traffic. Provision has also been made for the collection of sanitary reports and statistics, these reports being promptly given publicity in the Public Health Reports, which are published weekly.

The legislation defining the duties and powers of the United States Public Health Service is chiefly contained in the acts of March 27, 1890, to prevent the spread of contagious diseases from one State to another; the act of February 15, 1893, granting additional quarantine powers and imposing additional duties; the act of July 1, 1902, effecting a reorganization of the United States Marine-Hospital Service; the act of February 20, 1907, relative to immigration; and the act of August 14, 1912, changing the name and defining its functions.

It is evident from the above that the public-health organization of the country includes Federal, State, and municipal agencies, which

<sup>1</sup> Connecticut, Delaware, Mississippi, Pennsylvania, Porto Rico, Wyoming.

<sup>2</sup> Delaware, Hawaii, Illinois, Iowa, Louisiana, Maine, Montana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Texas, Vermont, Washington, Wisconsin.

<sup>3</sup> Colorado, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Montana, Oregon, Vermont, Wisconsin.



are all bound together by law and by reason of their common object. The jurisdiction of each is more or less clearly defined, but in order that the best results shall accrue a proper coordination must be maintained between them and organizations developed to discharge their respective duties.

#### LOCAL BOARDS OF HEALTH.

Consideration will be given to this subject under the following subheadings: County boards, township boards, and municipal boards.

##### COUNTY BOARDS.

The following States have provisions in their statutes authorizing the creation of county boards of health: Alabama, Arizona, Arkansas, Colorado, Idaho, Illinois,<sup>1</sup> Kansas, Kentucky, Louisiana (parish), Maryland, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Virginia, Washington, and West Virginia. With the exception of Arkansas, the organization of these boards is obligatory in all the States just mentioned.

In New Jersey similar authority is granted, but there is only one such board, that for Hudson County, in existence. In Florida, although there are directions in the State constitution for the establishment by the legislature of county boards of health, no such bodies have been organized, the State health officer appointing instead in each county an agent to represent the State board of health.

In Georgia no county boards of health are provided by law, but the county authorities are empowered to adopt and enforce rules and regulations to protect the public health and to prevent the introduction and spread of communicable diseases, and also to pay out of the county treasury the expenses incurred. Similarly in Hawaii the county boards of supervisors are given authority to make and enforce ordinances on all matters of sanitation and to appoint county physicians and sanitary and other inspectors who have the same power as the agents of the Territorial board of health.

*County health officers.*—With the exception of Arkansas, Illinois, and Nebraska, the laws of the States referred to in the first paragraph require the appointment of county health officers to act as executive officers to the boards of health. These officers exist also in a number of States which do not possess county boards of health. Such are California, Connecticut, Florida, Indiana, Mississippi, New Mexico, Oklahoma, Texas, and Wyoming.

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<sup>1</sup> Only for counties with no township organization.



A Delaware act, passed before 1851, provides for the appointment by the governor of three physicians in each county to be county health officers, their functions, it is understood, being of a quarantine rather than public health character.

In North Carolina there exists also the position of county quarantine officer, charged specifically with the enforcement of the laws relating to the control of communicable diseases, a position which may or may not be filled by the county superintendent of health, at the discretion of the county authorities.

In Utah the board of county commissioners must divide the county into sanitary districts, appointing a health officer for each district.

*Composition.*—The composition of the county board of health varies considerably in the different States. It may be constituted by the board of county commissioners,<sup>1</sup> by that board and the county health officer,<sup>2</sup> by the board, county physician, and sheriff,<sup>3</sup> by the board and county judge,<sup>4</sup> by two members of the county board and the county health officer,<sup>5</sup> by the chairman of the county board, the district attorney and the county health officer,<sup>6</sup> by the last two officers and a person appointed by the county board,<sup>7</sup> by the chairman of the county board, mayor of the county town, county superintendent of schools, and two physicians appointed by them,<sup>8</sup> by the chairman of the county board and three physicians appointed by the State board of health,<sup>9</sup> by three persons appointed by the county board of commissioners,<sup>10</sup> by the State attorney and two physicians appointed by the State board of health,<sup>11</sup> by the county judge, the county court clerk, and the county health officer or jail physician,<sup>12</sup> by the judges of the county court and a physician appointed by them,<sup>13</sup> by the county judge, a person designated by the county court, and three physicians appointed by the State board of health,<sup>14</sup> by the prosecuting attorney, the president of the county court, and three persons nominated by the county court and appointed by the State board of health,<sup>15</sup> by two persons selected by the police jury of the parish and the parish health officer,<sup>16</sup> by three physicians appointed by the county judge,<sup>17</sup> and by the county medical society.<sup>18</sup> In Idaho every physician in the county is considered an advisory member of the board.

<sup>1</sup> Colorado, Illinois, Maryland.

<sup>2</sup> Idaho (county physician), Kansas, Montana, Utah, Washington.

<sup>3</sup> Nevada.

<sup>4</sup> Oregon.

<sup>5</sup> Minnesota.

<sup>6</sup> Arizona.

<sup>7</sup> North Dakota.

<sup>8</sup> North Carolina.

<sup>9</sup> Virginia.

<sup>10</sup> Nebraska.

<sup>11</sup> South Dakota.

<sup>12</sup> Tennessee.

<sup>13</sup> Missouri.

<sup>14</sup> Kentucky.

<sup>15</sup> West Virginia.

<sup>16</sup> Louisiana.

<sup>17</sup> Arkansas.

<sup>18</sup> Alabama.



The number of members of the county board of health is usually three,<sup>1</sup> but in some States<sup>2</sup> it is four and in others<sup>3</sup> five.

The membership of the county board consists only of physicians in two States;<sup>4</sup> in others<sup>5</sup> the majority must belong to that profession, at least one in some States,<sup>6</sup> and two in one State.<sup>7</sup>

The county health officer forms part of the board in a number of the States;<sup>8</sup> in others<sup>9</sup> he acts as its secretary.

*Combination of offices.*—In some States, as in North Carolina and Texas, the positions of county health officer and jail physician are held by the same person; in others, as in Alabama and Tennessee, the same arrangement can be made; in Idaho and Nevada, the county physician acts also as health officer for the county; while in other States, as in Washington, the county health officer may also be county physician. In North Carolina the county superintendent of health is also eligible for appointment as county quarantine officer.

*Appointment of county health officers.*—The health officer in most of the States<sup>10</sup> is appointed by the board of county commissioners or supervisors; in some<sup>11</sup> by the county court; in one<sup>12</sup> by the parish police jury; in one<sup>13</sup> by the judges of the superior court; in one<sup>14</sup> by the governor; in several<sup>15</sup> by the county board of health; and in the rest<sup>16</sup> by the State board of health.

*Qualifications.*—In practically all these States it is required that the position of county health officer be filled by a physician; in some States, however, as Colorado and Utah, if it is impracticable to obtain a physician a layman may be appointed, while in Connecticut the incumbents must be attorneys at law. It is noteworthy that in North Dakota and South Dakota the presidency and in Arizona the vice presidency of the county board is vested in the district attorney, this official also forming part of the board in West Virginia.

<sup>1</sup> Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana, Maryland, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee.

<sup>2</sup> Idaho, Montana, Utah, Virginia, Washington.

<sup>3</sup> Alabama (not necessarily), Kentucky, Nevada, North Carolina, Oregon, West Virginia.

<sup>4</sup> Alabama, Arkansas.

<sup>5</sup> Kentucky, South Dakota, Virginia.

<sup>6</sup> Arizona, Idaho, Louisiana, Missouri, Montana, Nebraska, Nevada, North Dakota, Tennessee, Washington.

<sup>7</sup> North Carolina.

<sup>8</sup> Arizona, Idaho, Kansas, Louisiana, Minnesota, Montana, Nevada, North Dakota, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia.

<sup>9</sup> Kentucky, Maryland, Oregon.

<sup>10</sup> Arizona, Colorado, California, Idaho, Indiana, Kansas, Maryland, Minnesota, Montana, Nevada, New Mexico, North Dakota, Texas, Utah, Washington.

<sup>11</sup> Missouri, Tennessee.

<sup>12</sup> Louisiana.

<sup>13</sup> Connecticut.

<sup>14</sup> Delaware.

<sup>15</sup> Alabama, Kentucky, Oregon, North Carolina, South Dakota (from own membership), Virginia (from own membership).

<sup>16</sup> Florida, Mississippi, Oklahoma, West Virginia (on nomination of county court), Wyoming.



*Term of office.*—The tenure of office for county health officers varies from one year,<sup>1</sup> two years,<sup>2</sup> to four years,<sup>3</sup> while in other States<sup>4</sup> it is undefined or left at the discretion<sup>5</sup> or pleasure<sup>6</sup> of the appointing board.

*Compensation.*—The compensation of county health officers is usually left to the discretion of the board of county commissioners. In some States, however, an attempt has been made to fix the maximum and minimum amounts which this compensation may reach. In addition to traveling expenses, it is limited to \$3 per day in Utah, \$5 per day in North Dakota and Oklahoma, \$8 per day in Wyoming, and \$10 per day in Arizona and Connecticut. In Indiana and Oregon it is fixed at 1½ cents per capita in the county; in Alabama at not less than 2 cents per capita in counties having less than 10,000 inhabitants, with the proviso that a reduction of not more than 10 cents per 1,000 inhabitants can be made in counties having more than the above population; in Maryland it is fixed at \$150 per annum in counties with less than 15,000 inhabitants, with an additional compensation for each additional 5,000 inhabitants. The laws provide that the annual compensation shall be not more than \$300 in Arizona, not more than \$1,500 nor less than \$10 in Indiana, not less than \$100 in Oregon, a varying scale between \$200 and \$1,500 being fixed in Oklahoma according to the population of the county, and between \$600 and \$2,000 in Montana.

In a number of the States, county health officers also act as registrars of vital statistics, and additional compensation is allowed them, being \$300 per annum,<sup>7</sup> or a specified sum for each birth or death certificate or report;<sup>8</sup> or contagious disease reported;<sup>9</sup> or case of disease investigated or visited;<sup>10</sup> or premises disinfected.<sup>11</sup> In Colorado, however, the law forbids any additional payment for such services.

In Illinois, the compensation of members of county and township boards of health is fixed at \$1.50 per day when actually on duty; in Arizona, members of county boards receive a mileage of 10 cents per mile; in North Dakota, \$3 per day while actually on duty and mileage at the rate 5 cents per mile; and in Missouri, the same salary as is allowed by law for their duty as county judges.

An effort has been made to compile a number of decisions of the courts bearing on this subject, and when considering the question of

<sup>1</sup> California, New Mexico, North Dakota, Virginia.

<sup>2</sup> Arizona, Idaho, Maryland, Mississippi, North Carolina, Oklahoma, Oregon, South Dakota, Texas, Utah.

<sup>3</sup> Connecticut, Indiana, Louisiana, Tennessee, West Virginia.

<sup>4</sup> Minnesota, Missouri, Nevada.

<sup>5</sup> Alabama.

<sup>6</sup> Colorado, Kansas, Kentucky, Montana, Wyoming.

<sup>7</sup> Arizona, Nevada.

<sup>8</sup> Idaho, Kentucky, Maryland, Missouri, Washington.

<sup>9</sup> North Carolina, North Dakota, South Dakota.

<sup>10</sup> Idaho, North Carolina, South Dakota.

<sup>11</sup> North Carolina.



compensation of county, township, and municipal health officers, the judicial dicta on the interpretation of existing law, as transcribed in the last part of the appendix, will be found of interest.

*Assistant county health officers.*—In several States<sup>1</sup> the laws contain express authority for the appointment of assistants to the county health officers or of special health officers to be employed during emergencies.

*Jurisdiction of county health authorities.*—By implied or express mandate of the laws the exercise of the powers conferred on county health authorities is confined to the limits of their respective counties outside of incorporated cities with more than 2,000 population,<sup>2</sup> of incorporated cities,<sup>3</sup> of incorporated cities and towns,<sup>4</sup> of incorporated cities<sup>5</sup> or cities and towns<sup>6</sup> with more than 2,500 inhabitants,<sup>5</sup> of incorporated cities with more than 20,000 inhabitants,<sup>7</sup> of cities and towns with special charters,<sup>8</sup> of incorporated cities and towns having boards of health,<sup>9</sup> of health officers,<sup>10</sup> of incorporated cities and villages,<sup>11</sup> of incorporated cities and villages having power to establish boards of health,<sup>12</sup> of incorporated cities, towns, and villages,<sup>13</sup> of incorporated municipalities in general<sup>14</sup> or having boards of health.<sup>15</sup>

In a few States definite authority is conferred on county health authorities over the administration of municipal health affairs. In Alabama the county board of health is also in charge of the health administration of all incorporated cities and towns, and no other local board can be established, it being the duty of the county board to appoint a health officer for every incorporated city and town in the county, and to pass upon his removal from office by the mayor.

In Connecticut the county health officer appoints the township health officers; if authorities of a city or borough fail to appoint a health officer for the locality he may make the appointment. Removals of local health officers must be approved by him. In addition the county health officer supervises town, city, and borough health officers, prosecutes before the courts all violations of the health laws

<sup>1</sup> Alabama, California, Idaho, Nevada, New Jersey, New Mexico, North Carolina, Utah, Washington.

<sup>2</sup> Oklahoma.

<sup>3</sup> Oregon (apparently).

<sup>4</sup> California, Indiana, Missouri, Montana, Nevada (apparently), South Dakota, Texas, Utah, Virginia.

<sup>5</sup> Arkansas.

<sup>6</sup> Kentucky.

<sup>7</sup> Washington.

<sup>8</sup> Maryland.

<sup>9</sup> North Carolina (apparently).

<sup>10</sup> New Mexico.

<sup>11</sup> Illinois.

<sup>12</sup> Nebraska.

<sup>13</sup> Arizona, Colorado, Minnesota, North Dakota, West Virginia.

<sup>14</sup> Kansas, Louisiana.

<sup>15</sup> Mississippi (apparently), Tennessee.



in either township, city, or borough, and appeals are made to him from orders of local health officers.

In Idaho city and village boards of health are placed under the supervision and direction of the county board, while in Oklahoma the township and town boards of health are situated in a similar position toward the county health officer, and in Washington all boards of health, with the exception of those of cities of the first class (cities with more than 20,000 inhabitants).

The provisions of the law are rather indefinite in Oregon, South Dakota, and Wyoming, although it is apparently intended to make local health authorities, except when otherwise provided for by charter, subordinate to county boards of health. In Nebraska and New Mexico municipalities having local boards of health are expressly exempt from the jurisdiction of the county board, while in Nevada the provisions of chapter 38, acts of 1903, authorizing county boards of health to establish boards of health in towns and cities, seem to have been abrogated by the power vested in city and town authorities by chapter 125, acts of 1907, to create boards of health and prescribe their powers and duties.

*Combination of county and municipal health authorities.*—In a number of States provision is made for the administration of health affairs in both county and municipalities by one person.

In Alabama the county health officer is also eligible as health officer for any one or more of the incorporated cities or towns within the county, while in New Mexico he may also be health officer for the principal city, town, or village of the county.

In some of the Western States, such as California and Colorado, where the administration of county and city is under the same authority, the health officer's jurisdiction embraces both the city and the county. Striking instances of this form of government are San Francisco and Denver.

In Indiana, in counties having less than 30,000 inhabitants, by mutual agreement between city and county authorities the office of county health commissioner may be consolidated with the board of health of one or more incorporated cities within the county, and a single health officer appointed for both county and city.

In Montana cities with less than 5,000 inhabitants may place themselves under the care of the county board of health, while in North Carolina the duties of the county quarantine officer may also be discharged by the municipal health officer or the county superintendent of health, and in Texas municipal authorities and county commissioners may join in making improvements deemed necessary for the public health.

*Meetings.*—In most States the frequency with which meetings of the county board of health are to be held is not fixed; in some States



it is, however, provided that they must meet four times a year,<sup>1</sup> twice a year,<sup>2</sup> or as often as deemed necessary by the county health officer.<sup>3</sup>

#### TOWNSHIP BOARDS OF HEALTH.

Boards of health for townships are provided for by law in the following States: Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania (only for townships with 300 inhabitants to the square mile), Rhode Island, South Dakota, Vermont, Wisconsin. In most of these cases, however, the local authorities are *ex officio* constituted as such boards of health.

*Composition.*—The township board of health consists of the township authorities in several States;<sup>4</sup> of the township authorities and another person appointed by them in one State;<sup>5</sup> of the township authorities and the health officer in two States;<sup>6</sup> of the supervisor, assessor, and town clerk in one State;<sup>7</sup> of the township authorities, the assessor, and a physician appointed by them in another.<sup>8</sup> In Wisconsin the town board may organize as a board of health or appoint a number of competent persons to discharge such functions, while in Massachusetts it is optional with the town meeting to elect a board of health, consisting of three members, the town's selectmen to act as a board of health if no board is elected. In two States<sup>9</sup> the board consists of three members, and in one,<sup>10</sup> of five members, appointed by the township authorities.

A physician must form part of the board in some States,<sup>11</sup> in others<sup>12</sup> whenever practicable, and in Massachusetts in all townships with a population over 5,000.

In Connecticut no township boards of health are in existence, their functions being discharged by township health officers, who are appointed for all townships, excepting those containing a city or borough with coterminous limits.

*Health officers.*—The appointment of township health officers is obligatory in some States;<sup>13</sup> in others<sup>14</sup> it is optional; while in a few<sup>15</sup> the laws contain no reference to the subject.

<sup>1</sup> Arizona, Idaho, Montana, North Dakota.

<sup>2</sup> Maryland.

<sup>3</sup> South Dakota.

<sup>4</sup> Iowa, Michigan, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota.

<sup>5</sup> New York.

<sup>6</sup> Minnesota, Vermont.

<sup>7</sup> Illinois.

<sup>8</sup> New Jersey.

<sup>9</sup> Maine, New Hampshire.

<sup>10</sup> Pennsylvania.

<sup>11</sup> Minnesota, New Jersey, Vermont, Pennsylvania.

<sup>12</sup> New Hampshire.

<sup>13</sup> Connecticut, Iowa, Michigan, Minnesota, New York, Ohio, Pennsylvania, Porto Rico (municipal), Rhode Island, Vermont, Wisconsin.

<sup>14</sup> Illinois, Maine, Massachusetts, New Hampshire (apparently), New Jersey.

<sup>15</sup> North Dakota, Oklahoma, South Dakota.



In several States<sup>1</sup> it is required that the township health officer be a physician; in others<sup>2</sup> only when practicable. The rest of the States set no qualifications in their laws.

The appointment of the township health officer is made by the township authorities in several States,<sup>3</sup> in others<sup>4</sup> by the township board of health, in one State<sup>5</sup> by the county health officer, and in another<sup>6</sup> by the State board of health, and in another<sup>7</sup> by the director of sanitation.

In one State<sup>8</sup> the State board of health may also require the appointment by the township board of health of a sanitary inspector for the jurisdiction, if in its opinion such appointment is necessary.

*Combination of offices.*—In New Jersey two or more adjacent townships may unite in employing the same health officer; in Porto Rico the same arrangement may be made by the director of sanitation for two or more municipalities; and likewise in New York the boards of health of any town and the incorporated villages therein, or of two or more towns and the villages therein, may, with the approval of the State department of health, unite in forming one sanitary and registration district and appoint for the same one health officer. In Vermont a town health officer may be also designated as health officer for an adjoining unorganized town or "gore."

*Jurisdiction.*—The authority of the township board of health is usually made coextensive with the limits of the township in the territory lying outside of organized municipalities. In Minnesota it is, however, provided that the township board of health may exert its authority over villages having no board of health, a similar inference being deducible from the wording of the New York law (sec. 34, public health law).

In Connecticut and Oklahoma the township health authorities are, by express provision of the law placed under the supervision of the county health officer.

*Compensation.*—The amount of the salary or fees of the township health officer are in practically all States left to the discretion of the local authorities, although a proviso is contained in some laws that the compensation must be reasonable. In Michigan the officers forming the board of health are entitled to a compensation of \$3 per day for each day actually and necessarily devoted by them to the discharge of their duties.

<sup>1</sup> Connecticut, Illinois, Iowa, Maine, Minnesota, New York, Porto Rico.

<sup>2</sup> Michigan, Wisconsin.

<sup>3</sup> Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire (apparently), Ohio, Rhode Island.

<sup>4</sup> Illinois, New Jersey, New York, Pennsylvania, Wisconsin.

<sup>5</sup> Connecticut.

<sup>6</sup> Vermont.

<sup>7</sup> Porto Rico.

<sup>8</sup> New Jersey.



*Meetings.*—In only a few States the laws prescribe the frequency with which meetings of the township board of health are to be held, annual meetings being required in some cases,<sup>1</sup> quarterly,<sup>2</sup> or semi-monthly<sup>3</sup> in others.

#### MUNICIPAL BOARDS OF HEALTH.<sup>4</sup>

The terms "village," "town," and "city" are used in diverse acceptations in State laws. It seemed therefore advisable to group under the above comprehensive name all such health organizations as exist in municipalities independent of county or township authority and having a more or less urban character.

In the following States, the laws make obligatory the organization of a board of health for each incorporated municipal government within the State: California,<sup>5</sup> Colorado,<sup>5</sup> Delaware,<sup>5</sup> Indiana,<sup>5</sup> Iowa,<sup>5</sup> Louisiana,<sup>5</sup> Maine,<sup>5</sup> Massachusetts,<sup>7</sup> Michigan,<sup>8</sup> Montana,<sup>5</sup> New Jersey,<sup>6</sup> New York,<sup>8</sup> North Dakota,<sup>8</sup> Ohio,<sup>8</sup> South Carolina,<sup>6</sup> Utah,<sup>5</sup> Vermont,<sup>7</sup> Virginia,<sup>5</sup> West Virginia,<sup>6</sup> Wisconsin.<sup>8</sup>

In Minnesota, the organization of boards of health is obligatory for cities and optional for villages; in Pennsylvania, obligatory for communities with a population of over 100,000 and with a population between 300 and 10,000, but only optional for communities with a population between 10,000 and 100,000 (cities of the third class); and in Nebraska, while obligatory for villages it is only optional for cities.

The appointment of boards of health is also obligatory for all cities in Arizona and Oregon, for all cities with more than 2,000 inhabitants in Oklahoma, with more than 2,500 inhabitants in Kentucky, with more than 5,000 inhabitants in Tennessee, and with more than 75,000 inhabitants in Missouri.

In New Hampshire, city councils are vested with all the powers of boards of health; in Rhode Island, city councils may either appoint boards of health or themselves discharge such functions; in Washington, in cities over 10,000, the city council may either organize as a board of health or appoint wholly or partially from its membership a board of health. A similar provision is in force in Wisconsin for all the communities of the State.

*Appointment not obligatory.*—The appointment of boards of health is optional for city, town, and village authorities in Mississippi, for city and village authorities in Idaho and Illinois, for city authorities

<sup>1</sup> Michigan, New Jersey, Ohio.

<sup>2</sup> Maine.

<sup>3</sup> Iowa.

<sup>4</sup> Separate consideration is given to the health organization existing in cities with more than 100,000 inhabitants.

<sup>5</sup> For cities and towns.

<sup>6</sup> For cities, towns, and villages.

<sup>7</sup> For cities.

<sup>8</sup> For cities and villages.



in Nevada and South Dakota, for authorities of cities with more than 2,500 inhabitants in Arkansas, with more than 3,000 and less than 75,000 inhabitants in Missouri, and with more than 4,000 inhabitants in Wyoming.

*No general provision.*—No provision for the general organization of municipal boards of health is found in the laws of Florida, Georgia, Kansas, Maryland, New Mexico, North Carolina, and of course in Hawaii, where the only health body is the Territorial board. In the above States such municipal boards as may be in existence have been organized under special charters or city ordinances, the public-health functions being discharged by county or municipal authorities, and in some instances in Florida by agents of the State board.

*Health officers.*—In Alabama, Connecticut,<sup>1</sup> Porto Rico, and Texas no municipal boards of health are in existence, their places being taken by municipal health officers. Similarly, in North Carolina such officers may be appointed in cities and towns, at the discretion of the local authorities.

Of the States previously mentioned the following have provision for the obligatory appointment of municipal health officers: Arizona, Colorado, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, New York, Ohio, Oregon, Pennsylvania, Porto Rico, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

The appointment of municipal health officers is optional in Maine, Massachusetts, and Oklahoma, while in New Hampshire the city council and in New Jersey the board may appoint such officers as it may desire for the enforcement of health laws; and in Missouri the appointment of health officers is obligatory for cities having a population of over 100,000 inhabitants and optional for cities having a population between 3,000 and 30,000 inhabitants.

In a number of States<sup>2</sup> the health officer forms necessarily part of the municipal board of health, while in others<sup>3</sup> at least one physician must belong to the membership.

*Size of communities.*—The minimum population which incorporated municipalities must have in order to organize an independent board of health or appoint a health officer is as follows: Ohio, over 50 persons; Alabama, Mississippi, South Carolina, West Virginia, over 100 persons; Oregon, over 150 persons; Idaho, Minnesota, Nebraska, New Mexico, New York,<sup>4</sup> Texas, over 200 persons; Louisiana, over 250 persons; Illinois,<sup>5</sup> Michigan,<sup>4</sup> New Jersey,<sup>4</sup> Montana, Pennsylvania

<sup>1</sup> All cities of the State are incorporated under special charters, the most important providing for a board of health to be appointed by the mayor.

<sup>2</sup> Arizona, Kentucky, Louisiana, Minnesota, Montana, North Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

<sup>3</sup> California, Delaware, Idaho, Indiana, Kentucky, Louisiana, Massachusetts, Minnesota, Montana, New Jersey, New York, Pennsylvania, South Carolina, Virginia.

<sup>4</sup> To the square mile.

<sup>5</sup> Within 2 square miles.



(boroughs), Utah, Washington, over 300 persons; South Dakota,<sup>1</sup> over 500 persons; North Carolina (apparently), over 1,000 persons; Oklahoma, over 2,000 persons; Arkansas, Kentucky, over 2,500 persons; Missouri, over 3,000 persons; Wyoming, over 4,000 persons; Tennessee, over 5,000 persons; Massachusetts, over 12,000 persons.

In Porto Rico the term "municipality" is practically equivalent to township.

The lowest number of inhabitants which can constitute a municipality is not specified in the other States.

*Composition of board.*—In a number of States,<sup>2</sup> municipal boards are constituted by the city or town authorities which act *ex officio* as such; by the city authorities and the health officer in one State;<sup>3</sup> in some States,<sup>4</sup> the local authorities may act themselves as a board of health or appoint instead a number of persons. In the majority of cases the board is appointed by the city or town authorities<sup>5</sup> or by the mayor with the consent of the council or other legislative body.<sup>6</sup> The majority of the members is appointed by the State board of health in one State,<sup>7</sup> and also in another,<sup>8</sup> on the nomination of the local authorities.

In a number of States,<sup>9</sup> the mayor is a member; in some,<sup>10</sup> the city engineer; in various cases,<sup>11</sup> members of the city council must figure in the membership; while in others,<sup>12</sup> membership in one body disqualifies for the other.

*Number.*—The number of members in municipal boards of health is in some States<sup>13</sup> fixed at 3; in one State,<sup>7</sup> at 4; in several,<sup>14</sup> at 5; in one,<sup>15</sup> at 6; at not less than 3 nor more than 7 in Delaware; at 6 for cities over 10,000 and 3 for other cities in Kentucky; at not less than 5 nor more than 7, which can be increased to 9 in cities over 100,000, in New Jersey; at 5 in cities under 5,000 and not more

<sup>1</sup> Within 4 square miles.

<sup>2</sup> Colorado, Indiana (only in the case of towns, communities with less than 2,000 inhabitants), Iowa, New Hampshire, Oklahoma, Oregon.

<sup>3</sup> Vermont.

<sup>4</sup> Nebraska (only in the case of villages, communities between 200 and 1,500 inhabitants), Michigan, Missouri (only in the case of cities of the second class, communities between 30,000 and 100,000 inhabitants), Rhode Island, Washington, Wisconsin.

<sup>5</sup> Arkansas, California, Delaware, Idaho, Illinois, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, Missouri (only of majority of board), Rhode Island (if desired), South Dakota, Tennessee, Utah, Washington (if appointed), Wisconsin (if appointed), Wyoming.

<sup>6</sup> Arizona, Indiana, Massachusetts, North Dakota, Ohio, Pennsylvania, South Carolina, Virginia.

<sup>7</sup> West Virginia.

<sup>8</sup> Kentucky, New York (only in the case of cities), Ohio, Virginia, West Virginia.

<sup>9</sup> Arizona, California, North Dakota.

<sup>10</sup> Arizona, North Dakota.

<sup>11</sup> Louisiana, Massachusetts, South Carolina.

<sup>12</sup> Idaho, Indiana, Maine, Massachusetts, Missouri (in cities over 30,000), Montana, Nebraska (in villages, when appointed).

<sup>13</sup> Arizona, California, Louisiana, Ohio, Pennsylvania, West Virginia.

<sup>14</sup> North Dakota.



than 20 in cities over 5,000 in South Carolina; and at 7 in cities and between 3 and 7 in villages in New York.

In Ohio, however, in the case of villages a health officer may be appointed in substitution for the board of health.

*Term of office.*—The term of office of the members of the board is fixed at one year in some States;<sup>1</sup> at three years in others;<sup>2</sup> at four years in several;<sup>3</sup> at five years in two States;<sup>4</sup> and left at the discretion of the appointing power in one.<sup>5</sup>

*Meetings.*—Various State laws specify the lowest number of meetings which can be held by municipal boards during the year, namely, 12,<sup>6</sup> or 4,<sup>7</sup> or 2.<sup>8</sup>

*Appointment of health officer.*—In some States,<sup>9</sup> the health officer is appointed by the board of health; in several,<sup>10</sup> by the municipal council or by the mayor with the approval of the council;<sup>11</sup> in one,<sup>12</sup> by the county board of health; and in others,<sup>13</sup> by the State board or department.

*Term of office.*—Not in all the States is the term of office of the health officer specifically determined by law. It is limited to one year,<sup>14</sup> two years,<sup>15</sup> three years,<sup>16</sup> four years,<sup>17</sup> good behavior,<sup>18</sup> or the pleasure of the board;<sup>19</sup> while it is to be fixed by the board in two States.<sup>20</sup>

*Removal.*—Power to remove the health officer is usually vested in the appointing authority. In Alabama, however, municipal health officers may also be removed by the mayor of the town or city; and in Connecticut, by the county health officer; while in both these States, if the health officer is removed by the city authorities, the county health authorities must approve the removal. Mention has been made elsewhere of the powers of State health authorities in regard to the removal of health officers.

<sup>1</sup> Arizona, Delaware, Nebraska (in villages only), North Dakota, Virginia, Wisconsin.

<sup>2</sup> Kentucky, Maine, Massachusetts, New York.

<sup>3</sup> Indiana, Louisiana, New Jersey, West Virginia.

<sup>4</sup> Ohio, Pennsylvania.

<sup>5</sup> California.

<sup>6</sup> Ohio, South Carolina.

<sup>7</sup> Delaware, Idaho, Maine, Montana.

<sup>8</sup> Iowa.

<sup>9</sup> Indiana, Kentucky, Louisiana, Massachusetts, Montana, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin.

<sup>10</sup> Colorado, Iowa, Maine, Michigan, Minnesota, New Hampshire, North Carolina, Oklahoma, Oregon, Texas, Utah.

<sup>11</sup> Arizona, Connecticut, North Dakota, Washington (except in cities of the first class).

<sup>12</sup> Alabama.

<sup>13</sup> Porto Rico, Vermont, West Virginia (on nomination of local authorities).

<sup>14</sup> Michigan, Virginia, Washington.

<sup>15</sup> Arizona, North Dakota, Oregon.

<sup>16</sup> Vermont.

<sup>17</sup> Indiana, Louisiana, New York, West Virginia.

<sup>18</sup> Porto Rico.

<sup>19</sup> Colorado, Iowa, Maine, Massachusetts, Pennsylvania, South Carolina, Wisconsin.

<sup>20</sup> Alabama, New Jersey.



*Qualifications.*—In a number of States,<sup>1</sup> the health officer must necessarily be a physician; in others,<sup>2</sup> only when practicable; while in various States,<sup>3</sup> this qualification is not required.

*Bond.*—In various States<sup>4</sup> municipal health officers are required to give a bond for the faithful discharge of their duties.

*Compensation.*—In most laws it is specified that the salary of the health officer will be fixed by the municipal authorities,<sup>5</sup> or the municipal board of health,<sup>6</sup> or by either the appointing authority or the body to which he belongs.<sup>7</sup>

In Indiana and Oregon it is fixed at 1½ cents per capita in the municipality, with the proviso, however, that it shall not be less than \$10 per annum in Oregon, and not less than \$10 nor more than \$1,500 in Indiana. In Colorado and Michigan a daily compensation of \$2, and in Connecticut a daily compensation of \$3, while actually employed must be paid unless other provision is made by the authorities.

In some States, as in Kentucky, Louisiana, Pennsylvania, and South Carolina, it is specified that members of the board of health shall receive no compensation; while in others, as in Indiana, Massachusetts, and Oregon, provision for compensation may be made by the municipal authorities.

*Secretary.*—In several States<sup>8</sup> the health officer acts as secretary of the municipal board of health; in others,<sup>9</sup> any member of the board may be appointed as secretary; in some<sup>10</sup> the secretary is not necessarily a member of the board or the laws specify that he shall not belong to the board.<sup>11</sup> The appointment of a person to act as clerk to the board is obligatory in Wisconsin and optional in Massachusetts and Ohio. In Louisiana the appointment of a person to act both as sanitary officer and secretary is also optional, while in Iowa the city clerk acts as clerk to the board.

*Assistant health officers.*—In Alabama the city or town council may create the position of assistant health officer, the incumbent to be appointed by the municipal health officer and confirmed by the county board of health. In Louisiana the board is empowered to appoint a sanitary officer, and in Ohio, ward or district physicians

<sup>1</sup>Alabama, Arizona, Connecticut, Idaho, Indiana, Iowa, Louisiana, Minnesota, North Dakota, Oklahoma, Oregon, Porto Rico, Texas, Virginia, Washington, West Virginia.

<sup>2</sup>Colorado, Michigan, Utah, Wisconsin.

<sup>3</sup>Montana, Pennsylvania, South Carolina, Vermont.

<sup>4</sup>Arizona, Indiana, North Dakota, Pennsylvania, South Carolina.

<sup>5</sup>Alabama, Arizona, Colorado, Connecticut, Iowa, Kentucky, Louisiana, Maine, Michigan, Montana, North Carolina, North Dakota, Texas, Virginia, Washington, West Virginia.

<sup>6</sup>Massachusetts, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Wisconsin.

<sup>7</sup>Minnesota.

<sup>8</sup>Indiana, Montana, Oregon, Vermont, Virginia.

<sup>9</sup>Delaware, Maine.

<sup>10</sup>New York, South Carolina.

<sup>11</sup>Pennsylvania.



for each ward in the city, a similar power being lodged with municipal boards in Pennsylvania and South Carolina, but only during prevalence or threatened prevalence of communicable diseases.

*Agents, sanitary police, etc.*—Specific authority for the employment of subordinate officers and agents or of such persons as shall be necessary is conferred on the board by the laws of some States,<sup>1</sup> in others,<sup>2</sup> only when communicable diseases are prevalent, or for special purposes such as the abatement of nuisances<sup>3</sup> or to conduct disinfections.<sup>4</sup>

In New Jersey it is obligatory to appoint sanitary inspectors for every municipality with more than 2,000 inhabitants.

*Jurisdiction.*—The jurisdiction of municipal boards of health is of course restricted to the limits of the municipality. In a number of States, however, power is conferred on the municipal authorities to exert their authority beyond the municipal limits for certain specific sanitary purposes.

The extension of this ultrajurisdiction varies not only in the various States, but also according to the purpose for which it is granted, whether to abate nuisances, enforce quarantine regulations, protect the water supply, or erect hospitals, and in some States, according to the size of the city in question.

For the purpose of regulating noxious trades, cities may exercise their authority 1 mile beyond their limits in Colorado, Illinois, and South Dakota, 2 miles in Washington, and 4 miles in Indiana; for the abatement of nuisances, 1 mile in Missouri and Utah, and also in Arizona, where in some instances it may be extended to 2 miles and 5 miles; for the protection of the water supply, 5 miles in Virginia and Washington, and 10 miles in Indiana; for the protection of health, 1 mile in Tennessee, and also in Arkansas, where it may be extended to 5 miles in cases of epidemic for quarantine purposes; for the enforcement of quarantine regulations, one-half mile in Illinois, 1 mile in Michigan, 2 miles in Arizona and Wyoming, 4 miles in Indiana, 5 miles in Kansas, Louisiana, Mississippi, and Wisconsin, 10 miles in Texas, and 12 miles in Nevada and Utah; being in Kentucky 2 miles for cities of the second, 10 miles for cities of the third, and 1 mile for those of the fourth class; in Missouri, 2 miles for cities of the first and second, and 5 miles for those of the third and fourth classes; and in Nebraska, 5 miles for communities with over 1,000 and less than 100,000 inhabitants, and 3 miles for communities having more than 100,000 or less than 1,500 inhabitants.

*Appropriations for county, township, and municipal boards of health.*—In addition to the provisions for the payment of salaries of

<sup>1</sup> Massachusetts, New Jersey, New York, Ohio, Wisconsin.

<sup>2</sup> Pennsylvania, South Carolina.

<sup>3</sup> Virginia.

<sup>4</sup> Utah (apparently).



health officers, specific provisions are contained in various health laws relative to the payment of the expenses incurred by local authorities in the enforcement of the health laws. In a number of States<sup>1</sup> it is expressly provided that all necessary expenditures of local boards in enforcing health laws or regulations must be paid out of the county or municipal treasury or submitted to them for allowance; while in Iowa, the expenses originated by the establishment or maintenance of quarantine must be submitted to the county authorities which may allow it, or increase or diminish the amount. In other States<sup>2</sup> provision is made for the reimbursement of any liability legitimately incurred by health officers.

In order to pay these expenses the city council is authorized in Ohio to levy or borrow the necessary sum, while in California a per capita tax of not exceeding \$3 or a property tax of not exceeding one-fourth of 1 per cent may be levied in either county or municipality. In case the authorities refuse to appropriate or pay for the expenses of the local boards of health the right is specifically reserved to health authorities in Louisiana to apply for a writ of mandamus to compel payment; while in West Virginia, when the authorities are unable to meet or provide for the expenses of county or local sanitation, these expenses are to be certified to the county court, which may pay such part as it may deem just and proper out of the county funds.

In two States, California and North Carolina, the county authorities may levy a tax for the protection of the public health, not to exceed, however, in California, one-half mill on property values.

In three States, New Jersey, Pennsylvania, and South Carolina, local boards of health are to submit annually to the proper authorities estimates of the appropriations needed, the council to make such allowances as shall be deemed necessary, although in New Jersey, if the estimate submitted by the board of health does not exceed a pro rata of 5 cents per capita, the total asked for is to be allowed. Such estimates must also be submitted by city boards of health in Massachusetts, if required by the city auditor.

In Massachusetts it is also provided that the amount paid by city boards of health for salaries must not exceed the amount of the appropriation granted, while in Alabama all expenses incurred by local health authorities for the enforcement of local health laws must be under control of county or municipal authorities.

All expenses for local sanitation are paid in Porto Rico from the insular treasury, each municipality covering into the treasury 12 per cent of its revenue to attend to these expenses.

<sup>1</sup> California, Georgia, Idaho, Louisiana, Montana, New Hampshire, New Mexico, New York, North Dakota, Ohio, South Dakota, Tennessee, Utah, Wisconsin.

<sup>2</sup> Arizona.



In North Carolina it is expressly provided that the expenses of quarantine and disinfection must be paid by county or municipal authorities. In most States, however, such expenses are chargeable to the individual affected unless he is found to be financially unable to pay.

#### UNINCORPORATED VILLAGES.

Unincorporated communities are, as stated before, usually placed under the care of county authorities. In a number of cases, however, the laws contain special provisions in reference to such towns or villages.

In Arizona each unincorporated community within the limits of which reside 50 or more electors constitutes a sanitary district for which the constable is to act as sanitary inspector.

In California the county authorities must appoint in each unincorporated community of 500 or more inhabitants a health officer invested with all the duties and powers of a board of health and a health officer.

In Idaho, whenever there is need for such action, the secretary of the county board of health may appoint a deputy health officer for any locality or the community itself may appoint a local board of health composed of at least one physician and two other persons.

In South Carolina the State board of health may appoint local boards of health, composed of one physician and six other persons, for each unincorporated community with more than 100 inhabitants, whenever 25 per cent of the qualified electors request such action.

In Texas the county authorities have power to appoint a board of health for any unincorporated community, the board to consist of three persons, two of whom must be physicians.

In Vermont the State board of health may designate a town health officer as health officer of an adjoining unorganized town or gore to perform all acts and receive the same salary as a town health officer.

#### SANITARY DISTRICTS.

In a number of States, such as California, Illinois, and New Jersey, the law provides for the incorporation of areas of contiguous territory into sanitary districts in charge of boards of trustees having for their object the acquisition of a pure water supply or the disposal of sewage or both.

#### METROPOLITAN CITIES.

Over one-fifth of the entire population of this country is grouped in communities averaging more than 100,000 inhabitants.<sup>1</sup> The im-

<sup>1</sup> Population figures taken from census of 1910.



portance of these cities and the prominent rôle played by them in public-health work requires that special consideration be given to the health organization existing therein, which is in most cases governed by provisions different from those under which boards of health of less populous cities are organized. Twenty-eight of these cities have a population each of over 200,000 inhabitants.

*New York City.*—The head of the department of health is called "board of health." This board consists of the commissioner of health, the health officer of the port, and the police commissioner. The health commissioner, who also acts as president of the board and chief executive officer of the department, is appointed by the mayor.

All business of the department except the research laboratories and the contagious disease hospitals comes under 2 bureaus, the chief officers of which are called, respectively, "sanitary superintendent" and "registrar of records." Offices are maintained by department in each of the 5 boroughs of the city.

In addition to the special provisions in the city charter, the city department of health is charged with the local enforcement of the State public-health law. The board has authority to prepare a sanitary code, according to which the health administration of the city is largely conducted.

The board of health has general sanitary control of the city and adjacent waters, but must not interfere with matters under the control of the health officer of the port.

The police department must cooperate with the board of health for the promotion of the public health and safety, besides furnishing a special detail of sanitary police. A health department pension fund is maintained for disability resulting from the performance of duty or long service.

The budget appropriations for the health department were as follows: 1911, \$2,823,499.50;<sup>1</sup> 1912, \$3,142,414.

Population, 4,766,883.

*Chicago.*—There is a department of health established by ordinance under powers conferred by statute. The department consists of the commissioner of health and the assistants and employees provided by city ordinance.

The commissioner is appointed by the mayor with the consent of the council.

Under the commissioner there are an assistant commissioner, a secretary, a registrar of vital statistics, chief sanitary inspector, chief food inspector, chief medical inspector, chief of the bureau of hospitals, and director of the laboratory; all appointed after civil-service examination. The employees embrace inspectors, health officers, disinfectors, bath and hospital attendants, sanitary policemen, and other employees.

Appropriation for 1912: \$720,908.

Population: 2,185,283.

*Philadelphia.*—The department of public health and charities is charged with the care, management, administration, and supervision of the public health, hospitals, and all other similar institutions intrusted to the control of the city. The department is in charge of a director appointed by the mayor.

The director appoints an assistant director and all subordinate officers and employees.

The department is organized into 2 bureaus, namely, health and charities.

<sup>1</sup> Includes also collection of offal and maintenance of municipal hospitals.



The functions of the bureau of health are distributed as follows:

I. Superintendence.

II. Inspection of services: Division of contagious diseases; division of house-drainage inspection; division of meat and cattle inspection; division of milk inspection; division of nuisance inspection; division of school medical inspection; division of tenement-house inspection.

III. Laboratory services: Division of bacteriology; division of chemical analysis.

IV. Hospital services.

V. Statistical services.

The board of health attached to the bureau consists of 3 members appointed by the mayor and approved by the councils. The mayor designates its president, who also acts as chief of the bureau of health.

Provision is made by ordinance for the appointment of 51 assistant medical inspectors, the director of the department being authorized to appoint all subordinate officers and employees, vaccine physicians, health inspectors, etc.

In connection with the board of health there is maintained a health office in charge of a health officer of the city and port, who is appointed by the governor. Nominally he is subordinate to the president of the board of health, but he is charged by law with the execution of certain specific duties relative to maritime quarantine, collection of vital statistics, etc.

The appropriations for 1912 were: Bureau of health, \$340,900; director's office, \$77,300.

Population: 1,549,008.

*St. Louis.*—The health department is composed of the board of health and the health commissioner. The board of health consists of the mayor, presiding officer of the council, one of the police commissioners designated by the mayor, 2 physicians appointed by the mayor, and the health commissioner. The board meets twice a week. The health commissioner is the executive officer, and is appointed by the mayor, with the consent of the council.

Appropriation for 1912: \$140,898.95.

Population: 687,029.

*Boston.*—The administration of health affairs is in charge of a board of health established by ordinance. The board consists of 3 commissioners appointed by the mayor and confirmed by the State civil service commission.

The board must appoint one or more health inspectors to inspect milk, vinegar, provisions, animals for slaughter, etc.

Appropriation for 1912: \$315,000.

Population: 670,585.

*Cleveland.*—The administration of health affairs is in charge of a board of health, consisting as other city boards in the State, of five members appointed by the mayor and approved by the council, the mayor being president *ex officio*. A health officer must be appointed by the board.

Appropriation for 1912: \$190,000.

Population: 560,663.

*Baltimore.*—The administration of health affairs is in charge of a commissioner of health appointed by the mayor and confirmed by the second branch of the city council.

The commissioner may appoint 2 assistant commissioners, a medical examiner, and an assistant medical examiner, clerks, and subordinates, and fix their compensation within the limits of the appropriation allowed. He may also appoint a number of sanitary inspectors, not to exceed 15, and 2 of whom may be physicians, and 1 at least an expert in drainage and ventilation. Food



and milk inspectors and analysts must also be appointed by him. One of the assistant commissioners, who must be a physician, serves as quarantine hospital physician and supervises the affairs of quarantine hospitals.

A vaccine physician for each ward of the city must be appointed annually by the commissioner, this physician acting also as sanitary inspector for his ward.

In the department of public safety is maintained an advisory board to the health department, consisting of the health commissioner, the fire commissioner, the street-cleaning commissioner, the inspector of buildings, and the president of the board of police commissioners.

Appropriation for 1912: \$203,105.

Population: 558,485.

*Pittsburgh.*—Health affairs are administered by a department of health in charge of a director of public health appointed by the mayor.

Appropriation for 1911: \$406,362.49.

Population: 533,905.

*Detroit.*—The administration of health affairs is in charge of a board of health consisting of 4 members appointed for 4 years by the governor with the consent of the senate. Only 2 of these members and not more must be physicians.

A health officer is appointed by the board, with authority to appoint and dismiss all subordinate employees. The board prescribes the duties and powers of the health officer, inspectors, superintendents, etc., and fixes number and compensation within the limits of the appropriation.

Appropriation for 1912: \$109,425.

Population: 465,766.

*Buffalo.*—Health affairs are administered by a department of health under the control and management of a health commissioner, who is appointed by the mayor and acts under the control and supervision of the board of health. The board consists of the mayor, president of the board of public works, and health commissioner.

The city is divided into 10 health districts, a physician being assigned to each district.

Appropriation for 1913: \$182,801.02.

Population: 423,715.

*San Francisco.*—Health affairs are administered by a department of public health under the management of a board of health. The board consists of 7 members appointed by the mayor, and only 3 of whom shall be physicians. Their term of office is 7 years, and they serve without compensation. The jurisdiction of the board extends over both the city and county of San Francisco.

The board has the management and control of the city and county hospitals and similar institutions and of all matters pertaining to the preservation, promotion, and protection of health and life, and the sanitary supervision of the municipal institutions of the city and county.

It may appoint under civil-service rules such officers, agents, and employees as may be necessary and fix their salaries and prescribe their duties. Acting under this provision a health officer is appointed by the board.

Appropriation for 1912: \$626,470.<sup>1</sup>

Population: 416,912.

*Milwaukee.*—Health affairs are administered by a commissioner appointed by the mayor with the consent of the council. The commissioner is authorized

<sup>1</sup> Includes cost of maintenance of hospitals.



to appoint, subject to confirmation by the council, such assistants, clerks, agents, etc., as may be necessary, their salary to be fixed by the council. He may also appoint special temporary assistants for the purpose of maintaining quarantine.

Appropriation for 1911: \$92,467.58.

Population: 373,857.

*Cincinnati*.—Same organization as Cleveland.

Appropriation for 1912: \$87,030.

Population: 364,463.

*Newark, N. J.*—The board of health consists of 10 members appointed for a term of 2 years by the mayor. At least 5 of them must be physicians, and not more than one-half can belong to the same political party.

The board may appoint such officers and employees as may be necessary.

Appropriation for 1912: \$177,445.

Population: 347,469.

*New Orleans*.—The administration of health affairs is conducted by a board of health, composed as other city health boards of the State, of 5 members appointed for a term of 4 years by the city council; 3 of their number, if practicable, must be physicians. The board elects a chairman, who also acts as health officer, receiving a salary fixed by law.

The board is organized into 3 departments, namely, vital statistics, food, and sanitation.

Appropriation for 1912: \$45,183.13.<sup>1</sup>

Population: 339,075.

*Washington, D. C.*—Health affairs are administered by a health officer appointed by the District commissioners, who also appoint an assistant health officer. The chief clerk of the District government acts as deputy health officer.

Provision is also made for the appointment by the commissioners on the recommendation of the health officer of sanitary inspectors.

Appropriation for 1912: \$104,440.

Population: 331,069.

*Los Angeles*.—Health affairs are administered by a health commissioner appointed by the mayor and confirmed by the council for a term of 4 years.

The health officer acts also as city physician, his duties being prescribed by ordinance, and appoints the necessary assistants and employees, the number and compensation of which are also fixed by ordinance.

Appropriation for 1912: \$85,500.

Population: 310,198.

*Minneapolis*.—Health affairs are administered by a health commissioner appointed by the city council, which is also authorized to appoint health inspectors.

Appropriation for 1912: \$134,135.

Population: 301,408.

*Jersey City*.—Same organization as Newark.

Appropriation for 1912: \$122,680.53.

Population: 267,779.

*Kansas City, Mo.*—The mayor and 4 members of the city council designated by him constitute the board of health. The board appoints a health commissioner, an assistant commissioner, and other necessary employees.

Appropriation for 1912: ———.

Population: 248,331.

*Seattle*.—Health affairs are administered by a commissioner of health appointed by the mayor and confirmed by the council.

<sup>1</sup> In addition, proceeds from permits, fines, etc., averaging over \$40,000 annually.



The commissioner appoints under civil service rules all officers and employees other than medical assistants, nurses, bacteriologists, and chemists. Their salaries are fixed and their duties prescribed by ordinance.

Appropriation for 1912: \$143,827.50.

Population: 237,194.

*Indianapolis.*—Health affairs are administered by a department of public health and charities consisting of 4 commissioners appointed by the mayor for a term of 4 years. Not more than 2 of the commissioners can belong to the same political party. The board has also charge of the city hospitals and charities.

A health officer, who acts also as secretary and must devote all his time to his office, is appointed by the board.

The health officer appoints assistants and help authorized by the board and has the immediate control and direction of the sanitary police force detailed by the department of public safety. The food and meat inspectors are appointed by the department of public safety on the nomination of the board of health.

Appropriation for 1912: \$38,904.<sup>1</sup>

Population: 233,650.

*Providence.*—Board of aldermen acts ex officio as board of health. A superintendent of health appointed by the city council acts as executive health officer.

Appropriation for 1912: \$57,500.<sup>2</sup>

Population: 224,326.

*Louisville.*—Health affairs are under the supervision of the board of public safety. A health department is in direct charge of health administration. The head of this department is a health officer appointed by the board of public safety, which also appoints the laboratory officials, 2 city physicians, sanitary, live stock, and milk, food, and water inspectors.

Appropriation for 1912: \$29,766.

Population: 223,928.

*Rochester.*—The commissioner of public safety appoints a health officer who must be a physician. This health officer, with the approval of the commissioner, appoints a deputy and assistants and health and sanitary experts. The commissioner has all the powers of a local board of health, and appeals from orders of the health officer can be taken to him. Compensation of subordinate employees is fixed by the commissioner subject to the approval of the board of estimate and apportionment.

The commissioner divides the city into 12 health districts, appointing a physician for each district.

Appropriation for 1910: \$49,220.<sup>3</sup>

Population: 218,149.

*St. Paul.*—Health affairs are administered by a department of health, consisting of the commissioner of health, the chief of police, the corporation attorney, and such assistants and employees as may be provided.

The head of the department is the commissioner of health, who is appointed by the mayor. The commissioner has power to appoint an assistant commissioner, 4 health officers, 1 meat inspector, 1 live-stock inspector, and 1 plumbing inspector.

Appropriation for 1912: \$37,160.<sup>4</sup>

Population: 214,744.

*Denver.*—Health affairs are administered by a health commissioner appointed by the mayor. The commissioner has control of the hospitals and morgue,

<sup>1</sup> Exclusive of maintenance of hospitals, etc.

<sup>2</sup> About \$27,000 of this sum is spent for the collection of garbage; milk and plumbing inspections are not in charge of the department of health.

<sup>3</sup> Does not include expenses of municipal hospital.

<sup>4</sup> Does not include collection of garbage.



and the sanitary supervision of the city and county institutions, of the plumbing, drainage, and sanitation of buildings, markets, meat and milk inspection, and of the disposal of garbage, etc., his jurisdiction extending over both the city and county of Denver.

The commissioner appoints city and county physicians, and such assistants, bacteriologists, inspectors, etc., as may be necessary, with the approval of the mayor, which appoints a health officer.

Appropriation for 1912: \$200,000.<sup>1</sup>

Population: 213,381.

*Portland, Oreg.*—Health affairs are administered by a board of health, consisting of the mayor, the chief of police, and 3 physicians appointed by the mayor, which appoints a health officer.

Appropriation for 1912: \$31,375.

Population: 207,214.

*Qualifications of health officers.*—Not in all these cities is it required that the health executive be a physician. In various of them,<sup>2</sup> however, this provision exists, a number of years of practice being also usually required. In some of the most important cities<sup>3</sup> no special qualifications are demanded, with the exception that he be a resident of the city, although the position is ordinarily filled by a physician or sanitarian.

*Term of office.*—Tenure of office is in most of these cities<sup>4</sup> 4 years; in one,<sup>5</sup> 3 years; in two,<sup>6</sup> 5 years; in one,<sup>7</sup> during the pleasure of the board; in another,<sup>8</sup> during good behavior; and indefinite in another.<sup>9</sup>

*Compensation.*—The salaries paid the health executives in some of these cities are as follows: Philadelphia, \$10,000; New York, \$7,500; Chicago, \$6,000; Detroit and Seattle, \$5,000; Boston,<sup>10</sup> \$4,500; Buffalo, Washington, and Denver, \$4,000; Los Angeles, \$3,600; Baltimore, \$3,500; Indianapolis and Rochester, \$3,000.

*Cities between 100,000 and 200,000 inhabitants.*—There are 22 cities of this class in the United States.

*Birmingham, Ala.*—Health affairs administered by a health officer appointed under general provisions of health law described elsewhere.

*Oakland, Cal.*—Governed by general provisions of health laws described elsewhere.

*Bridgeport, Conn.*—Health affairs administered by a board of 4 health commissioners; not less than 1 nor more than 2 must be physicians, and not more than 2 can belong to the same political party. They are appointed by mayor for a period of 2 years. The mayor is president ex officio. A health officer is appointed by board for 4 years.

<sup>1</sup> Exclusive of maintenance of hospitals.

<sup>2</sup> Baltimore, Buffalo, Chicago, Cincinnati, Cleveland, Denver, Detroit, Indianapolis, Los Angeles, New Orleans, Rochester, St. Paul, Seattle, Washington.

<sup>3</sup> Boston, Jersey City, Kansas City, Milwaukee, Newark, New York, Philadelphia, Pittsburgh, San Francisco.

<sup>4</sup> Baltimore, Chicago, Denver, Kansas City, Los Angeles, Milwaukee, Minneapolis, New Orleans, New York, Philadelphia, St. Louis, St. Paul.

<sup>5</sup> Boston.

<sup>6</sup> Buffalo, Seattle.

<sup>7</sup> Detroit.

<sup>8</sup> Rochester.

<sup>9</sup> Indianapolis.

<sup>10</sup> Chairman gets this salary; the other 2 commissioners \$500 less.



*New Haven, Conn.*—Health affairs administered by a board of health consisting of 5 members appointed by mayor; 2 of the members must be physicians. A health officer is to be appointed by the board, and also a number of assistant health officers, inspectors, clerks, etc.

*Atlanta, Ga.*—Health affairs are administered by a board of health consisting of 10 members, one from each ward of the city, elected by the council for a term of 3 years. The mayor and chairman of the sanitary committee of the council are ex officio members. The executive functions are discharged through a number of departments, namely, sanitary, health, contagious-diseases hospital, detention hospital, tuberculosis hospital.

A health officer elected by the board for a term of 2 years is at the head of the health department, being also in charge of the hospitals.

*Cambridge, Fall River, Lowell, and Worcester, Mass.*—Governed by general provisions of health laws described elsewhere.

*Grand Rapids, Mich.*—Health affairs are administered by a board of health consisting of 5 members appointed by the mayor for a period of 5 years. A health officer is appointed by the board, which also appoints superintendent of the poor, city physician, bacteriologist, inspectors, etc.

*Omaha, Nebr.*—A health commissioner is appointed by the mayor and approved by the council to execute and enforce all health laws and ordinances and to act as city physician. Ordinances for the protection of the public health are made by the mayor and council.

*Paterson, N. J.*—Same organization as Jersey City and Newark.

*Albany, Syracuse, and Utica, N. Y.*—Same organization as Rochester.

*Columbus, Dayton, and Toledo, Ohio.*—Same organization as Cleveland.

*Scranton, Pa.*—Health affairs administered by a bureau of health connected with and under control of the department of public safety. The director of this department appoints the superintendent of health and other necessary employees.

*Memphis and Nashville, Tenn.*—Health affairs are administered by a board of health consisting of 3 physicians appointed by the mayor for a term of 3 years. The health officer, assistant health officer, bacteriologist, inspectors, etc., are appointed under civil-service rules.

*Richmond, Va.*—Health affairs are administered by a board of health consisting of 5 members appointed for a term of 3 years; 3 of them must be physicians.

A health officer is elected by the board for a term of 2 years.

*Spokane, Wash.*—Health affairs are administered by a board of health consisting of the 5 city commissioners. A secretary, who must be a physician, is elected by the board to act also as health officer.

## COURT DECISIONS.

Under our system of government, acts of governmental officers are subject to review by the courts to see that the constitutional rights of citizens are not violated nor wrong application made of laws. With a view to show the construction placed by the judiciary on health laws of the various States, quite a number of decisions have been collected, and liberal quotations inserted in the appendix, assorted under the subject to which they bear most relation. The subjects under which they have been classified will be found in the contents. No attempt was made to refer to all court decisions relating to health subjects, but only to those dealing more specifically with the powers and activities of health authorities, excerpts being only given of such as have special interest or importance.



## APPENDIX.

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### STATE AND TERRITORIAL LAWS RELATING TO ORGANIZATION, POWERS, AND DUTIES OF HEALTH AUTHORITIES.

The following laws were compiled in the bureau from the statutes of the several States and Territories, as found in the Law Library of Congress, and from copies of recent laws transmitted by special request by the respective State health authorities.

Galley proof of the analysis of the laws, and the laws themselves, were submitted to the health officials of the several States and Territories for criticism and correction, and acknowledgment is due and here made for this service and for helpful suggestions.

This compilation includes only those laws relating in general to the organization and powers of health authorities. Laws dealing in detail with specific subjects such as communicable diseases, nuisances, etc., have been, as a rule, left out, it being the intention to publish them in separate volumes.

No attempt has been made to collect the provisions relative to health administration in cities with more than 100,000 inhabitants nor those contained in city charters, although a brief summary of the organization existing in them has been given on pp. 68 et seq.

In this publication capitalization and punctuation are in accordance with the rules of the Government Printing Office.

#### ALABAMA.

[Code of 1907.]

698 (as amended by act, p. 116, acts of 1911). *State board of health; how constituted.*—The medical association of the State of Alabama, as constituted under the laws now in force or which may hereafter be in force, is hereby constituted the State board of health.

699. *Clerk of the State board of health.*—The State board of health is authorized to employ a clerk whose salary shall be \$1,200 per annum, which shall be paid him by the auditor in monthly installments, on the order of the presiding officer of the State board of health.

702. *Authority, jurisdiction, and duties of the State board of health.*—The State board of health shall have general control over the enforcement of the laws relating to the public health; shall investigate the causes, modes of propagation,



and means of prevention of endemic, epidemic, infectious, and contagious diseases; shall investigate the influence of localities and employments on the health of the people; shall have the right to inspect all public schools, hospitals, asylums, jails, poorhouses, theaters, opera houses, courthouses, prisons, markets, public dairies, slaughter pens or houses, depots, passenger cars, and other public places and institutions of like character; also, the sources of supply, reservoirs, and avenues of conveyance of drinking water furnished to incorporated cities and towns; shall prescribe and publish rules for the sanitation of depots and passenger cars on the lines of all railroads in the State, including the territory contiguous to said lines of railroad; shall exercise general supervision and control over the county boards of health in the execution of the public health laws of the State in their respective counties; and shall act as an advisory board to the State in all sanitary and medical matters.

704. *State health officer; election; duties and powers.*—The State board of health shall elect an executive officer, to be known as the State health officer, and shall fix his term of office and salary, provided that the latter shall not exceed five thousand dollars per annum. The State health officer so elected shall, under the direction of the State board of health, exercise general supervision over the county boards of health and county and municipal health officers, and shall promptly report to said county boards of health any delinquencies of official duty on the part of said county and municipal health officers which may come to his knowledge; shall keep himself informed in regard to all infectious, contagious, and pestilential diseases which may be in danger of invading the State, and shall, so far as authorized by law, take prompt measures to prevent such invasion; shall keep the governor informed as to the health conditions prevailing in the State, especially as to outbreaks of any of the diseases enumerated in section 716 of this code, and shall submit to the governor such recommendations as he deems proper to control such outbreaks.

705. *Report of State board of health.*—The State board of health shall submit to the governor an annual report of its transactions, in which report recommendations as to needed health legislation may be embodied, and the governor shall order such number of copies of said report printed for distribution as he may deem proper.

SEC. 733 (as amended by act, p. 621, acts of 1911). *Appropriation.*—The sum of \$25,000 is hereby appropriated to the State board of health annually. Said sum shall be paid in monthly installments to the executive officer of the State board of health on the requisition of the president of said board, approved by the governor, and through warrants drawn by the auditor on the treasurer. An itemized account of all expenditures made under this section shall be rendered annually to the governor. Said sum shall be expended for the following purposes: (1) To supervise the execution of the health laws of the State; (2) to supervise the collection of the vital, mortuary, and infectious disease statistics of the State and to tabulate the same for publication; (3) to furnish all such blanks, envelopes, record books, stationery, and postage as may be needed for the collection, tabulation, and filing of the vital, mortuary, and infectious disease statistics of the State; (4) to conduct a bacteriological laboratory for furnishing the most modern scientific aids in the diagnosis and treatment of the diseases of the people of the State; (5) to conduct a Pasteur institute for the free treatment of all residents of the State who may be bitten by rabid animals and who may apply for treatment; (6) to conduct campaigns for the education of the people of the State as to the causation, propagation, and prevention of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases; (7) to conduct campaigns for the extermination of tuberculosis, hookworm disease, typhoid and malarial fevers, and other



preventable diseases in so far as this may be accomplished; (8) to conduct campaigns for the education of the people as to the sanitary methods to be employed in securing pure milk and pure drinking water; (9) to distribute among the people of ~~the~~ State bulletins, leaflets, etc., giving information in regard to preventable diseases; (10) to provide an equipment for a field hospital to be used for isolating and treating cases of infectious and pestilential diseases that may occur in or be imported into the State; (11) to establish one or more depots of supply of diphtheritic antitoxin in every county of the State, said antitoxin to be furnished free of cost to all persons unable to provide themselves with the remedy when needed; (12) to provide an equipment for disinfecting houses and other places under urgent and special conditions; (13) to execute through its board of medical examiners the law regulating the practice of medicine in the State; (14) to enable the State board of health to secure legal advice and assistance, when needed, in the execution of the health and quarantine laws of the State; also to enable the State board of medical examiners to obtain legal advice and assistance, when needed, in executing the law regulating the practice of medicine in the State; (15) to provide an equipment for illustrating popular lectures on the causes, modes of transmission, and prevention of diseases, said lectures to be delivered under the auspices of the State board of health; (16) to employ such clerks, agents, and other employees and to purchase such property, materials, and supplies, and to enter into such contracts as may be considered expedient by said board in discharging its duties or assisting in the discharge of the duties of other boards or officials having duties in connection with any of the health laws of the State.

700. *County boards of health; how constituted.*—The county medical societies in affiliation with the Medical Association of the State of Alabama and organized in accordance with the provisions of its constitution are boards of health for their respective counties and for all incorporated towns and cities therein and shall be under the general supervision and control of the State board of health.

701. *No other local boards than county boards of health to be established.*—No local board of health or executive medical body of any name or kind for the exercise of public-health functions, other than the county board of health, must be established in any county, town, or city.

703. *Duties, authorities, and powers of county boards of health.*—It shall be the duty of county boards of health—

(a) To supervise the administration of the health laws of the State in their respective counties and to enforce the law for the collection of vital and mortuary statistics.

(b) To investigate through their committees of public health and health officers cases or outbreaks of any of the diseases enumerated in section 716 of this code, and to enforce such measures for the prevention or extermination of said diseases as they are authorized by law to enforce.

(c) To investigate through their committees of public health and health officers all nuisances to public health against which complaint has been alleged, and whenever a complaint is ascertained to be well founded they shall, through said committees and health officers, take such steps for the abatement of the nuisance complained of as the law provides.

(d) To exercise through their committees of public health and health officers special supervision over the sanitary conditions of public schools, hospitals, halls, opera houses, theaters, asylums, courthouses, jails, industrial and manufacturing establishments, prisons, markets, public dairies, public slaughter pens or houses, and depots and passenger cars on all lines of railroad in their respective counties, including the territory contiguous to said lines of railroad.



(e) To elect a health officer for the county, removable at pleasure, and to fix his term of office, the jurisdiction of which officer shall extend to all parts of the county, except such as are comprised within the municipal limits of incorporated cities or towns within the county.

(f) To elect a health officer, removable at pleasure, for every incorporated city and town in the county, and to fix the term of office of such health officer, provided that the health officer of a county may be eligible for the position of health officer of any one or more of the incorporated cities or towns in his county. The authorities of said incorporated cities or towns shall fix fair salaries for their respective health officers.

(g) To elect physicians to attend the inmates of the county poorhouse and jail, and to fix the terms of office of such physicians, provided that both of said positions may be filled by the same physician or by the county health officer. The court of county commissioners or board of revenue shall fix fair salaries for such physicians as may be elected to fill said positions, or for the county health officer, should he be elected to fill them or any one of them.

(h) To require the county health officer to submit to the judge of probate and county commissioners or board of revenue, by or before the 1st day of March of each year, on blank forms to be supplied by the State board of health, a full and complete report of all public health and sanitary work done in the county during the preceding year, with such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper, which report shall include the vital and mortuary statistics of the county.

(i) To require the health officer of every municipality in the county to submit to the mayor and council of such municipality, by or before the 1st day of March of each year, a full and complete report of all public health and sanitary work, which report shall include the vital and mortuary statistics of the municipality and may contain such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper.

(j) To require the county health officer to forward to the State board of health, by or before the 10th day of each calendar month, a report of all births and deaths, specifying the causes of the latter, that have occurred in the county, including all municipalities therein, for the preceding month; also, by or before the 1st day of March of each year an annual report containing a full account of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalities therein, and may contain such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper.

(k) To perform all such other duties as are, or may be, required by law.

706. *Duties of county health officers.*—It shall be the duty of the health officer of a county—

(a) To keep, under regulations prescribed by the State board of health, a book to be styled "The Register of Births," in which book he shall register, so far as reported to him, the sex and color of every child born in the county, the date of such birth, the name or names, age or ages, race, color, and occupation of the parent or parents, together with such other details as said regulations may require; also, a book to be styled "The Register of Deaths," in which he shall register the names, so far as reported to him, of all persons who die in the county, specifying the date, place, and cause of death, also the sex, color, race, occupation, and, as far as can be ascertained, the age of each deceased person, together with such other details as may be required by said regula-



tions; also, a book to be styled "The Register of Infectious Diseases," in which book he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 716 of this code; all of which registers shall, when filled, be filed by the county health officer in the office of the judge of probate of the county, who shall receipt therefor.

(b) To exercise, under the direction and control of the committee of public health, acting for the county board of health and in accordance with the health laws of the State, general supervision over the sanitary interests of the county, and should he discover any cause of disease or the existence of any condition detrimental to the health of the people, he shall, so far as authorized by law, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the facts to the county board of health, adding such recommendations as to special action as he may deem proper.

(c) To make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of those enumerated in section 716 of this code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be one of those enumerated in said section and in imminent danger of spreading, he shall, in accordance with law, institute immediate measures to prevent the spread of such disease, and shall forthwith report the facts thereof in writing to the judge of probate of the county, to the chairman of the committee of public health of the county board of health, and to the State health officer.

(d) To obtain as needed, at the expense of the county, a sufficient supply of vaccine virus with which to vaccinate, without charge, all indigent persons in the county who may apply at his office, or at the offices of such physicians throughout the county as may be supplied with vaccine virus for the purpose of aiding him in the vaccination of such persons.

(e) To visit the county jail and county poorhouse once each month, and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners and inmates, also as to the ventilation, air space, heating and bathing facilities, closets, drainage, etc., of these institutions, and when any of said supplies are found to be inadequate in quantity, or bad in quality, or any of said conditions insanitary, it shall be his duty to make in writing a circumstantial report thereof to the judge of probate and county commissioners or board of revenue, and to forward duplicates of said report to the county board of health and to the State health officer.

(f) To make to the State board of health, by or before the 10th day of each calendar month, a full report, so far as the facts reach him, of all births and deaths, specifying the causes of the latter, that occurred in the county, including all municipalities therein, for the preceding month.

(g) To make to the judge of probate and county commissioners or board of revenue, and to the county and State boards of health, by or before the 1st day of March of each year, an annual report of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalities therein, and such other information, suggestions, and recommendations in regard to the protection of the health of the people as he may deem proper.

(h) To make to the State health officer prompt report of the presence in the county, so far as reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 716 of this code, furnishing such information and at such intervals as the State health officer may require.



(i) To make to the county board of health such reports and at such times as said board may require.

(j) To authorize in writing any member of the county board of health to act for him in case of a contemplated absence from the county of such duration, or of a disability from any cause of such character as would interfere with the discharge of his official duties, provided that such member accepts in writing such delegation of authority, and that the chairman of the committee of public health for the county and the State health officer shall be duly notified of such arrangement by the county health officer.

(k) To discharge such other health functions as are, or may be, required of him by law.

707. *Salary of county health officer; how paid.*—The salary of the health officer of a county shall be fixed by the court of county commissioners, or board of revenue, provided that in counties of 10,000 inhabitants or less the salary shall not be fixed at a lower rate than \$20 per 1,000 of population, and in counties of more than 10,000 inhabitants the decrease in the above rate shall not exceed 10 cents per 1,000 of population up to a population of 100,000, beyond which no further decrease shall be made. The salary for the health officer of a county shall be computed upon the basis of the last United States census, and shall be paid quarterly from the county treasury by the officer legally authorized to draw warrants on said treasury.

708. *Bond of county health officer.*—The health officer of a county shall enter into bond, with sufficient sureties, payable to the judge of probate of the county, in a sum equal to the amount of his salary, with condition for the faithful performance of all such duties as are, or may be, required of him by law, provided that nothing in the preceding section shall be so construed as to prohibit the commissioners' courts or boards of revenue of the several counties of the State from paying the health officer of their respective counties a larger sum as salary than the minimum provided for in the preceding section, if in their judgment they deem it wise to do so.

709. *Assistant county health officers may be appointed.*—The health officer may, subject to the approval of the county board of health, appoint such assistant health officers and so distribute them throughout the county as may be of service in enforcing the health laws of the State, or the health ordinances of the county. Said county health officer may, on like approval, remove any assistant health officer so appointed.

710. *Duties of municipal health officers.*—It shall be the duty of the health officer of a municipality—

(a) To keep, under regulations prescribed by the State board of health, a book to be styled "The Register of Births," in which he shall register, so far as reported to him, the sex, race, and color of every child born in the municipality, the date of such birth, the name or names, age or ages, race, color, and occupation of the parent, or parents, together with such other details as said regulations may require; also, a book to be styled "The Register of Deaths," in which he shall register the names, so far as reported to him, of all persons who die in the municipality, specifying the date, place, and cause of death, also the sex, color, race, previous occupation, and, as far as can be ascertained, the age of the deceased person, together with such other details as may be required by said regulations; also, a book to be styled "The Register of Infectious Diseases," in which he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 716 of this code; all of which registers shall, when filled, be filed by the health officer of the municipality in the office of the judge of probate of the county, who shall receipt therefor.



(b) To exercise, under the direction and control of the committee of public health acting for the county board of health, and, in accordance with the health laws of the State and the health ordinances of the municipality, general supervision over the sanitary interests of the municipality, and should he discover any cause of disease, or any condition detrimental to the health of the people, he shall, so far as authorized by law, or ordinance, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the facts to the county board of health, adding such recommendations for special action as he may deem proper.

(c) To make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of the diseases enumerated in section 716 of this code that may come to his knowledge, or be reported to him, and should he decide such case or cases to be any one of the diseases enumerated in said section, and in imminent danger of spreading, he shall, in accordance with law or ordinance, institute immediate measures to prevent the spread of such disease, and shall forthwith report the facts in writing to the mayor and council of the municipality, to the committee of public health of the county board of health, and to the State health officer.

(d) To obtain, as needed, at the expense of the municipality, a sufficient supply of reliable vaccine virus with which to vaccinate, without charge, all indigent persons in the municipality who may apply at his office, or at the offices of such other physicians as may be supplied with vaccine virus for the purpose of aiding him in the vaccination of such persons.

(e) To visit the municipal prisons and any charitable institutions under the control of the municipality once each month and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners or inmates; also, as to the ventilation, air space, heating, and bathing facilities, closets, drainage, etc., of these institutions, and whenever any of said supplies are found to be inadequate in quantity or bad in quality, or any of said conditions unsanitary, it shall be his duty to make in writing a circumstantial report thereof to the mayor and council of the municipality, and to forward duplicates of said report to the county board of health and to the State health officer.

(f) To make to the county health officer by or before the 10th day of each calendar month a full report of all births and deaths, specifying the causes of the latter, so far as reported to him, that occurred in the municipality for the preceding month.

(g) To make to the mayor and council of the municipality, to the committee of public health of the county board of health, and to the State health officer prompt reports of the presence in the municipality of any of the diseases enumerated in section 716 of this code, furnishing such information, and at such intervals as said authorities may require.

(h) To make to the county board of health such reports of his official acts and at such times as said board may prescribe.

(i) To authorize in writing any member of the county board of health to act for him in case of a contemplated absence from the municipality of such duration, or in case of a disability of such character as would interfere with the discharge of his official duties: *Provided*, That such member accepts in writing such delegation of authority, and that the municipal health officer shall notify the mayor, the chairman of the committee of public health for the county, and the State health officer of such arrangement.

(j) To discharge such other health functions as are, or may be, required of him by law.



727. *Sanitary regulations; expenses.*—In the administration of the public health and quarantine laws of the State, the appointment of all subordinate officers and employees shall be made by the health officer, or officers, in authority, subject, however, to the approval of the State board of health, or of a county board of health, in accordance with their respective jurisdictions. All expenditures, except such as are provided for by specific appropriations, shall be under the control of the governor, the judge of probate and commissioners, or board of revenue, or of the municipal authorities, according as such expenditures are made under State, county, or municipal authority.

728. *Recovery of expenses by health officer, sheriff, etc.*—When an expense has been incurred by any health officer, sheriff, or bonded constable in the execution of the duties required by the provisions of this article said health officer, sheriff, or bonded constable, as the case may be, shall have the right of action against the person responsible for the said expense in order to recover the same: *Provided*, That no more than is fair and reasonable shall be recovered, as the court or jury shall determine.

729. *Repeal of laws in conflict; State quarantine and local laws not repealed.*—All laws and parts of laws in conflict with the provisions of this article are repealed, but nothing in this article shall be so construed as to amend or repeal any State quarantine law, or any local public-health or quarantine law, applying to a county. Nothing herein contained shall be construed to repeal any local law regulating nuisances to the public health.

732. *Conflict between municipal and health laws provided for.*—In the event that any of the provisions of any general municipal bill which may be enacted by the legislature of the session of 1907 shall be in conflict with any of the provisions of this article or the general health and quarantine laws of the State, the provisions of this article and of such general health and quarantine laws shall prevail.

[Chapter 797, acts of 1907, as amended by chapter 218, acts of 1909.]

SEC. 161. *Duty, county boards of health.*—It shall be the duty of the boards of health of the several counties of the State to supervise the administration of the health and quarantine laws of the State in the various incorporated cities and towns of their respective counties, and also to supervise the administration of such health ordinances as may be legally adopted by such incorporated cities and towns.

SEC. 162. *Municipal laboratories.*—Incorporated cities and towns shall have the right to establish and maintain laboratories—chemical, bacteriological, or of other kind—for investigation of the purity of foods, drugs, and public water supplies, and for the study of the nature, causes, propagation, and prevention of diseases: *Provided*, That the control and management of such laboratories and the appointment of all persons employed to conduct, or to aid in conducting, said laboratories shall be under the jurisdiction of their municipal health officers, respectively, subject to the approval of the county boards of health of the counties in which said laboratories may be established.

SEC. 163. *Duties, municipal health officer.*—The health officer of an incorporated city or town shall perform all duties that devolve upon him under the health and quarantine laws of the State, and also all duties that devolve upon him under such health ordinances as may be legally adopted by the authorities of the municipality. Should the health officer fail to discharge said duties it shall be the right and the duty of the county board of health to remove him from office and to promptly elect a successor. It shall also be the right of the mayor of a municipality to remove a municipal health officer for good



cause, and when such right is exercised the mayor shall appoint a health officer pro tempore, provided that such health officer is a member of the county board of health. When the mayor removes a municipal health officer he shall notify in writing the president or secretary of the county board of health of his action, and shall assign his reasons therefor. When a county board of health has been notified of the removal of a municipal health officer, together with the reasons therefor, the said board of health shall promptly and thoroughly investigate the alleged reasons. When such investigation has been completed it shall be the duty of the county board of health to elect a successor to the municipal health officer removed by the mayor: *Provided*, That such removed health officer may be deemed eligible to succeed himself if the investigation shows him not to have been guilty of such dereliction of duty as to disqualify him for succeeding himself.

SEC. 164. *Assistant health officer.*—The council of any incorporated city or town shall have the right to create the position of assistant city health officer, one or more, and when created the city health officer shall have the right to nominate the incumbent or incumbents thereof, subject to the approval of the county board of health. Such assistant health officer, or officers, shall perform such duties and exercise such power and authority as may be prescribed for or assigned to him or them by the city health officer, subject to the approval of the county board of health: *Provided*, That no duties shall be prescribed or power and authority conferred in violation of the health laws of the State or of the health ordinances of the city. The salary of the city or town health officer and that of any assistant health officer or officers that may be appointed in accordance with this section shall be fixed by the council of the city or town.

[Code of 1907.]

SEC. 1276. *Powers of cities and towns.*—In addition to the powers hereinbefore granted to them, all cities and towns<sup>1</sup> of this State shall have the following powers, and the councils of such cities and towns may provide by ordinance, or resolution, for the exercise or enforcement of the same: To prevent the introduction of contagious, infectious, or pestilential diseases into such cities or towns; to establish and regulate a sufficient quarantine not inconsistent with laws of the State in the towns and cities and within the police jurisdiction thereof, and to punish any breach of quarantine law; to adopt such ordinances and regulations as the council may deem necessary to insure good sanitary condition in public places or in private premises in the cities and towns, and to prescribe the duties and fix the salaries and compensation for such health officials as they may deem necessary.

SEC. 1277. To aid, establish, set up, and regulate hospitals, poorhouses, workhouses, houses of correction, and pesthouses, anywhere in the county in which the city or town is situated, and cause persons afflicted with contagious, infectious, or pestilential diseases to be removed to such hospitals or pesthouses as may be provided for the purpose, and to cause persons who have been exposed to such diseases, or any of them, to be removed to some suitable place of detention and detained for a reasonable length of time.

SEC. 1278. To prevent injury or annoyance from anything dangerous or offensive, or unwholesome, and to cause all nuisance to be abated and assess the cost of abating the same against the person creating or maintaining the same.

SEC. 1281. To establish, control, and regulate slaughter houses and pens, and to confine the same to a specified limit in or outside of the city or town,

<sup>1</sup> Cities have 2,000 or more inhabitants; towns more than 100 and less than 2,000.



or prohibit the same within the police jurisdiction of the city or town, and to regulate the sale of fresh meats within the city or town, whether butchered therein or not, and to establish a system of inspecting such slaughterhouses and such meats, either before or after the same are butchered, and to prohibit the sale of such meats after the same are condemned, and provide for the disposition thereof; to provide for the weighing and herding, outside of the city or town, of all live stock intended for slaughter, and to fix, regulate, and collect reasonable fees and charges to pay the expenses of carrying out the powers granted in this section.

SEC. 1282. To establish and maintain crematories for the destruction of garbage and like substances, either within or without the city limits, and to haul or cause to be hauled to such crematories, trash and garbage of all kinds, and cause the destruction of the same therein, and to fix and collect such reasonable fees as may be necessary to carry out the provisions of this section.

SEC. 1283. To establish or build drains, and may require private or public premises to be connected with the sewer system for proper drainage or sanitation, and to regulate the manner of connection therewith; to adopt and enforce all such laws, ordinances, and resolutions necessary to compel the owners of real property to ditch and drain the same at such owner's expense, and to punish any neglect of such owner or person in charge of said lots or property, and on failure of the owner after 10 days' notice so to do, the city or town may ditch and drain such premises at the expense of such owner, the same to be a lien on such property, to be collected as other debts are collected or liens enforced. The notice required herein shall be by personal service or by posting a notice on the premises.

SEC. 1284. To own, regulate, and improve, to lay out and control, town or city cemeteries, and permit additions thereto and the establishment of new ones, either within or without the town or city limits, and to sell burial lots in the same; and to regulate or prohibit the establishment or use of private cemeteries within the police jurisdiction of a city or town elsewhere than in the city or town cemeteries.

SEC. 1285. To regulate and prevent the running at large on the streets, of all \* \* \* dogs, or other animals, and to pass all laws necessary for the impounding and sale of such animals, and destruction of dogs; to regulate and prohibit the driving of live stock in droves through the streets of a city or town.

SEC. 1286. To prescribe the location and manner in which drainage from private premises may be disposed of, and to prescribe the manner in which plumbing shall be constructed, and to forbid the use of the same while out of order or defective, and may discontinue or forbid the use of sinks, pits, dry wells, and surface closets, and may regulate and compel the connection of private or public premises with the sewer system of the town or city, and the council shall have the power to punish the owner of any property who shall fail to make such connection, after 10 days' notice to so do, and to prevent the lease, rental, or use of any property after notice that such connections have been required until the same shall have been made. If such owner fail or refuse, after 10 days' notice, to make the connection, the town or city may cause the same to be made at such owner's expense, and the cost thereof shall be a lien on such property, prior to all other liens, except for taxes, and the same may be collected as other debts are collected or liens enforced. The notice to make the connection provided for in this section must be given in writing to the owner, agent, or occupant of the premises.

SEC. 1289. To adopt all necessary ordinances and enforce the same to prevent the introduction or spread of contagious, infectious, or pestilential diseases in



the cities or towns, and to that end may provide for a system of compulsory vaccination and enforcement of the same.

SEC. 1290. To maintain the health and cleanliness of the city or town, and to this end to adopt and maintain an efficient system of sewerage; to build and construct underground sewers through private or public property, anywhere in said city or town, or the police jurisdiction thereof, and where the same is constructed through private property, to pay the owner thereof such damage, if any, as will thereby be done to such property. And the city or town may, when necessary, acquire the necessary rights and easements by condemnation, in the manner prescribed by the constitution and laws of the State, for the condemnation of lands for public uses.

SEC. 1292. To extend or alter the system of sewerage and extend the mains wherever, in the opinion of the city or town council, it may be necessary or expedient to do so, and to extend the mains to any point in the county in which it is situated, and for these purposes the said city or town council shall have and exercise the full rights of eminent domain and may acquire such lands or easements therein and the uses of such waterways as may be necessary by the proceedings provided by law for acquiring private property for public uses.

SEC. 1293. To regulate water-closets and the construction thereof and to compel the installation of the same and connection with the sewerage systems of the city or town, and in case of a failure to install or connect, after reasonable notice, then the city or town shall install proper water-closets and connect the same with the sewerage system of the city or town at the expense of the owner, the cost thereof to be a lien upon the property, to be collected as other debts are collected or liens enforced.

SEC. 1295. To prohibit and prevent the gift, barter, sale, or display of impure or adulterated foods and drinks of diseased or unsound meats or decayed fruit or vegetables or impure, adulterated, unsound, or unwholesome articles of food or drink of any kind, and to provide all such inspection laws as may be deemed advisable or necessary, and to prescribe and require the payment of all such reasonable fees as may be necessary to defray the expenses of carrying out the powers granted in this section.

SEC. 1302. All cities and towns may make all needful provisions for the drainage of such city or town; may construct and maintain sanitary and storm-water sewers or sewer systems, either within or without the corporate limits of the city or town; may construct and maintain ditches, surface drains, aqueducts, and canals; build and construct underground sewers through private property, either within or without the corporate limits of such city or town, but just compensation must first be made for the property taken, injured, or destroyed.

SEC. 1306. They may prescribe the rules and regulations under which plumbing shall be constructed and the materials which may be used and the manner of constructing such plumbing and the inspection thereof; may authorize the condemnation of defective plumbing and forbid the use of the same while out of repair or defective.

SEC. 1307. They may forbid the use of sinks, cesspools, dry wells, and surface closets; may regulate water-closets and the use thereof and compel the installation and the connection of the same with the sewer system; prescribe the manner in which drainage from private premises may be disposed of and the location of such drains; and may punish any person who shall fail to make connection with the sewer system after he has been required to do so and prevent the occupation of any property after notice of such connections have been required until the same have been made.



SECTION 1. *State board of health; how constituted.*—There is hereby established a Territorial board of health, composed of a president, a vice president, and a superintendent of public health. The governor shall be ex officio president and the attorney general shall be ex officio vice president of such board. The governor shall nominate and, by and with the advice and consent of the legislative council, appoint a superintendent of public health, who shall be a practicing physician of the Territory. The superintendent thus appointed shall hold his office for two years. The several persons thus appointed shall hold their offices for two years from the first Tuesday in April succeeding their appointment and until their successors are appointed and qualified.

SEC. 2. *Officers of board.*—The president of the board shall preside at the meetings thereof, and the vice president shall perform the duties thereof in his absence. The superintendent of public health shall be secretary of said board. He shall keep a record of the proceedings of the Territorial board of health and of his own acts as such superintendent, and he shall perform such other duties as are prescribed by this act or which may be prescribed by the Territorial board of health. The records kept by the superintendent shall be at all times open to the inspection of the public.

SEC. 3. *Meetings.*—The several persons composing the Territorial board of health shall meet as often as once every six months at such place in the Territory as they may appoint.

SEC. 4. *Powers and duties.*—The board shall have power, and it shall be its duty—

1. To fix a time and place of the meetings of the board, subject to the provisions of the preceding section.

2. To make rules and regulations for the government of the board, its officers, and its meetings.

3. To make and enforce all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious, or malarial diseases among persons and domestic animals.

4. To establish quarantine, and isolate any person affected with any contagious or infectious or epidemic and endemic disease.

5. To isolate, kill, or remove any animal affected with contagious or infectious disease when necessary to protect public health.

6. To remove or cause to be removed any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals.

7. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale.

8. To superintend the several boards of health in the cities, villages, and towns, and the county boards of health of the several counties.

9. To empower and direct the superintendent of public health to do or cause to be done any and all of the things mentioned in subdivisions 4, 5, 6, 7, and 8 of this section.

10. To make such rules and regulations as it may deem necessary to govern the preparation of dead bodies for transportation, and to govern what classes of dead bodies may be transported, and the manner thereof.

SEC. 5. *Compensation.*—The president and vice president of the board shall receive no compensation, but they shall be paid 10 cents for every mile actually and necessarily traveled by them in the performance of their official duties, and other necessary expenses incurred by them.



The superintendent of public health shall be paid a yearly salary of \$1,000 in equal installments at the end of every three months. He shall also be paid 10 cents per mile for every mile actually and necessarily traveled in the performance of his official duties, and such other sum or sums as he may necessarily pay or become liable to pay (hotel or other incidental expenses) for the official books, records, and papers kept by him and for the printing of his reports and such circulars and blanks as may be required for the proper conduct of the business of his office, not to exceed in the aggregate the sum of \$300. The accounts of the superintendent for his mileage and said other expenses of his office shall be audited by the Territorial board of health, and the same, together with his salary, shall be paid out of the Territorial treasury.

SEC. 12. *Biennial report.*—The superintendent of public health shall, on the 1st day of December of each even-numbered year, make a full report to the governor, which report shall show all that has been done by the Territorial board of health and by such superintendent during the two years preceding the making of such report, the number of cases treated by him in each county by the superintendent, the character and extent during such time of all contagious and infectious diseases that have been reported to him, all expenditures of the Territorial board, and in each of the organized counties by the county board, and such recommendations as he may deem advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases of persons.

SEC. 13. *Vacancies, how filled.*—In case a vacancy shall occur in the office of vice president or superintendent, such vacancy shall be filled by appointment by the governor, and the person so appointed shall hold office for the unexpired term. In case a vacancy occurs in the office of vice president or superintendent of health in any county board of health, the president of such county board of health shall appoint some suitable person to fill such vacancy, and the person so appointed shall hold office until a successor to such officer has been appointed by the board of county supervisors.

SEC. 14. *Proviso.*—Nothing contained in this article shall in any manner affect any board of health heretofore established, or that may be hereafter established in any city, village, or incorporated town: *Provided, however,* That all such boards of health shall be under the superintending control of the Territorial board.

SEC. 6. *County boards of health; how constituted.*—There are hereby established county boards of health, composed of a president, a vice president, and a superintendent. The chairman of the board of supervisors in each county shall be ex officio president of the county board and the district attorney of such county shall be ex officio vice president of such board. The board of supervisors shall appoint a superintendent of public health for the county, who shall be a practicing physician within the county, and the superintendent thus appointed shall hold his office for two years and until his successor is elected and qualified.

SEC. 7. *Powers and duties.*—The president of each county board of health shall preside at the meetings thereof and in his absence the vice president shall perform the duties of the president. The county superintendent of health shall be secretary of the board of health of his county. The county superintendent of health shall keep a record of all the proceedings of the board and of his official acts, and he shall, at the end of every month, make a full report in writing to the superintendent of public health of the proceedings of the county board of health and of his official acts, and shall, whenever the health of persons is in danger, and when any contagious and infectious disease occurs in his county among persons, immediately report the same to the superintendent of public health.



SEC. 8. *Meetings.*—The several county boards of health shall meet at the county seat of their respective counties, at such times within 30 days after the appointment of the county superintendent of health as he may designate. Notice of the time and place of such meeting shall be made by him, given to the other members of the county board at least five days prior to such meeting, and thereafter the board shall meet at the county seat as often as once in every three months.

SEC. 9. *Jurisdiction.*—The several county boards of health shall have power within their respective counties, outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the territorial board of health and the superintendent of public health, to do and perform all the things mentioned in subdivisions 3, 4, 5, 6, 7, and 8 of section 4. All expenses actually and necessarily incurred by the county board of health in carrying out the provisions of this article shall be audited by the board and certified to the county supervisors, and shall be paid the same as other county expenses are paid.

SEC. 10 (as amended by chap. 47, Acts of 1905). *Duties, county superintendent of health.*—The county superintendent of health shall have charge of and superintend, subject to the approval of the board of which he is a member, and the supervisory control of the territorial board of health and the superintendent of public health, all the matters and things mentioned in subdivision 4 of section 4, within his county.

SEC. 11 (as amended by chap. 47, Acts of 1905). *Compensation.*—The president and vice president of the board shall receive no compensation for the performance of their official duties, but shall receive 10 cents for every mile actually and necessarily traveled in the discharge of such duties. The county superintendent of health shall receive such compensation as the boards of supervisors may fix: *Provided*, That the county superintendent of health shall receive not to exceed the sum of \$300 per annum, and not to exceed \$10 per day when actually and necessarily engaged, and 10 cents for each mile actually and necessarily traveled in the performance of his duties, and he shall also receive such other sum as he may necessarily pay or become liable to pay in carrying out and performing the various duties imposed upon him under the provisions of this section or by the county board of health: *Provided, however*, That the board of supervisors shall not be obliged to pay out any sums for carrying out and performing the various duties of the county superintendent of health unless the same is directed to be done by the board of health, and that all such accounts for services, mileage, and other expenses shall be audited by the board and certified to the board of county supervisors and paid as any other county expenses are paid.

SEC. 15. *City boards of health; how constituted.*—There is hereby established in each incorporated city in this territory a board of health, which shall be constituted as follows:

The mayor of such city shall, at the first meeting of the city council in April in each year, appoint two members of the city council, who, together with the city engineer and the health officer, as hereinafter provided, shall constitute a board of health and shall have and exercise the powers conferred upon such board by law and by the ordinances of such city.

SEC. 16. *Health officer—Duties—Salary.*—At the first meeting of the city council in April in each odd-numbered year there shall be appointed by the mayor and confirmed by the council one health officer, who shall hold his office for two years and until his successor is appointed and qualified.

He shall be a practicing physician and shall perform such duties as may be devolved upon him by law or by ordinances of such city. Before entering upon



the duties of his office he shall take the usual oath of office and give a bond, to be approved by the city council, in the sum of \$1,000, conditioned for the faithful performance of his duties, and shall receive such compensation as a city council shall determine.

SEC. 17. *Jurisdiction.*—Each city board of health shall perform the duties and exercise the powers herein provided within the limits of the city for which it is established. Each county board of health and city board of health shall be known as the local board of health.

[Civil Code, 1901.]

SEC. 4016. *Sanitary districts.*—Each unincorporated town and village of the several counties of the Territory of Arizona within the limits of which there shall reside qualified electors to the number of 50 and upward shall constitute a sanitary district.

SEC. 4017. *Sanitary inspectors.*—The duly elected or appointed and qualified constable residing within the limits of any sanitary district shall be the sanitary inspector thereof, and upon the expiration of the office of any such constable he shall cease to perform any of the duties of sanitary inspector.

SEC. 4020. *Limits, sanitary districts.*—It shall be the duty of the boards of supervisors of the respective counties of the Territory to prescribe and define the limits of the sanitary districts within their respective counties.

SEC. 4021. *Violations.*—Any justice of the peace residing within the sanitary district where a misdemeanor is alleged to have been committed in violation of the provisions of this title shall have jurisdiction to issue a warrant for the arrest of any person charged by complaint with the commission thereof and to hear and determine all matters in relation thereto. The proceedings in relation thereto shall be the same as in trials of criminal actions in justices' courts.

SEC. 4022. *Fines.*—All fines collected under the provisions of this title shall be paid by the justice of the peace receiving the same to the county treasurer of the county at the end of each month, and by said treasurer shall be paid to the county.

SEC. 4023. *Compensation, sanitary inspector.*—Any constable who shall perform the duties of sanitary inspector shall receive for his services the sum of \$4 per day for each day actually occupied by him in making the inspection provided by this title. And his account of said services, verified by his oath, shall be submitted by him to the justice of the peace residing in said sanitary district for his approval and audit, and when so approved and audited shall be a county charge and shall be paid by the board of supervisors by warrant drawn upon the general fund of the county: *Provided*, That no more than \$4 shall be allowed for each and every week during his term of office.

SEC. 465. *Powers of cities.*—In addition to the powers already vested in cities in this Territory by their respective charters and the general laws of this Territory, cities and common councils in cities shall have the following powers:

Ninth. To regulate and prevent the throwing of ashes, offal, dirt, garbage, or offensive matter in and prevent injury to any street, avenue, way, alley, or public grounds.

Tenth. To construct or cause to be constructed and to keep or cause to be kept in repair \* \* \* drains, sewers, and cesspools, and to regulate the use thereof.

Eleventh. To provide for the cleansing and purification of waters, water courses, and canals, and the drainage or filling of ponds on private property whenever necessary to prevent or abate nuisances.



Thirteenth. To regulate the sale of meats, poultry, fish, butter, cheese, lard, fruit, vegetables, and other provisions, and to provide for the place and manner of selling the same.

Fourteenth. To provide and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, fruit, hay, grain, flour, meal, and other provisions.

Eighteenth. To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters.

Twenty-first. To declare what shall be a nuisance and to abate the same; and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

Twenty-second. To appoint a board of health and prescribe its powers and duties.

Twenty-third. To prohibit any offensive or unwholesome business or establishment within 1 mile of the limits of the corporation.

Twenty-fourth. To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pigsty, privy, sewer, or other unwholesome or nauseous house or place to cleanse, abate, or remove the same, and to regulate the location thereof.

Twenty-sixth. To establish and define sewer districts and to construct therein all necessary sewers.

SEC. 545. The common council of every such town shall \* \* \* have power within the limits of the town—

Fifth. To construct, maintain, and keep in repair sewers and drains; to prevent and punish for any obstruction thereof, or in any way thereto; to change the channels of natural water courses; to wall the same and cover them over, and to regulate the same as sewers; to prevent and punish for the filling up, altering, or changing any such natural water course by private persons. \* \* \*

Sixth. To provide the town with water; to construct public wells, cisterns, and reservoirs in the streets and other public and private places within the town or beyond the limits thereof; to supply the same with proper pumps and conducting pipes or ditches.

Eleventh. To establish and maintain necessary cemeteries and burial places for the town beyond the limits thereof; to regulate the burial of the dead; to require a registration of the deaths and births; and to impose penalties upon physicians and surgeons for any default in the premises.

Twenty-sixth. To provide regulations to prevent the introduction or spread of contagious, loathsome, or infectious diseases within the town; to make quarantine laws and enforce the same within the town and in all places within 2 miles thereof; and to provide the pesthouses and hospitals necessary therefor.

\* Twenty-seventh. To abate and remove nuisances and punish the authors thereof; to compel the owner or any occupant of any house or premises to cleanse the grounds, stables, alleys, streets, and walks appurtenant and adjacent thereto; to prohibit within the limits of the town, and to the distance of 2 miles beyond the limits thereof, distilleries, slaughterhouses, tanneries, soap factories, establishments for the steaming or rendering of tallow, lard, or offal, and all other establishments and places where any nauseous, offensive, or unwholesome business may be carried on.

Twenty-eighth. To do all other acts and prescribe all other regulations which may be necessary or expedient for the prevention or suppression of disease.

SEC. 716. The city council shall have \* \* \* power within the jurisdiction of said city, by ordinances—

Eleventh. To regulate, license, or prohibit butchers; and to revoke their license for malconduct in the course of trade; and to regulate, license, and



restrain the sale of fresh meats and vegetables in the city, and to restrain and punish the forestalling of poultry, fruit, and eggs.

Seventeenth. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tanner, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, or abate the same from time to time as often as may be necessary for the health, comfort, and convenience of the inhabitants of the city.

Eighteenth. To direct the location and management of and regulate and license breweries, tanneries, and packing houses; and to direct the location, management, and construction of and regulate, license, restrain, abate, and prohibit, within the city and within the distance of 5 miles therefrom, distilleries, slaughtering establishments, establishments for steaming and rendering lard, tallow, offal, and other such substances as can or may be rendered, and all establishments or places where any nauseous, offensive, or any unwholesome business may be carried on.

Twenty-sixth. To prevent and regulate the running at large of dogs; to tax and to authorize the destruction of the same when at large contrary to ordinance.

Twenty-eighth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

Twenty-ninth. To prevent or regulate the depositing of ashes, papers, or litter of any kind whatever in the streets or alleys of the city.

Thirtieth. To prevent any person from bringing, or depositing, or having within the limits of the city any dead carcass or any other unwholesome substance, or any putrid unsound beef, pork, fish, hides, or skins of any kind, and to cause the removal or destruction thereof as said city council shall by ordinance direct.

Thirty-fourth. To abate and summarily remove nuisances and punish the authors thereof by penalties, fine, and imprisonment; and to define and declare what shall be deemed nuisances and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Thirty-fifth. To regulate the burial of the dead and registration of births and deaths; to direct the running and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

Forty-fourth. To regulate public pumps, wells, cisterns, hydrants, and reservoirs, and prevent the unnecessary waste of water.

Forty-sixth. To establish and regulate public pounds.

Fifty-fifth. To fill up, drain, cleanse, alter, relay, repair, and regulate any grounds, barns, yards, slip, cellars, private drains, sinks, and privies and direct and regulate their construction, and cause the expenses to be assessed and collected in the manner hereinafter provided.

Fifty-sixth. To erect and establish, within or without the limits of said city, one or more pesthouses, hospitals, or dispensaries and purchase grounds therefor, and control and regulate the same, and to remove any person or persons who have a contagious, loathsome, or infectious disease to said pesthouse, hospitals, or dispensaries.

Seventy-second. The council shall have the power to do all other acts necessary for the \* \* \* health \* \* \* of the city.



## ARKANSAS.

[Digest of 1904.]

SEC. 534.<sup>1</sup> *State board of health, how appointed.*—Within 30 days after the passage of this act (Mar. 23, 1881) the governor shall appoint six State commissioners of health, a majority of whom shall be graduates of legally constituted medical colleges and of not less than seven years' practice of their profession in the State of Arkansas. The acceptance of an appointment on the State board shall not in any way invalidate or affect the official position of any person in his local board and shall not be construed to vacate his office in such local board.

SEC. 535. *Oath—Term of office—Vacancies.*—The said commissioners, so appointed, shall take the oath of office prescribed by the constitution for State officers and receive from the secretary of State certificates of their appointments. They shall hold their office for two years unless discharged for good cause. When a vacancy occurs the governor shall fill such vacancy as soon as the fact comes to his knowledge.

SEC. 536. *Meetings—Compensation.*—The State board of health shall meet at least once in every three months and as much oftener as they shall deem necessary. No member of the board, except the secretary, shall receive any pay, but the actual traveling expenses of the members of said board while engaged in their duties shall be allowed and paid out of the appropriation made for its support. They shall elect annually one member of the board to be president. They shall also elect, from their number or otherwise, a person of skill and experience in public-health duties and sanitary science to be the secretary and executive officer of said board, who shall have all the powers and privileges of a member of the board, except in regard to voting upon matters relating to his own office and duties as secretary, and he shall hold office for two years. But he may be removed for cause, and after a full hearing by the board, a majority of members voting therefor.

SEC. 537. *By-laws.*—The State board of health may adopt by-laws regulating the transaction of its business and provide therein for the appointment of committees, to whom it shall delegate authority and power for the work committed to them, and it may also adopt and use an official seal. Four members may constitute a quorum for the transaction of business.

SEC. 538. *Record of proceedings.*—The secretary shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed in this act and such other duties as the board may order.

SEC. 539. *Duties and powers.*—Said board shall take cognizance of the interests of health and life among the people of the State. They shall make inquiries in respect to the causes of disease, and especially epidemics, and investigate the sources of mortality and the effects of localities, employments, and other conditions upon the public health. It shall be the duty of said board to obtain, collect, and preserve such information relating to deaths, diseases, and health as may be useful in the discharge of its duties and contribute to the promotion of health or the security of life in the State; and it shall be the duty of all health officers and boards of health in the State to communicate to said State board of health copies of all their reports and publications; also such sanitary information as may be useful.

<sup>1</sup> There appears to be some doubt as to whether chapter 472, acts of 1911, printed below, actually became a law. Both laws (the old and the new) governing health organizations in Arkansas are therefore included in this compilation.



SEC. 544. *Experts.*—Said board may from time to time engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill and to prepare plans and report relative thereto; and it is hereby made the duty of all officers and agents having the control, charge, or custody of any public-structure work, ground or erection, or of any plan, description, outlines, drawings, or charts thereof or relating thereto, made, kept, or controlled under any public authority, to permit and facilitate the examination and inspection; and the making of copies of the same by any officer or person by said board authorized, and the members of said board and such other officers or persons as may at any time be by said board authorized may, without fee or hindrance, enter, examine, and survey all the grounds, erections, vehicles, structures, apartments, buildings, and plans whereby the public health may be promoted or in anywise preserved.

SEC. 545. *Annual report.*—It shall be the duty of said board, on or before the 1st of December in each year, to make a report in writing to the governor upon the vital statistics and the sanitary conditions and prospects of the State; and such report shall set forth the action of said board and its officers and agents and the names thereof for the past year, and may contain other useful information, and shall suggest any further or additional legislation, action, or precautions deemed proper for the public health or for the better protection of life and health. And the annual report of said board shall also contain a detailed statement of all money paid out by or on account of said board and a detailed statement of the manner of its expenditure during the year last past.

SEC. 546. *County boards of health.*—The several county judges may appoint county boards of health for their respective counties, to be composed of three physicians authorized to practice medicine in this State. A majority of said board shall be sufficient to make any order or perform any duty provided for in this act.

SEC. 5525. *City boards of health.*—The city council (in cities with more than 2,500 inhabitants) shall have power to establish a board of health, with jurisdiction for 1 mile beyond the city limits; and for quarantine purposes, in case of epidemic, 5 miles; to invest it with such powers and impose upon it such duties as shall be necessary to secure the city and the inhabitants thereof from the evils of contagious and malignant and infectious diseases; to provide for its proper organization and the election or appointment of the necessary officers, and to make such by-laws, rules, and regulations for its government and support as shall be required for enforcing the prompt and efficient performance of its duties and the lawful exercise of its powers.

[Acts of 1911, Chapter 472.]

SECTION 1. *State department of health.*—A State department of health is hereby created and established, which shall consist of a commissioner of health and an advisory board of 7 persons, one of whom shall be chosen from each congressional district in the State.

SEC. 2. *State commissioner of health.*—The commissioner of health shall be the head of the department, subject to the restrictions herein, and shall be appointed by the advisory board. He shall be a physician of at least 10 years' professional experience, and a graduate of a legally constituted and reputable medical college. The terms of office of the commissioner shall be 4 years; *provided*, that the term of the commissioner first appointed hereunder shall expire on the first day of January, 1915.

The commissioner shall give bond in the sum of \$10,000 for the faithful performance of his duties.



The commissioner of health shall preside at the meetings of the advisory board, and shall be entitled to vote on any matter that comes before it.

4 members of the advisory board, together with the commissioner of health, shall constitute a quorum for the transaction of business. The advisory board shall meet annually in the capitol of Little Rock, on the first Monday in January, or on the call of the commissioner of health. Upon appointment and qualification of the commissioner of health and the members of the advisory board, the term of the members of the State board of health shall expire, and no appointments shall thereafter be made to that office.

SEC. 3. *Advisory board.*—Each member of the advisory board shall be a graduate of a legally constituted and reputable medical college, and of at least 10 years' experience in the practice of his profession. They shall be appointed by the governor from different medical schools, and the term of office shall be 4 years; *provided*, that the members first appointed shall serve as follows: 2 until January 1, 1913; 2 until January 1, 1914; and 3 until January 1, 1915. The members first appointed shall determine among themselves their respective terms of office. A per diem of \$5 per day and actual traveling expenses shall be allowed, for attendance upon meetings to such members, and shall be paid on presentation to the auditor of an itemized account, approved by the commissioner of health.

The commissioner of health and the members of the advisory board may remove any person or officer for failure or neglect to faithfully perform the duties prescribed in this act by the appointive power. It shall be the duty of the advisory board to advise the commissioner on such matters as he may bring before it, as well as any other matters they may deem necessary and to draw up such reasonable orders and regulations as are deemed by him necessary for the prevention of disease, and for the protection of the lives and health of the people of the State, and for the proper performance of other work of the department of health.

SEC. 4. Before entering on the discharge of their duties, the commissioner of health and the members of the advisory board shall qualify as other State officers.

SEC. 5. *Powers, commissioner of health.*—It shall be the duty of the commissioner of health, with the concurrence of the advisory board, to protect the health of the people of the State and to determine, employ, and execute the most efficient and practical means for the prevention and suppression of disease; and he shall have and possess all powers necessary to fulfill the duties prescribed in this act, but not in an unlawful or arbitrary manner. The commissioner of health shall cause examination to be made of nuisances, or questions, conditions, or circumstances affecting the security of life and health in any locality, and for that purpose the commissioner and any person authorized by him so to do may, without fee or hindrance, enter, remove, and survey of public grounds, vehicles, public buildings, and any place within the State.

SEC. 6. *Communicable diseases; nuisances.*—The commissioner of health, with the concurrence of the advisory board, shall have power to define and declare what diseases are contagious, infectious, or communicable, if such in fact, and shall have authority to make all needful and reasonable rules and regulations necessary for their control or prevention in the interest of the health of the people. The commissioner shall have authority to order nuisances detrimental to the public health, or the cause of disease and mortality to be abated and removed, and to enforce quarantine regulations. If the owner or occupant of any premises whereon any nuisance detrimental to the public health exists, fails to comply with any reasonable and lawful order of the commissioner of health or other legally constituted health officer with jurisdiction over



his locality for the abatement or removal thereof within a reasonable time after reasonable notice so to do, the commissioner, his agents, or employees may enter the premises to which such order relates and abate or remove such nuisance. The expense of such abatement or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance. The commissioner may maintain an action against such owner or occupant in the name of the State, to recover the amount of such expense in the same way as debts of like amount are by law recoverable; and the same, when recovered, shall be paid to the State treasurer, to be held and used as the funds of the department of health.

SEC. 7. *Epidemics, etc.*—The commissioner of health shall have the power to close schools and churches, and forbid public gatherings when necessary to stop epidemics; to regulate and prescribe the character and location of plumbing, drainage, disposal of sewerage, light, heating, and ventilation and all sanitary features of all public buildings and institutions; to pass rules and regulations governing the hygienic disposal, transportation, and disinterment of the dead, and governing the specific features of quarantine. *Provided*, the action of the commissioner must be reasonable and necessary, and *provided* his action may be set aside by the circuit court of the county or the judge thereof upon reasonable notice.

SEC. 8. *Investigations.*—The commissioner shall have power and authority to investigate the sanitary conditions of schools, mills, mines, railroads, churches, hospitals, sanatoria, dispensaries, street cars, prisons, public houses, soils, and all houses used for human habitation and to prescribe and enforce such measures of sanitation of them as may be deemed advisable. The commissioner of health shall have the power, with the concurrence of the advisory board, to formulate all needful and reasonable rules and regulations governing the duties of all health boards and all health officers; *provided*, he may exercise the authority given him by this section only when actually necessary and never in an arbitrary manner, and the action of the commissioner under authority of this section shall be subject to review as provided in section 7.

SEC. 9. *Assistants.*—For the purpose of the department of health, the commissioner of health may employ such clerical and other assistants as are necessary for the proper and efficient performance of the work of the department, and he may distribute appropriate powers and duties to the employees of the department of health not inconsistent with the constitution or laws of this State. The commissioner may, with the consent of the advisory board, from time to time employ competent persons to render sanitary service and make or supervise practical and scientific investigation and examinations and examinations requiring expert skill, and prepare plans and reports relative thereto; and he may purchase such supplies and materials as may be necessary in carrying on the work of his department.

SEC. 10. *Vital statistics, etc.*—It shall be the duty of the commissioner of health to have general supervision of the State registration of births, marriages, deaths, and diseases; of practitioners of medicine and surgery, midwives, nurses, undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases. He shall prescribe and prepare the necessary methods and forms for obtaining such statistics, and shall secure prompt and faithful registration of the same in a bureau of vital statistics to be maintained as a part of his department.

SEC. 11. *Authority in local matters.*—The commissioner of health, with the concurrence of the advisory board, may revoke or modify any order or regulation, by-law or ordinance of the local board of health concerning a matter



which, in his judgment, affects the public health beyond the territory over which such local board has jurisdiction.

SEC. 12. *Report.*—The commissioner of health shall annually on or before the 1st day of January make a written report to the governor upon vital statistics and sanitary conditions and prospects of the State. Such reports shall set forth the action of the department and of its officers and agents, and the names thereof during the past year; a detailed statement of all moneys paid out by or on account of the department, and the manner of its expenditures during the year, and other useful information, and shall suggest any further legislative action or precaution deemed necessary for the better protection of the life and health.

SEC. 13. *Salary.*—The commissioner of health shall receive an annual salary of \$2,500 to be paid monthly by the State treasurer on the warrant of the auditor, and he, or those acting under his lawful direction, shall be allowed for traveling expenses, actually and necessarily expended in the performance of his official duties, outside of the city of Little Rock, which shall be paid monthly upon itemized statements.

SEC. 15. The commissioner of health, in conjunction with the advisory board, in addition to the powers conferred by this act, shall have all the powers conferred and perform all the duties heretofore imposed by law upon the State board of health.

SEC. 15. *Regulations.*—All rules and regulations made and issued by the department of health shall be promulgated by sending printed copies to all local boards of health, health officers, school boards, and clerks of councils of cities, and the rules and regulations shall be printed in circular form and given to anyone who demands them.

SEC. 16. *Laboratory.*—The commissioner of health shall organize, equip, and maintain a State laboratory of hygiene, in the capitol at Little Rock, which shall be used for making analysis of foods and drugs, for the purpose of enforcing pure food and drug laws; for making sanitary analysis, pathologic examinations, and studies in hygiene, and preventive medicine to aid in the enforcement of health laws, and for no other purposes. All work done in the State laboratory of hygiene shall be exclusively and entirely for the public benefit, and no fee shall be charged. The commissioner of health, with the concurrence of the advisory board, is hereby given the authority to purchase such apparatus and appliances as shall be necessary to carry out the object of this section. The commissioner shall prescribe rules and regulations for the preparation and transmission of specimens sent to the laboratory for examination.

SEC. 17. *Files.*—The commissioner of health shall keep custody of all papers, books, documents, and other property belonging to the department of health, and shall keep and file all reports, communications received, and all correspondence of the office appertaining to the business of the department.

SEC. 18. *Removals, etc.*—The commissioner of health, with the concurrence of the advisory board, shall have power to discharge any subordinate health commissioner or health officer of the State either for failure to collect vital statistics, obey rules, keep records, make reports, answer letters of inquiry concerning the health of the people, or neglect of official duty. The commissioner shall immediately, upon the removal of a subordinate health commissioner or health officer, fill said vacancy, and the said health officer so removed shall have the right to appeal to the advisory board, a hearing of his complaint to be heard at the next regular session occurring after such removal. But such hearing must be held within 60 days.



**SEC. 19. *County commissioner of health.***—In every county in the State there shall be appointed by the commissioner of health, with the concurrence of the advisory board, a county commissioner of health, who shall be a practicing physician of not less than five years' experience, of good moral character, a graduate of a legally constituted and reputable medical college, a resident of the county for which he is appointed, and shall hold his office for a term of four years, and until his successor is appointed and qualified, unless sooner removed for cause. If the county health commissioner resides within a city or town, he may, by the consent of the State commissioner of health and the city board of health and the mayor, also discharge the duties of the city health commissioner, and in that event such commissioner shall, in addition to his own salary, receive from the municipality the compensation provided for the city health commissioner.

**SEC. 20. *City department of health.***—In every city or town of 500 inhabitants or more in this State there shall be a department of health, which shall consist of a board of three commissioners, a majority of whom shall be physicians of good moral character, graduates of legally constituted and reputable medical colleges, and not less than at least five years' experience in professional practice, well informed in hygiene and sanitary sciences, and who shall be appointed by the mayor of such corporation for the term of four years, and which shall be known as the city board of health. Such board shall appoint a health officer, who shall be known as the city health commissioner. The city commissioner of health shall be the executive officer of the board: *Provided, however,* That in counties having a population of less than 20,000 inhabitants the commissioner of health and the county commissioner of health may, upon agreement with the mayor or mayors of any or all incorporated cities contained within said counties, consolidate the city board or city boards of health with the office of county health commissioner and appoint for a term of four years a single commissioner of health, who shall be known as the county commissioner of health.

**SEC. 21. *Duties, local health authorities.***—It shall be the duty of the county commissioner of health and the city commissioner of health to enforce the health laws, orders, and rules promulgated by the department of health and by the city board of health. All county commissioners of health and all city commissioners of health shall have power to make sanitary inspections and surveys of all public buildings and institutions; to enter upon and inspect private property at proper times after mailed notice for a reasonable time in regard to the possible present source and cause of disease; to establish quarantine regulations, and in connection therewith to order what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches, and forbid public gatherings, when necessary to prevent and stay epidemics, and in all reasonable and necessary ways to protect the public health.

**SEC. 22. *Compensation.***—Each county health commissioner shall receive as his compensation from the county which he serves the sum of 1 cent per capita per annum for each individual in the county residing outside of municipalities, as shown by the last Federal census; and each city health commissioner shall receive for his compensation from the city or town which he serves the sum of 1 cent per capita per annum for each individual residing in such city or town. The population of counties, cities, and towns for the purposes of this act shall be determined by the last United States census report: *Provided, however,* That in municipalities the latest municipal census may be used. Members of city boards of health, other than the health commissioners, shall receive such com-



compensation as their respective city councils may provide: *Provided*, That no county health commissioner shall receive as compensation more than \$1,500 per annum nor less than \$10 per annum. The county levying court and councils of municipalities shall make appropriations to pay all expenses chargeable against the counties and municipalities, respectively, under the provisions of this act. All county and city commissioners of health shall give bond in such sums as the appointing power may determine.

SEC. 23. *Duties, city health officer.*—The city commissioner of health, subject to the approval of the advisory board, shall have supervision of the city sanitary police force and of the city meat and dairy inspectors. He shall have use of the municipal laboratory, and he shall require and superintend, in relation to the sanitary conditions of the city, such chemical, histological, bacteriological, and pathological investigations as shall be deemed advisable by the board; he shall devote such time to the duties of his office as the commissioner shall deem necessary for the proper performance of his duties. The city board shall have the entire control and management of the city hospital and dispensary, if any there be, and they shall appoint the superintendent of any such hospital or dispensary.

SEC. 24. *Expenses.*—All expenses legally incurred for the work of protecting public health outside of cities and towns shall be paid by the county in which the expense is incurred; such claims shall be allowed by the county when an itemized and verified statement is filed and approved by the county health commissioners and the expenses legally incurred for the protection of public health inside the corporate limits of cities and towns shall be paid out of the treasuries of the cities and towns in which the work is done.

SEC. 25. *Epidemics.*—If smallpox or any other contagious or infectious disease dangerous to the public health occurs in the county or city or in the State, and the county commissioner of health or city commissioner of health fails or refuses to carry out the rules and regulations of the department of health governing said epidemic and contagious and dangerous diseases, then the commissioner of health, with the concurrence of the advisory board, shall assume control, and all expenses incurred for the purpose of controlling and stamping out said contagious or infectious and dangerous diseases shall be paid by the county or city in which said expense is incurred: *Provided*, That such expense shall not exceed \$1,000 in any one year. Except in cases of cities of 10,000 inhabitants or over, same shall not exceed \$5,000 in any one year.

SEC. 26. *Publications.*—The department of health is hereby authorized to publish for general distribution such parts of its annual report and such other matters as it may deem adapted to promote the interest of public health of this State. All printing required under this act shall be done by the State printer in the same manner as other public printing is done.

SEC. 27. *Quarters.*—The secretary of State shall provide suitable and convenient rooms in the capitol or other suitable quarters for the department of health.

SEC. 28. *Prosecutions.*—The commissioner of health, county commissioners of health, or any agent or employee thereunder, is hereby authorized and empowered to enforce the provisions of this act, and the reasonable and necessary orders, rules, and regulations made and promulgated in pursuance thereof, by filing information without bond before any justice of the peace, mayor, or police court of this State, charging any person, firm, or corporation with a violation of this act, or any of the orders, rules, and regulations promulgated in pursuance thereof. It shall be the duty of the prosecuting attorneys, deputy prosecuting attorneys, and city attorneys, when requested by the commissioner of health, county commissioner of health, and city commissioner of health, or any agent or employee thereunder, to assist in the prosecution of cases arising thereunder,



and they shall be allowed for their services the same fee provided by law in other similar cases.

SEC. 29. *Penalty.*—Every firm, person, or corporation violating any of the provisions of this act, of which he may have notice at the time, or any of the orders, rules, or regulations made and promulgated in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment not exceeding one month, or both.

#### CALIFORNIA.

[Constitution, Art. XX, sec. 14.]

The legislature shall provide, by law, for the maintenance and efficiency of a State board of health.

[Deering's Political Code, 1909.]

SEC. 2978. *Appointment and term, State board of health.*—The State board of health shall consist of seven duly licensed and practicing physicians of this State, appointed by the governor for the term of four years.

SEC. 2979. *Powers and duties.*—The State board of health shall examine into the causes of communicable diseases in man and domestic animals occurring or likely to occur in this State.

It may quarantine or isolate and inspect and disinfect persons, animals, property, and things of whatever nature, and houses, rooms, places, cities, or localities, whenever in the judgment of said board or pending its meeting, whenever in the judgment of its executive officer such action shall be deemed necessary to protect or preserve the public health, and said board may destroy, or cause to be destroyed, bedding, carpets, household goods, furnishings and materials, clothing, or animals, when in the judgment of said board or that of its executive officer such clothing, furnishings, bedding, goods, materials, or animals are an imminent menace to the public health.

It may establish and maintain places of quarantine or isolation.

It shall have sanitary control of all public buildings or places owned, leased, or controlled by the State, and no officer or person having charge of the erection of any public building owned or controlled by the State shall proceed with the construction thereof until the State board of health shall, in writing, have approved the plans and specifications therefor, in so far as the same may, in any way, affect the sanitation thereof.

It shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions, and circumstances on the public health, the preparation and sale of drugs and food and the adulteration thereof.

It must perform such duties as are or may be required by law for the detection and prevention of the adulteration of articles used for food or drink, and for the punishment of persons guilty of violation of any law providing against such adulteration.

It shall examine and have power to prevent the pollution of sources of public domestic water and ice supply.

It shall have power to prepare or purchase and distribute at cost anti-toxins, vaccine, and other approved serums and lymphs.

It shall maintain a bureau of vital statistics under the supervision of its executive officer, where shall be collected and recorded all births, marriages, and deaths, burials, and cremations within the State. These statistics, together with the number of cases of communicable diseases and such further comparative statistics and information as may be deemed of value to scientists, the medical profession, the general public, and aid in the maintenance of good



health conditions, may be published by the board in such manner and at such times as it may deem proper.

It shall have power to prescribe and enforce regulations for the embalming, cremation, burial, disinterment, and transportation of the dead.

It shall have power to prescribe the form of certificates of birth and death, and of permits for burial, disinterment, cremation, and transportation of the dead, and provide measures for their observance.

It shall have power to abate public nuisances. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

It shall have general power of inspection, examination, quarantine, and disinfection of persons, places, and things within the State, and for the purpose of conducting the same may appoint inspectors, who, under the direction of the board, shall be vested with like powers: *Provided*, That this act shall in no wise conflict with the national quarantine laws.

It shall have power to commence and maintain all proper and necessary actions and proceedings to enforce its regulations, to enjoin and abate nuisances dangerous to health, to compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health, and to protect and preserve the public health; also to defend all actions and proceedings involving its powers and duties; and in all such actions and proceedings it shall sue and be sued under the name of the State board of health.

It shall have power to adopt and enforce rules and regulations for the execution of its duties under this section.

It shall at each biennial session of the legislature make a report with such suggestions as to legislative action as it deems proper.

SEC. 2980. *Intoxicating liquors*.—The board must examine into and report what, in their best judgment, is the effect of the use of intoxicating liquor as a beverage upon the industry, prosperity, happiness, health, and lives of the citizens of the State; also what legislation, if any, is necessary in the premises.

SEC. 2981. *Meetings—Officers—Compensation*.—The board must meet at the capitol of the State at least once in every three months. Four members shall constitute a quorum for the transaction of any business. Special meetings may be held upon the call of the president or secretary. Notice of all meetings must be given by the secretary, by mailing such notices to the members of the board at least three days prior to the date of such meetings. The members must elect from their own number a president and a permanent secretary. The secretary shall be a civil executive officer and shall also be the executive officer of the board. He must reside in Sacramento and devote his entire time to the duties of the office. The members of the board shall receive their actual and necessary traveling expenses while in the service of the board. Such expenses shall be paid out of the general fund of the State treasury.

SEC. 2982 (as amended by chapter 659, acts of 1911). *Compensation and duties, secretary, etc.*—The secretary of the State board of health shall receive an annual salary of \$3,600 and necessary expenses incurred in the performance of his duties. He shall enforce all orders and regulations of the State board of health, and shall vigilantly observe sanitary conditions throughout the State, and take all necessary precautions to protect it in its sanitary relations with other States and countries. He shall keep an accurate record of the proceedings of the State board of health and of his own acts, and shall file a written report of the same at each regular meeting of the board. There shall be an assistant to the secretary of the State board of health, who shall be appointed by and hold office at the pleasure of, and perform such duties as shall be pre-



scribed by said board. The assistant to the secretary of the State board of health shall receive an annual salary of \$2,400.

The salaries of the secretary and assistant to the secretary shall be paid out of the general fund at the times and in the manner in which State officers are paid.

SEC. 3075 (as amended by chapter 660, acts of 1911). There shall be a clerk to the State board of health, and a competent statistician, a deputy statistician, and two copyists to assist the State registrar of the bureau of vital statistics, all of whom shall be appointed by, and hold office at the pleasure of, the State board of health. The clerk shall receive an annual salary of \$1,600, the statistician an annual salary of \$2,400, the deputy statistician an annual salary of \$1,600, and the copyists, each an annual salary of \$900. All such salaries shall be paid in the same manner and at the same time as the salaries of State officers. The State board of health may employ and fix the compensation of other additional clerical and professional assistants, but such compensation shall be paid from its fund for contingent expenses, provided in the general appropriation act.

[Acts of 1905, chapter 223, as amended by chapter 154, acts of 1911.]

SECTION 1. *Hygienic laboratory.*—There shall be established and maintained at the University of California, at Berkeley, for the use of the State board of health, a State hygienic laboratory for bacteriological and chemical analysis, which shall be under the management and control of the State board of health; and branches of said laboratory may be established and maintained by said board from time to time, at such other places within the State of California as the said board may determine to be necessary for the protection of the public health.

SEC. 2. *Director.*—The State board of health shall appoint a director of said State laboratory who shall be a skilled bacteriologist and chemist, and, subject to the control of said board, shall have general supervision of said laboratory and any branch laboratories that may be established hereunder. Said board shall also appoint an assistant director for each branch laboratory established, who shall likewise be a skilled bacteriologist and chemist, and shall also appoint such other assistants as may from time to time be necessary to carry on the work of said laboratory and the branches thereof. The salaries of the director, assistant directors, and other assistants shall be fixed by the State board of health, and they shall hold office at the pleasure of said board; provided, however, that all such salaries and all expenses incurred for equipment, rent, materials, traveling expenses, and other things incidental to the maintenance and operation of such laboratories, shall be paid out of the money appropriated for bacteriological laboratory support by the terms of the general appropriation act.

SEC. 3. The State controller is hereby authorized to draw his warrants for the sums so appropriated in favor of the secretary of the State board of health, and the State treasurer is hereby directed to pay the same.

[Acts of 1911, chapter 705.]

SECTION 1. The following sums of money are hereby appropriated \* \* \* for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years:

[P. 1377.]

#### STATE BOARD OF HEALTH.

For salary of secretary to State board of health, \$7,200.

For salary of assistant secretary to State board of health, \$4,800.

For salary of attorney to State board of health, \$6,000.

\* \* \* \* \*



For salary of statistician, State board of health, \$4,800.

For salary of deputy statistician, State board of health, \$3,200.

For salary of two copyists, State board of health, \$3,600.

For payment of fees for reporting occupational diseases, \$400.

For salary of clerk, State board of health, \$3,200.

For salary of director, food and drug laboratory, State board of health, \$8,000.

For salary of assistant director, food and drug laboratory, State board of health, \$3,600.

For traveling and contingent expenses of State board of health, \$6,000.

For support of State hygienic laboratory for bacteriological work, State board of health, \$20,000.

For support of State pure food and drug laboratory, State board of health, \$30,000.

\* \* \* \* \*

For printing, binding, ruling, and all other work performed and material furnished by the State printing office to the State board of health, \$6,000.

[Deering's Political Code, 1909.]

SEC. 3059. *Boards of health for harbors.*—The board of supervisors of any county in which there is a port of entry or harbor, for which there is not otherwise provided health and quarantine regulations, may by an ordinance adopt the whole or any part of the provisions of Article III<sup>1</sup> of this chapter, appoint a board of health, or health officer, locate quarantine grounds when necessary, and provide for the enforcement of health and quarantine regulations.

SEC. 3060. *Boards of health for counties.*—In like manner the board of supervisors of any county in which there is an unincorporated city or town, for which there is not otherwise provided a board of health or health regulations in time of epidemics, or the existence of contagious or infectious diseases, may by an ordinance adopt for such city or town, in whole or in part, the provisions of Article IV<sup>2</sup> of this chapter, for some definite period of time; and appoint therefor a board of health.

SEC. 3061. *Municipal boards of health.*—It shall be the duty of the board of trustees, council, or other corresponding board of every incorporated town and city of this State, to establish, by ordinance, a board of health for such town or city, to consist of five persons, one at least of whom shall be a practicing physician and a graduate of some reputable school of medicine, and one, if practicable, a civil engineer. The members of the board shall hold their offices at the pleasure of the appointing power. Every local board of health established in this State must:

First. Supervise all matters pertaining to the sanitary condition of their town or city, and make such rules and regulations relative thereto as are necessary and proper, and not contrary to law.

Second. Report to the secretary of the State board of health, at Sacramento, at such times as the State board of health may require:

(a) The sanitary condition of their locality.

<sup>1</sup> Health and quarantine regulations for the city and harbor of San Francisco, providing for the creation of a board of health consisting of the mayor of the city and county, and four physicians appointed by the governor, and the appointment of a health officer by the board.

<sup>2</sup> Health and quarantine regulations for the city of Sacramento, authorizing the board of trustees to establish by ordinance a board of health consisting of five physicians and the president of the board of trustees, and empowering the board of health to appoint a health officer.



(b) The number of deaths, with the cause of each, as near as can be ascertained, within their jurisdiction during the preceding month.

(c) The presence of epidemic or other dangerous, contagious, or infectious disease, and such other matters, within their knowledge or jurisdiction, as the State board may require.

The trustees, council, or other legislative board, by whatever name known, of any incorporated city or town of this State may, by ordinance, adopt any portion of Articles III and IV of this chapter, or either of them, for some definite period of time, as may seem proper for the regulation of sanitary matters within their town or city.

SEC. 3062. *Health officers for unincorporated towns.*—The board of supervisors of each county must appoint, in each unincorporated city or town of 500 or more inhabitants, a health officer, who has all the duties and powers of a board of health and health officer, as specified in this and the two preceding articles.

SEC. 3063. *Sanitary tax.*—All necessary expenses of enforcing this article are charges against the counties, cities, or towns, respectively, for the payment of which the county, city, or town, may levy a per capita tax of not exceeding \$3, or a property tax of not exceeding one-fourth of 1 per cent yearly until the same is paid.

SEC. 3064. *Compensation.*—The board of supervisors must fix the salary or compensation of boards of health or health officer, and provide for the expenses of enforcing the provisions of this article. If the board of supervisors or board of trustees, council, or other corresponding board of any incorporated town, neglects to provide a board of health or health officer by the 1st day of July, 1887, the State board of health may direct the district attorney of the county to begin an action against such board of supervisors, or board of trustees, or corresponding board, to compel the performance of their duty, or may appoint a board of health, or health officer, with the powers of a board of health, for such town or city, and the expenses of such board of health or health officer shall be a charge against the incorporated city or town for which such appointment shall be made; and when the appointment is made for unincorporated towns, the expenses of the board of health or health officer is a charge against the county.

SEC. 4225. *County health officer.*—They (the board of supervisors) shall appoint in each county, a health officer, who shall be deemed an employee and not a county officer, and whose duty it shall be to enforce and observe all orders and ordinances of the board of supervisors, pertaining to health and sanitary matters, all orders, quarantine regulations, and rules prescribed by the State board of health, and all statutes relating to the public health and to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county, and when so required by the board of supervisors he shall give all of his time to such duties. He shall be a graduate of a medical college of good standing and repute, shall hold office for a term of one year, and shall receive for his services such sum as may be determined by the board of supervisors.

Immediately after the appointment of such health officer they shall notify the secretary of the State board of health of such appointment and the name and address of such appointee.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.



For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the State board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services, unless in this title otherwise provided, not to exceed \$100 in any one year.

SEC. 4041. *Special sanitary tax.*—The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law—

\* \* \* \* \*

35. To levy a special sanitary tax, not to exceed one-half mill on the \$1 of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

SEC. 2984. *Local officers to enforce rules.*—It shall be the duty of the board of health of each municipality and incorporated town within this State, and of every chief executive health officer thereof, where there is no municipal or town board of health, to enforce within such municipality and incorporated town all orders, rules, and regulations concerning health and quarantine, and the registration, certification, and reporting of deaths as prescribed or directed by the said board of health; and it shall be the duty of such board of health, or chief executive health officer, to report in writing to the State board of health, on or before the fifth day of each month, all infectious, contagious, and communicable diseases, in man or beast, which shall come to their or his knowledge, upon blanks furnished by the State board of health. Said board of health or chief executive health officer, where there is no board of health, in cases of local epidemic of disease shall report to the State board of health all facts concerning the disease and the measures taken to prevent or abate its spread, infection, or contagion. Every such board of health or chief executive health officer, where there is no board of health, shall strictly observe and enforce within such municipality or incorporated town the provisions of "An act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns under the superintendence of the State bureau of vital statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this act," approved March 18, 1905, and also the provisions of Chapter III, of Title VII, of Part III of the Political Code of the State of California relating to the registration, certification, and reporting of marriages, births, and deaths, and shall promptly report to the State board of health all violations of the State health laws and of the law relating to the registration, certification, and reporting of marriages, births, and deaths which shall come to their or his knowledge.

[Chapter 492, acts of 1907.]

SEC. 11. *Health officers to enforce State laws and rules.*—It shall be the duty of every county, city and county, municipal, town, or other health officer or inspector to enforce diligently within the county, city and county, municipality, town, or district of which he is such health officer, all State laws pertaining to health and sanitary matters, and all orders, rules, and regulations concerning



health, quarantine, and disinfection prescribed or directed by the State board of health, and all local ordinances, resolutions, orders, and regulations concerning health, of the board of supervisors, which shall not be in conflict with the general laws or the orders, rules, and regulations of the State board of health.

Said health officers shall report to the State board of health all violations of the State health laws and all violations of the State laws relating to registration of births, marriages, and deaths, which shall come to their knowledge.

\* \* \* \* \*

SEC. 21. *Penalty.*—Any person violating any of the provisions of this act, whether acting for himself, or as the agent or servant of another person, or of a firm, company, or corporation, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 19 of the Penal Code of the State of California.

[Penal Code.]

SEC. 176. Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

SEC. 377. *Violation of health laws.*—Every person who is charged with a duty relating to the registration of deaths, \* \* \*, who—

5. Willfully violates any of the laws of this State relating to the preservation of the public health is guilty of a misdemeanor, and is, unless a different punishment for such violation is prescribed by this code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding \$1,000, or by both such fine and imprisonment.

SEC. 377a. Every person who after notice shall violate, or who, upon the demand of any public health officer, shall refuse or neglect to conform to any rule, order, or regulation prescribed by the State board of health respecting the quarantine or disinfection of persons, animals, things, or places, shall be guilty of a misdemeanor.

SEC. 377b. Any person who shall violate or refuse or neglect to conform to any sanitary rule, order, or regulation prescribed by the State board of health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption shall be guilty of a misdemeanor.

SEC. 377c. Any person who shall violate or refuse or neglect to conform to any sanitary rule, order, or regulation prescribed by the State board of health for the prevention of the pollution of ice or the sale or disposition of polluted ice offered, kept, or intended for public use or consumption shall be guilty of a misdemeanor.

SEC. 378. Every person charged with the performance of any duty under the laws of this State relating to the preservation of the public health who willfully neglects or refuses to perform the same is guilty of a misdemeanor.

[Constitution, Art. XI, sec. 11.]

Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

[Deering's Political Code, 1909.]

SEC. 4408. *Powers of cities.*—The common council (of any city)<sup>1</sup> has power—

\* \* \* \* \*

5. To establish or authorize slaughterhouses and markets, and regulate the same.

<sup>1</sup> In order to be a city a community must have more than 2,000 inhabitants within 6 square miles.



9. To regulate the keeping and use of animals, and the keeping and use of gunpowder and other dangerous substances.

11. To prohibit the burial of the dead within the city, except at such places and in such manner as the common council may determine.

14. To impose penalties for the violation of ordinances; but no single penalty must exceed a fine of \$500, or imprisonment for 10 days, or both.

15. To impose and appropriate fines, penalties, and forfeitures for breaches of ordinances.

17. To require any land or building to be cleansed at the expense of the owner or occupant, and, upon his default, may do the work and assess the expense upon the land or building.

18. To establish a board of health to prevent the introduction and spreading of disease, or to ordain and adopt for the government of the city the "quarantine" or "health regulations" provided by this code for San Francisco or Sacramento.

#### COLORADO.

[Revised Statutes, 1908.]

SEC. 5009. *State board of health; how constituted.*—A board of health is hereby established which shall be known under the name and style of the State board of health. It shall consist of nine members, who shall be appointed by the governor; and the members first appointed shall be so designated by the governor that the term of office of three shall expire every two years, on the last day of January. Thereafter the governor, with the consent of the senate, shall biennially appoint three members to hold their offices for six years, ending January 31. Any vacancy in the said board may be filled until the next regular session of the general assembly by the governor. Every two years the board shall elect from its own members persons to fill the offices of president, secretary, and treasurer, and for the purposes of this election and for organization the board shall convene at the call of the president so soon after the meeting of the general assembly as may be convenient.

SEC. 5010. *Powers and duties.*—The State board of health shall have general supervision of the interests of health and life of the citizens of this State. They shall especially study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall carefully study the influence of the climate upon disease and health in different localities in the State for the benefit of the citizens thereof, as well as for the large number of invalids who seek relief in Colorado. They shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality, and the effect of localities, employment, conditions, ingesta, habits, and circumstances on the health of the people. They shall, when required or when they deem it best, advise with the officers of the Government or other State boards in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public structure or building. They shall, from time to time, recommend standard works on the subject of hygiene for the use of schools of the State.

SEC. 5012. *Duties, secretary.*—The secretary shall keep his office at Denver and shall perform the duties prescribed by this act or required by the board. He shall keep a record of the transactions of the board; shall have custody of all books, papers, documents, and other property belonging to the board which may be deposited in the office; shall, so far as practicable, communicate with other State boards of health and with local boards of health within the



State; he shall keep and file all reports received from such boards and all correspondence of the office appertaining to the business of the board. He shall, so far as possible, aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns and such instructions as may be necessary and forward them to the clerks of the several boards of health throughout the State. He shall collect information, with the assistance of each member of the board, concerning vital statistics, knowledge respecting disease, and all useful information on the subject of hygiene, and, through an annual report and otherwise, as the board may direct, shall disseminate such information among the people. It shall be his duty to act as correspondent in answering all inquiries made by nonresident physicians and invalids who are at liberty to call upon him for special information as to the sanative influence of the climate.

SEC. 5011. *Meetings.*—The board shall meet semiannually at Denver and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. Should the office of president or secretary become vacant, by death or otherwise, the board may fill said office from their number at the next regular meeting.

SEC. 5014. *Reports by local boards.*—It shall be the duty of all health physicians, and also of the clerks of local boards of health of each town, village, and city, and the regular physician of each public institution in the State, at least once in each year, to report to the State board of health their proceedings and such other facts as may be required by said State board.

SEC. 5015. *Transmission of sanitary information.*—In order to afford the board better advantages for obtaining knowledge important to be incorporated with that collected through special investigation and from other sources, it shall be the duty of all officers of the State, the clerks and physicians to all municipal boards of health, the physicians to all mining or other incorporated companies, or the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as is practicable, to forward to the State board of health any information which they possess bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on the subject.

SEC. 5016. *By-laws.*—The board of health shall have power to make by-laws and all needful rules and regulations for its own government, and any member failing to obey said by-laws or to comply with the said rules and regulations shall be subject to removal upon a vote of the majority of the members of said board, and upon certification of the same to the governor of the State by the secretary of the board the governor shall declare the office vacant and immediately fill the vacancy by the appointment of some other person.

SEC. 5017. *Epidemic fund.*—Whenever in the opinion of the governor it may be deemed necessary to draw from the general fund, on the warrant of the auditor, not to exceed the sum of \$5,000, which sum is hereby appropriated out of any funds in the treasury not otherwise appropriated, to be used by the State board of health to prevent the introduction or spread in this State of cholera or other communicable diseases dangerous to public health, such warrant or warrants may be drawn for such amount as may be deemed necessary for said purpose.

SEC. 5018. *Office.*—The secretary of state shall provide a suitable room for the meetings of the board at Denver and office room for its secretary. The secretary of state shall furnish such stationery and printing as may be required for the official work of the board.



SEC. 5019. *Expenditure.*—All moneys received by the board from the State shall be expended in the manner deemed best by the board for carrying out the objects for which it was created.

SEC. 5020. *Account.*—The treasurer of the board shall keep careful account of all moneys received and disbursed by the board, taking vouchers and receipts therefor, and annually make report of the same to the governor.

SEC. 5024. *Interstate quarantine.*—At such points or places or on such lines of travel as there may be danger of the introduction into this State of cholera or other dangerous communicable diseases, the State board of health shall have power to establish such systems of inspection as may be practicable and needful to ascertain the presence of the infection of cholera or other dangerous communicable diseases in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath, without cost to the State or person so questioned, which oath a duly appointed inspector of the State board of health is hereby authorized to administer to the immigrant, traveler, or other person, as to the place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera or other dangerous disease, and on other subjects on which information is needed; and the State board of health shall have power to order such disinfection of baggage or other articles which are infected or liable to be infected, and to cause such isolation of persons or things infected or liable to be infected, as may be necessary for the public safety, by placing it or them in the care of the local board of health, or by other practical methods, to the end that the objects of this act, expressed by its title, shall be fulfilled.

SEC. 5027. *Rules.*—It shall be the duty of the State board of health to frame and publish rules for the conduct of inspection under this act. Whoever shall willfully violate the rules of the State board of health, made in pursuance of this act shall, on conviction, be punished as provided in sections 21 and 22 hereof. (Secs. 5028 and 5029.)

SEC. 5028. *Court jurisdiction.*—The State board of health may cause a complaint to be filed before any justice of the peace or county court in the county where such offense is committed, and such courts shall have jurisdiction to try any cause arising under the provisions of this act.

SEC. 5029. *Penalty.*—Any person neglecting or refusing to obey an order of the State board of health, made under authority of this act shall, upon conviction, be fined in a sum of not less than \$25 nor more than \$300 for every offense.

SEC. 371. *Registration of vital statistics.*—It shall be the duty of the State board of health to have charge of the State system of registration of births and deaths; to prepare the necessary methods, forms, and blanks for obtaining and preserving such records and to insure the faithful registration of the same in the incorporated towns, cities, and counties, and in the central bureau of vital statistics.

SEC. 5021. *Local health officers.*—The State board of health or the secretary of the board may call upon the board of county commissioners of any county or on the mayor or other chief executive of any city, town, or village of Colorado to appoint some person to serve as local health officers for their respective jurisdictions, or to name the person already legally appointed, the said officer to act in cooperation with and under advice of the State board of health.

SEC. 5022. *Power of State board in local affairs.*—In the event of the local board of health of any community being unable or unwilling to efficiently or promptly abate a nuisance, or to prevent the introduction or spread of any contagious or infectious disease, the State board of health shall have full



power to take such measures as will insure the abatement of the nuisance, or prevent the introduction or spread of disease. The State board of health may, for this purpose, assume all the powers conferred by law on the local board of health; or the State board of health may, at its discretion, bring suit against or prosecute any local board of health for a willful failure to enforce the laws of this State in regard to health, and the expense of carrying out such orders shall be borne by the local board of health so failing to enforce the law.

[Acts of 1911, p. 50.]

*Office of State board of health.*

|   | 1911    | 1912    |   | 1911    | 1912    |
|---|---------|---------|---|---------|---------|
| Secretary of State board of health.....           | \$1,500 | \$1,500 | Chemist, salary.....  | \$2,000 | \$2,000 |
| Traveling expenses of members and inspectors..... | 1,000   | 1,000   | Clerk, salary.....  | 1,000   | 1,000   |
| Bacteriologist, salary.....                       | 1,200   | 1,200   | Laboratory supplies and expenses.....                       | 1,000   | 1,000   |
| Clerk, vital statistics, salary.....              | 1,000   | 1,000   | Traveling expenses of commissioner and food inspectors..... | 2,400   | 2,400   |
| Clerk and stenographer, salary.....               | 1,200   | 1,200   | Emergency fund for salaries and expenses.....               | 600     | 750     |
| File clerk, salary.....                           | 1,000   | 1,000   | Medical inspection of lying-in hospitals.....               | 750     | 1,500   |
| Medical inspector, salary.....                    | 900     | 900     | Stenographer, salary.....                                   | 1,200   | 1,200   |
| Pure-food commissioner, salary.....               | 2,500   | 2,500   |   |         |         |
| Drug inspector, salary.....                       | 1,500   | 1,500   |   |         |         |
| Four food inspectors, salaries.....               | 4,800   | 4,800   |   |         |         |

[Revised Statutes, 1908.]

SEC. 5030. *County boards of health; how constituted.*—The board of county commissioners of each county shall be a board of health for their respective counties, and the county clerk shall be the clerk of said board, and shall keep a record of their proceedings, in a book to be provided for that purpose at the expense of the county: *Provided*, That the board of health of any city, town, or village, shall have exclusive and independent control within its own jurisdiction.

SEC. 5031. *City boards of health.*—The mayor and council, or trustees of each incorporated town or city, whether incorporated under general statutes or special charter in this State, respecting which no other provision is or shall be made by law, shall have and exercise all the powers and perform all the duties of a board of health, as provided in this act, within the limits of the cities or towns, respectively, of which they are such officers, and in all parts and portions of each and every county not represented by town or city organization, the board of health shall consist of the county commissioners and the clerk of the county.

SEC. 5032. *Local health officers.*—Every board of health shall appoint one or more physicians to the board, who shall be the health officer or officers of the county, city or town for which he is appointed, and shall hold his office during its pleasure, and it shall establish his salary or other compensation, and it shall regulate all fees and charges of every person employed by it in the execution of the health laws and its own regulations: *Provided*, That in counties, towns, or villages where it is not practicable to secure the services of a well-educated and suitable physician, the board may appoint some other person as such health officer.

SEC. 5074. *Compensation, health officers.*—In the fulfillment of the requirements of this act, the health officer, unless other provisions shall have been made in accordance with law, shall be entitled to receive from the county, city, or village of which he is the health officer, compensation at the rate of not less than \$2 per day, while in discharge of his duties.



SEC. 5084. *Publication, local sanitary regulations.*—Notice shall be given by the board of health of all regulations made by them, by publishing the same in some newspaper of the county, town, or village, if there be one published therein, and if not, then by posting them up in five public places in such county, town, or village, and such notice of such regulations shall be deemed legal notice to all persons.

SEC. 5085. *Legal jurisdiction.*—The county court for any county or any justice of the peace in such county, and police magistrates in cities and towns shall have jurisdiction in all matters concerning nuisances under this act and the punishment therefor.

SEC. 5096. *Penalty.*—Any person convicted of violating any provisions of any of the foregoing sections of this act shall be fined not more than \$50 or imprisoned in the county jail not exceeding three months.

SEC. 5097. *Prosecutions.*—It is hereby made the duty of the district attorneys of this State to appear for the people and attend to the prosecution of all complaints under this act in all the courts in their respective counties.

SEC. 6550. *Powers of cities.*—The city council in cities of the first class (cities with 15,000 or more inhabitants) shall have the following additional powers, to wit:

Sixth. To establish a system of sewerage, and for that purpose to divide the city into districts and to impose a special tax upon private property in such district to defray the cost of constructing district sewers, to wit, sewers, connecting with the public sewer or some natural drainage, also to compel the owners of any or all houses to connect the same with such district sewer.

Seventh. To restrain \* \* \* dogs \* \* \* found running at large within the limits of the city, and to authorize the summary sale or other disposition of such animals found running at large within the city.

Twelfth. To regulate the burial of the dead, to keep a record of births and deaths, to direct the keeping and returning of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

SEC. 6564. The city council in cities of the second class, and towns and boards of trustees of towns, shall have the following additional powers, to wit:

Third. To prohibit hogs, cattle, horses, sheep, dogs, fowls, and other animals from running at large within the limits of the city, and to authorize the summary sale or other disposition of such animals found running at large within the city.

Seventh. To establish a system of sewerage, and for that purpose to divide the city into districts, and to impose a special assessment or tax to defray the expense of constructing such sewers upon private property within such district, or upon the lot or lots or lands adjacent to or abutting upon the street or alley where said sewer is laid; and to compel the owner or owners of any and all buildings located in said district, and on blocks abutting on any established sewer, to connect with such sewer, and to prohibit the keeping or maintaining of any vault, closet, privy, or cesspool within said district or within 400 feet of any established sewer; also to regulate the construction, maintenance and use of all vaults, closets, privies, and cesspools, within the city limits and not within said prohibited districts or proximity to an established sewer.

Tenth. To regulate the water supply used in said city for domestic or household purposes, and to prohibit and condemn the use of any and all surface wells, and the waters thereof, for domestic or household purposes, whenever the same shall be found injurious to the health of said city or of the inhabitants thereof.

SEC. 6525. The city council and board of trustees in towns shall have the following powers:



Seventh-9th. To regulate and prevent the throwing or depositing of ashes, garbage, or any offensive matter in, and to prevent any injury to, any street, avenue, alley, or public ground.

Tenth. To construct and keep in repair culverts, drains, sewers, and cess-pools, and to regulate their use; and all cities and incorporated towns are authorized to assess, either in whole or part, except as hereinafter otherwise provided, the cost of the construction of sewers and drains upon the lot or lots, or lands adjacent to and opposite such improvement, in proportion to the frontage of such lot or lots, or lands, abutting upon the street or alley wherein such sewer or drain is to be laid: *Provided*, That the cost of such sewer or drain at street intersections or crossings shall be wholly paid for by such city or town: *And provided further*, That the benefit to the public generally, if any, shall be assessed against such city or town, and the balance shall be assessed against the lot or lots or land and the owners thereof, according to frontage as aforesaid, said benefits to be determined as may be provided by ordinance.

Twelfth. To provide for the cleansing and purification of waters, water courses, and canals, and the draining or filling of ponds on private property whenever necessary to prevent or abate nuisances.

Twenty-first. To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and to provide for place and manner of selling the same.

Twenty-second. To regulate the sale of bread in the city or town, prescribe the weight and quality of the bread in the loaf.

Twenty-third. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions.

Twenty-seventh. To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters.

Thirty-third. First, to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, and apparatus used in and about any manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; second, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; third, to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Forty-fifth. To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

Forty-sixth. To appoint a board of health and prescribe its powers and duties.

Forty-seventh. To erect, establish, and maintain hospitals, medical dispensaries, orphanages, dormitories, or other suitable places of relief for persons in sickness or distress through poverty.

Forty-eighth. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Forty-ninth. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within 1 mile of the corporation.

Fiftieth. To regulate, restrain, and prohibit the running at large of horses, cattle, swine, sheep, goats, geese, and dogs, and to impose a license fee upon dogs.

Fifty-first. To direct the location and regulate the management and construction of slaughterhouses, packing houses, renderies, tallow candleries, bone fac-



tories, soap factories, tanneries, and dairies within the limits of the city or town, or within the distance of 1 mile without the city or town limits.

Fifty-second. To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops, and foundries within the limits of the city or town.

Fifty-third. To prohibit within or within 1 mile beyond the outer limits of the city or town any offensive or unwholesome business or establishment, and also to prohibit the carrying on any business or establishment in an offensive and wholesome manner within or within 1 mile beyond the outer limits of the city or town.

Fifty-fourth. To compel the owner of any grocery, cellar, soap, or tallow candlery, tannery, stable, pigsty, privy, or sewer, or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

Sixty-sixth. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted to cities or towns, with such fines and penalties as the council or board of trustees shall deem proper: *Provided*, No fine or penalty shall exceed \$300 and no imprisonment shall exceed 90 days for one offense.

#### CONNECTICUT.

[General statutes, 1902.]

SEC. 2502. *State board of health; appointment.*—The governor, with the advice and consent of the senate, shall appoint six persons, three of whom shall be physicians and one a lawyer, who, together with a secretary, to be chosen by themselves, shall constitute the State board of health. On or before May 1 in each year in which the general assembly is in session the governor shall appoint two members of said board who shall hold their offices for the term of six years from and after the 1st of July next succeeding the date of their appointment and until others are chosen and qualified in their stead. Any vacancy which may occur in said board shall be filled by the governor, and the person so appointed shall hold office until the expiration of the term.

SEC. 2503. *Meetings and officers.*—The State board of health shall meet at least once in every three months, and as much oftener as it may deem proper. Four members shall constitute a quorum. No member of the board except the secretary shall receive any compensation, but the actual traveling and other expenses of the members while engaged in the duties of the board shall be allowed and paid out of the appropriation made for its support. They shall select annually one member of the board as president, and shall appoint a suitable person, who shall be a physician, to be their permanent secretary and executive officer, who shall hold his office so long as he shall faithfully discharge the duties thereof, but who may be removed for cause at any meeting of the board, a majority of the members voting therefor. If a member of the board be elected as secretary the vacancy thus caused shall be filled by the governor, as provided in section 2502.

SEC. 2504. *Secretary's duties.*—The secretary shall keep a record of the proceedings of the board, perform and superintend the work prescribed in this chapter, and shall discharge such other duties as the board may order.

SEC. 2505. *Duties of State board.*—Said board shall take cognizance of the interests of health and life among the people of this State; make sanitary investigations and inquire respecting the causes of disease, and especially of epidemics, the sources of mortality, and the effects of localities, employments, conditions, ingesta, habits, and other circumstances upon the public health, and collect such information in respect to these matters as may be useful in the



discharge of its duties and contribute to the promotion of health and the security of life in this State; cause to be made by their secretary or by a committee of the board inspections at such times as it may deem best, and whenever directed by the governor or the general assembly, of all public hospitals, prisons, asylums, or other public institutions, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilation, and other circumstances in any way affecting the health of their inmates, and shall also suggest in writing to the officers thereof such remedies as they may consider suitable for the removal of all conditions detrimental to health in said institutions.

SEC. 2506. *Information to local authorities—Reports.*—Said board shall cause all proper sanitary information in its possession to be promptly forwarded to the local health authorities of any city, borough, town, or county in the State, which may request the same, adding thereto such useful suggestions as the experience of said board may supply. Said local health authorities shall supply like information to said State board of health, together with a copy of their reports and other publications. Said board of health may require reports and information at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health, as its by-laws or rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, from the officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; but such reports and information shall only be required concerning matters in respect of which said board may in its opinion need information for the proper discharge of its duties. Said board shall, when requested by public authorities, advise officers of the State, county, or local government in regard to sanitary drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

SEC. 2507. *Information to local authorities.*—Said board shall give all information that may be reasonably requested concerning any threatened danger to the public health to local health officers and all other sanitary authorities in the State, who shall give like information to said board; and said board and said officers, and said sanitary authorities shall, so far as legal and practicable, cooperate to prevent the spread of disease, and for the protection of life and the promotion of health, within the sphere of their respective duties.

SEC. 2509. *Expert examinations and inspections.*—Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and reports relative thereto. All officers, persons, corporations, or agents, having the control, charge, or custody of any public structure, work, ground, or erection, or of any plan, description, outlines, drawings, or charts thereof, or relating thereto, made, kept, or controlled under any public authority, shall permit and facilitate the examination and inspection, and the making of copies of the same by any person by said board authorized; and the members of said board and such persons as may be authorized by said board may, without fee or hindrance, enter, examine, and survey all such grounds, erections, vehicles, structures, apartments, buildings, and places.

SEC. 2510. *Supervision of vital statistics.*—Said board shall have the general supervision of the State system of registration of births, marriages, and deaths, and shall prepare the necessary methods and forms for obtaining and preserving such records, and insure the faithful registration of the same in the several counties, and in the central bureau of vital statistics. Said board shall recommend such forms and amendments of law as shall be necessary for the thorough



organization and efficiency of the registration of vital statistics throughout the State. The secretary of said board shall be the superintendent of registration of vital statistics. As supervised by the said board the clerical duties and safe-keeping of the bureau of vital statistics thus created shall be provided for by the comptroller, who shall also provide and furnish such apartments and stationery as said board shall require in the discharge of its duties.

SEC. 2511. *Annual report.*<sup>1</sup>—Said board, on or before the 1st of December in each year, shall make a report in writing to the governor upon the vital statistics and the sanitary condition and prospects of the State, which report shall also set forth the action of said board and its officers and agents, the names thereof for the past year, and contain a full statement of its acts, investigations, and discoveries, with such suggestions for legislative action or other precautions as it may deem proper for the better protection of life and health. Said report shall contain a detailed statement of the money received and expended by said board for the year ending the 30th of September next preceding, and the manner of expenditure; but the total amount paid for the expenses of said board, including the salary and expenses of the secretary, shall not exceed \$5,000, except as hereinafter provided, which amount is hereby annually appropriated for this purpose, to be paid by the treasurer on the comptroller's warrant, in such sums as the certificate of the board, with proper vouchers annexed, may certify from time to time.

SEC. 2512. *Epidemic fund.*—In case the Asiatic cholera or yellow fever, as an epidemic, shall prevail in this country and in consequence thereof it shall become necessary in the unanimous opinion of the State board of health to expend, in protecting the people of this State from the ravages of either of said diseases, a greater amount than the sum provided by law to be expended by said board, said board is hereby authorized and empowered to expend such other and further sum or sums as may, in its opinion, be necessary for that purpose, to be paid by the treasurer, on the comptroller's warrant, out of any money appropriated therefor; but no other or further sum than \$5,000 appropriated by section 2511 shall be expended by said board, except by the unanimous vote of said board and by the approval of the governor, evidenced by a certificate to that effect to the comptroller, with proper vouchers annexed.

SEC. 2514. *Pollution of streams.*—Said board is empowered to investigate and ascertain as far as practicable all facts in relation to the pollution of streams and natural waters of this State by artificial causes, to determine the sanitary and economic effects of such pollution, may enter upon lands, buildings, and premises, as may be necessary for their investigations, may institute and conduct needful experiments pertaining thereto, and may summon witnesses, administer oaths, and hear evidence relating to such matters. Said board shall annually make a written report to the governor of its operations under this section.

SEC. 4811 (as amended by chapter 141, acts of 1909). *Compensation.*—There shall be paid—

To each member of the State board of health his actual traveling and other expenses.

[Acts of 1909, chapter 141.]

SECTION 1. *Compensation of secretary.*—The secretary of the State board of health shall hereafter receive an annual salary of \$3,000.

[Acts of 1911, chapter 161.]

The State board of health is hereby empowered to procure, either by purchase or production, diphtheria antitoxin, tetanus antitoxin, and vaccine lymph for

<sup>1</sup> Report is now made biennially, under provisions of law, although vital statistics report is still published annually. Appropriation increased to \$20,000 per annum.



the free use of the people of the State; said antitoxin and lymph to be distributed to the town health officers as needed.

[Acts of 1905, chapter 162.]

**SECTION 1. Laboratory.**—The State board of health may establish and control a bacteriological laboratory where examination of supposed morbid tissues for the diagnosis of infectious diseases shall be made, free of expense, upon the application of registered physicians or health officers, and may provide necessary buildings and apparatus, employ bacteriologists and assistants, and do all things necessary for the proper conduct of such a laboratory.

**SEC. 2. Expenses.**—The expenses incurred for the establishment and maintenance of such laboratory shall be paid by the treasurer upon the comptroller's warrant, in such sums as the certificate of said board may certify, not exceeding \$3,000 per annum.<sup>1</sup>

[General statutes, 1902.]

**SEC. 2517. Appointment of county health officers.**—The judges of the superior court shall appoint for each county a health officer. The person so appointed shall be an attorney at law, residing in the county for which he shall be appointed. Each county health officer shall hold his office for four years from the first of July following his appointment and until his successor is appointed and qualified, unless sooner removed. Any vacancy shall be filled for the remainder of the unexpired term by the governor on nomination by the State board of health. Any county health officer may be removed by a judge of the superior court. Before entering on the discharge of his duties each county health officer shall be sworn to the faithful discharge thereof.

**SEC. 2518. Powers and duties.**—The county health officer shall cause the execution of the laws relating to public health and the prevention and abatement of nuisances dangerous to public health, and of the laws relating to the registration of vital statistics, and cooperate with and supervise the doings of town, city, and borough health officers, and boards of health, within his county. He shall have all the powers of a grand juror in each of the several towns within his county, and all the powers of the prosecuting officer of each city, borough, town, or police court within his county in prosecutions for violations of the laws concerning contagious diseases and public health, nuisances injurious to health or life, for violations of by-laws or ordinances relating to public health and contagious diseases adopted by a city or borough, for the violation of the orders of town, city, or borough health officers, for the prevention or removal of nuisances dangerous to public health, for violations of the laws relating to the registration of vital statistics, to the practice of medicine, surgery, or midwifery, and of the laws relating to the sale of poisons and antitoxine. County health officers may sign complaints, in any town, city, or borough in the county, to run into the same or any other town, city, or borough in the county.

**SEC. 2519. Temporary vacancy.**—In the event of a vacancy in the office of health officer for any county, or in the event of his absence, inability, or disqualification, the health officer of an adjoining county, to be designated by the governor, may act until a county health officer is appointed, and shall possess all the powers of such county health officer, and shall file a record of his doings with the succeeding health officer of such county.

**SEC. 2520. Compensation and reports.**—The county health officer shall receive for his services \$10 per day and necessary expenses, when actually employed

<sup>1</sup> This has been increased subsequently to \$8,000.



in the discharge of his duties, which shall be paid him quarterly by the comptroller. He shall keep a full record of his doings and shall annually, in the month of October, make a report to the State board of health.

SEC. 2521. *Appointment and jurisdiction of town health officers.*—The county health officer shall, in writing, appoint for each town some discreet person, learned in medical and sanitary science, to be health officer for said town, except in towns containing a city or borough whose limits are coterminous with the limits of said town. In each town, except in towns having a city or borough within their limits, said town health officer shall have and exercise all the powers necessary and proper for preserving the public health and preventing the spread of diseases; and in towns within which there exists a city or borough the limits of which are not coterminous with the limits of such town such town health officer shall exercise the powers and duties of his office only in such part of said town as is outside the limits of said city or borough. Each town health officer, except when appointed to fill a vacancy, shall hold his office for four years from and after the first Monday of October and until his successor is appointed and sworn, unless sooner removed.

SEC. 2522. *Reports by town health officers.*—The town health officer shall annually, on the 1st September, make report of his doings to the town in which he is appointed, which report shall be published with other town reports, and he shall cause duplicates of such report to be filed with the county health officer and with the State board of health. Said town health officer shall be paid by the treasurer of the town in which he has exercised the duties of his office not less than \$3 for each day of actual service, with his necessary expenses, on the approval of his bill by the county health officer.

SEC. 2523. *Appointment to be filed.*—All appointments of town health officers shall be filed with the secretary of the State board of health, and each town health officer, before entering upon the duties of his office, shall be sworn to the faithful discharge thereof.

SEC. 2524. *Removal of town health officer.*—Any town health officer may be removed from office by the county health officer, and in case a vacancy arises from any cause the county health officer shall appoint some discreet person, learned in medical and sanitary science, for the unexpired term. The county health officer, in case of the absence or inability of a town health officer to act, may designate in writing a suitable person to act as such town health officer; and the person so designated, when sworn, shall have all the powers and be subject to all the duties of a town health officer.

SEC. 2525. *Nuisances, etc.*—Town, city, and borough health officers shall, within their several jurisdictions, examine into all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated, and cause to be removed all filth found which, in their judgment, may endanger the health of the inhabitants. \* \* \*

SEC. 2529. *Regulations of health officer.*—No regulation adopted by a town health officer shall be valid until it has been approved by the State board of health upon hearing, after notice given by said board to one of the selectmen of the town and to the town health officer of the time and place of such hearing.

SEC. 2530. *Notice of regulations—Penalty.*—It shall be sufficient notice of any regulation of the health officer of any town or borough if it be printed in a newspaper published in the town or borough, if there be one, or posted for three days on each signpost in said town or borough if no newspaper is published therein. Said regulations, with an indorsement thereon, signed by such health officer, that they have been published or posted as required by law, and in case of regulations of town health officers with the certificate signed by the secretary of the State board of health that they have been approved by said



board, shall be recorded in the land records of said town or the records of said borough, as the case may be, and shall remain in force until altered or repealed in the manner prescribed for making regulations. A certified copy of such board shall be prima facie evidence that such regulations have been legally adopted. Every person violating any regulation of a town or borough health officer shall be fined not more than \$100.

SEC. 2531 (as amended by ch. 15, acts of 1905). *Appointment of city and borough health officers.*—The mayor of every city and the warden of every borough shall, unless the charter of such city or borough otherwise provides for the appointment of a health officer, nominate some discreet person, learned in medical and sanitary science, to be health officer for such city or borough, which nomination shall be confirmed or rejected by the common council of such city or by the burgesses of such borough within thirty days thereafter. Such health officer shall have and exercise within the limits of the city or borough for which he is appointed all powers necessary and proper for preserving the public health and preventing the spread of diseases therein. In case of the absence or inability to act of a city or borough health officer, or in case a vacancy exists in the office of such health officer, the county health officer may designate in writing a suitable person to act as such health officer during such absence or inability or until such vacancy is filled; and the person so designated, when sworn, shall have all the powers and be subject to all the duties of such health officer, and in case of vacancy, if such vacancy exists for 30 days in the office of such health officer, the county health officer for the county in which such city or borough is situated shall appoint a health officer for such city or borough. The county health officer may, for cause, remove an officer by him or by any predecessor in said office appointed, and the common council of such city or the burgesses of such borough may respectively, for cause, remove an officer whose nomination has by them been confirmed, provided such removal is approved by the county health officer, and, within two days thereafter, notice in writing of such action shall be given by the clerk of said city or of said borough, as the case may be, to the county health officer, who shall, within 10 days after he has received such notice, file with the clerk from whom he received the same his approval or disapproval. The compensation of such health officer may be fixed by said common council or burgesses, but, if not so fixed, shall not be less than \$3 for each day of actual service, with his necessary expenses.

SEC. 2532. *Term of office; reports.*—The health officer of every city or borough appointed under the provisions of section 2531 shall hold office for the term of four years from and after the date of his appointment. He shall annually, on the 1st of September, file with the State board of health and with the county health officer a report of his doings as such officer for the year preceding. The health officer of every town, city, and borough shall, on or before the 8th day of each month, make a report to the State board of health of all contagious diseases reported to him during the month preceding.

SEC. 2533. *Appeals from health officer's order.*—Any person aggrieved by an order issued by a town, city, or borough health officer may, within 48 hours after the making of such order, appeal to the county health officer, who shall thereupon immediately notify the authority from whose order the appeal is taken and examine into the merits of such case, and may vacate, modify, or affirm such order; and said county health officer in case any such order, or a law of this State, or a by-law or ordinance of any city, town, or borough, concerning the public health or the prevention of nuisances injurious to the public health or relating to the registration of vital statistics, be violated, may commence and prosecute to effect in a court of competent jurisdiction an action in the name of the State to restrain any person from the violation of any such order, law, by-law, or ordinance.



SEC. 4863. *County health officer, compensation.*—To the county health officer, \$10 a day of actual employment and his necessary expenses, payable quarterly by the State.

SEC. 2547. *Enforcement of orders, etc.*—When any person shall refuse to obey a legal order given by a health officer, health committee, or board of health, or shall endeavor to prevent it from being carried into effect, a justice of the peace may issue his warrant to a proper officer or to an indifferent person, therein stating such order and requiring him to carry it into effect, and such officer or indifferent person shall execute the same.

SEC. 2548. *Disposition of fines, etc.*—All fines imposed for the violation of any provision of this chapter or any regulation of a health officer or board of health shall be paid to the town, city, or borough in which the offense is committed.

SEC. 2552. *Violation of orders of health authority.*—Every person who shall violate any provision of this chapter, or any legal order of a health officer or board of health for which no other penalty is provided, shall be fined not more than \$500, or imprisoned not more than six months, or both.

## DELAWARE.

### CONSTITUTION.

ART. XII. The general assembly shall provide for the establishment and maintenance of a State board of health, which shall have supervision of all matters relating to public health, with such powers and duties as may be prescribed by law; and also for the establishment and maintenance of such local boards of health as may be necessary, to be under the supervision of the State board, to such extent and with such powers as may be prescribed by law.

[Revised Statutes, 1893, page 296.]

SECTION 1 (as amended by ch. 327, acts of 1903). *State board of health; how constituted.*—\* \* \* the governor shall appoint seven physicians of skill and experience, duly qualified to practice medicine or surgery under the provisions of chapter 69 of the seventeenth volume of the laws of the State of Delaware; chapter 35 of volume 18 of the laws of the State of Delaware; and chapter 47 of the Revised Code of the State of Delaware, as amended in the year 1874, three of whom shall be residents of New Castle County and two each of Kent and Sussex Counties, who shall constitute a board of health, to be called the Board of Health of the State of Delaware. The physicians thus appointed shall be so designated by the governor that the term of office of one from each county shall expire every two years: *Provided, however,* Any delay in the appointment of a successor to any member whose term shall have expired shall not create a vacancy, but such member shall continue to serve as a member of said board of health until his successor is duly appointed and qualified. Vacancies, however caused, shall be filled by appointment by the governor.

SEC. 2 (as amended by ch. 327, acts of 1903). *Meetings—Officers—Compensation, etc.*—Within 30 days after their appointment the members of the board of health shall meet in Dover, Wilmington, or Georgetown for organization, and shall elect a president, who must, and a secretary, who may, be one of said board, and the successive presidents of the board shall be annually elected by said board from the members thereof. The secretary shall continue in office as such until removed by the election of a successor or by vote of a majority of the board. He shall be executive officer of said board and shall receive an annual salary to be fixed by the board. The members of the board of health



shall not receive a salary, but the actual expenses of any member when engaged in the duties of the board shall be allowed and paid: *Provided, however,* Nothing contained in this section shall be so construed as to prevent the said board of health from employing any of its members or any other person or persons for special service at a reasonable compensation. The board of health shall meet at least once in every six months, and oftener if necessary, and four members shall constitute a quorum for the transaction of business. The board shall have power to adopt rules and by-laws for their government, subject to the provisions of this act.

SEC. 3 (as amended by ch. 327, acts of 1903). *Powers and duties.*—Said board of health of the State of Delaware shall have supervision of all matters relating to the preservation of the life and health of the people of the State. The said board of health shall have supreme authority in matters of quarantine, and may declare and enforce such quarantine, when necessary, and where no quarantine exists; may modify, relax, or abolish it, where it has been established. The said board of health of the State of Delaware may make special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of the remains of deceased persons and such other sanitary matters as admit of and may best be controlled by a universal rule. The said board of health may also make and enforce orders in local sanitary matters, when in the judgment of the said State board of health, or its executive officer, an emergency concerning the public health exists, and the local board of health have neglected or refused to act with sufficient promptness or efficiency, or when or where such local board has not been established, and all such expenses so incurred shall be paid by the city, town, or county for which services are rendered upon bill presented to the treasurer of such city, county, or town by the secretary of the said board of health of the State of Delaware, and approved by the president thereof.

It shall be the duty of all local boards of health, health authorities and officials, officers of State and county institutions, police officers, sheriffs, constables, and all other officers and employees of the State, or of any county, city, or town thereof to enforce such quarantine and sanitary rules and regulations as may be adopted by the board of health of the State of Delaware, and in the event of failure or refusal on the part of any member of said local boards or other officials, or persons mentioned in this section so to act, he or they shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than \$50 for the first offense and not more than \$100 for the second and each succeeding offense. The said board of health of the State of Delaware shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities, employments, the personal and business habits of the people, the relation of the diseases of beasts and man shall be subjects of careful study by the said board of health; and it may make and execute orders necessary to protect the people against diseases of the lower animals. It shall collect and preserve such information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. It shall also encourage the establishment of local boards of health. And said State board of health are authorized to require reports and information from all public dispensaries, asylums, prisons, and schools, and from the managers, principals, and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in this State;



and if any proprietor, manager, principal, superintendent, officer, or physician in charge shall refuse and neglect to make a report when requested to do so by the said State board of health, he, she, or they shall, upon conviction thereof before any justice of the peace of the county in which he, she, or they shall reside, be fined not less than \$5 nor more than \$25 together with costs. And any such justice of the peace shall have full cognizance thereof. But such reports and information shall only be required concerning matters and particulars in respect of which they may need information for the proper discharge of their duties. Said board shall, when requested by public authorities, or when they deem it best, advise officers of the State, county, or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

SEC. 4 (as amended by ch. 98, acts of 1901). *Advice—Regulations, etc.*—Said board shall be an advisory board to the authorities of the State in all matters pertaining to public hygiene; they shall have authority to make special inspection of hospitals, prisons, asylums, almshouses, and other public institutions, and to investigate by the secretary or committees of the board the cause of any special disease or mortality in any part of the State, and make such regulations and adopt such measures, including quarantine, vaccination, etc., as they may deem most efficient to eradicate all infectious diseases. And in localities where there are no local boards of health, or where same shall refuse or neglect to act, the president may direct any member of the board, together with the secretary, to investigate all complaints made in writing, and if said member shall find a nuisance to exist he shall order the same to be abated in a reasonable time. In such cases the State board shall have all power and remedies now given by law to local boards; if no person responsible for said nuisance be found, the secretary shall abate the same, and his expenses shall, upon approval by the president, be paid by the treasurer of the county wherein said nuisance existed, and shall, at each regular session of the legislature, submit to it a report of their acts, investigations, and discoveries with such suggestions as may be deemed proper. Three hundred copies of said report shall be printed and bound in linen for exchange and distribution by the State board of health.

SEC. 5. *Supervision of vital statistics.*—It shall be the duty of said board to have the general supervision of the State system of registration of marriages, births, and deaths; said board shall recommend such forms and amendments of laws as shall be necessary for the thorough organization and efficiency of registration of vital statistics throughout the State.

SEC. 6 (as amended by ch. 64, acts of 1909). *Superintendent of vital statistics.*—The secretary of said board shall also be the superintendent of registration of vital statistics as supervised by said board, and shall execute the orders of the board, and superintend the work prescribed by this act; he shall obtain from the recorders of deeds of the several counties and properly arrange the recorded information respecting births and marriages, and shall receive the monthly returns of deaths from local registrars, and shall see that the law requiring the immediate registration and prompt return of deaths is uniformly and effectively enforced throughout the State. He shall prepare blank forms of returns, and such instruction as may be necessary, and shall supply the same to the officers of local boards of health, to local registrars, physicians, undertakers, and such officials as may be necessary, in order to obtain the information requisite for annual reports, and he shall, under the directions of the board, publish and distribute such information as would be valuable to the citizens of the State on the subject of sanitation.



SEC. 7 (as amended by ch. 327, acts of 1903). *Compensation, secretary, etc.*—The salary of the secretary shall be paid semiannually, which, and all other necessary expenses of the State board of health incurred in accordance with the provisions of this act, shall be paid by the treasurer of the State, out of moneys not otherwise appropriated, upon the order of the president of the board, countersigned by the secretary: *Provided*, That all the expenses of the said State board of health, including the salary of the secretary, shall not exceed in any one year the sum of \$2,500: *Provided*, That in the event of an epidemic or pestilential disease occurring in any county, city, or village of the State the board of health of the State of Delaware shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for and which may be consistent with law and shall be approved by the governor, said approval to be expressed in writing; and the said board, with the approval of the governor, is hereby authorized to draw upon the State treasurer in favor of the board for an additional amount, not exceeding \$3,000 in any one year, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the governor and the State board of health in carrying out such needful sanitary measures and precautions.

SEC. 8. *Accounts.*—The Secretary of the State board of health shall annually, in the month of November, present to the auditor of accounts all the books of the financial doings of the board, together with all vouchers for settlement.

SEC. 9. *Penalty.*—Any person refusing, failing, or neglecting to perform the duties required of them under the provisions of the act hereby amended shall, upon conviction thereof before any justice of the peace of the county in which they shall reside, be fined not less than \$5 nor more than \$25, together with costs.

SEC. 11 (added by ch. 327, acts of 1903). *Epidemics.*—It shall be the duty of the board of health, health authorities, and of physicians in rural districts or other localities where there are no health officials, to report to the board of health of the State of Delaware the existence of any case of contagious or infectious diseases which may come under their observation; and when any contagious or infectious disease shall become or threaten to become epidemic and the local authorities shall neglect or refuse to enforce efficient measures for its prevention, the board of health of the State of Delaware, or the secretary thereof as its executive officer on the order of the president of said board, may appoint a medical or sanitary officer and such assistants as the said board or the secretary thereof may require, and authorize such medical or sanitary officer to enforce such orders or regulations as the said board or its executive officer may deem necessary.

SEC. 12 (added by ch. 327, acts of 1903). *Prosecutions.*—All prosecutions and proceedings instituted by the board of health of the State of Delaware for the violation of any of the provisions of this act or of the act hereby amended, or any other law or laws to be enforced by the said board of health, or for the violation of any order or regulations of the said board of health, shall be instituted by the secretary thereof on the order of the president of said board; and all laws prescribing the modes of procedure and penalties or judgments applicable to local boards of health shall apply to the board of health of the State of Delaware and the violation of its laws or orders, and all fines or judgments collected or received shall be paid over to the State treasurer and applied to the general fund of the State.

[Acts of 1899, chapter 240.]

SECTION 1. *Laboratory.*—In addition to the duties and powers with which the board of health of the State of Delaware is now invested by the constitu-



tion and laws of this State, it shall further be, and hereby is, authorized and empowered to establish and supervise a pathological and bacteriological laboratory at Delaware College and to supplement the equipment already there with any additional appliances necessary to make it perfectly safe and reliable for the thorough use of any or all of these means of protecting the citizens of the State against the spread of disease.

SEC. 2. *Location.*—The said laboratory shall be and with the advice and consent of the board of trustees of Delaware College be located in buildings now belonging to said college, and said board of trustees shall furnish such accommodation of rooms, apparatus, and skilled supervision as may be required for said laboratory.

SEC. 3 (as amended by ch. 135, acts of 1901). *Duties of pathologist and bacteriologist.*—The pathologist and bacteriologist elected as hereinafter provided shall conduct the routine work of said laboratory under the direction and supervision of the bacteriologist of Delaware College, and shall make all examinations and analyses, etc., that may be necessary, under the direction of the board of health of the State, for all the purposes that may be required to fully execute the intents of this act: *Provided, however,* That this shall not be so construed as to interrupt or limit the power in the full control and management of the laboratory of the State board of health.

SEC. 4. *Information of contagious diseases, etc.*—All physicians, dentists, veterinary surgeons, or others practicing medicine or surgery, or any branch thereof, under the laws of this State shall be required to give prompt notice to the local or State board of health of any and all cases of contagious or infectious disease that may come under their professional notice, and shall have free access to the work of the laboratory for the determination of the diagnosis of any doubtful or suspicious case, by forwarding (prepaid) a sufficient sample of urine, blood, sputum, or other substance of such case to the said pathologist and bacteriologist at Newark for examination, who shall examine the substance so sent and report to the physician, dentist, or others aforesaid, sending the same, the result of said examination without any unnecessary delay and without further charge; the said physician, dentist, or others aforesaid shall report the result immediately as herein above required: *Provided, however,* That nothing in this act shall be so construed as to prevent the board of health of the State from making full provision for the free use of the laboratory for the examination of any matter or substance so as to determine the diagnosis of diseases neither contagious nor infectious, and either local or constitutional, and for the examination of water or food supply for any citizen of the State.

SEC. 5. *Annual meeting of board of health.*—The regular annual meeting of the board of health of the State shall be held at Newark on the first Thursday of April of each and every year, beginning with April, 1899, at which meeting the pathologist and bacteriologist shall be elected annually by the action of the said board of health.

SEC. 6 (as amended by ch. 135, acts of 1901, and ch. 126, acts of 1911). *Appropriation.*—The sum of \$500 is hereby appropriated to the pathological and bacteriological laboratory for the purchase of new apparatus and the replacing of old apparatus in the laboratory. The sum of \$3,500 annually shall be appropriated for the pathological and bacteriological laboratory, of which said sum \$1,800, part thereof, shall be for the annual salary of the bacteriologist, and the sum of \$1,700, the remaining part thereof, shall be for the payment of salaries of assistants and all other expenses of said laboratory, and the said sum of \$3,500 is hereby annually appropriated out of any funds in the State treasury not otherwise appropriated; the said appropriations hereby made to be drawn by warrants signed by the president and secretary of the State board



of health, the accounts to be audited by the auditor of accounts of the State annually, as now required for other accounts of the State board of health.

SEC. 8 (added by ch. 135, acts of 1901). *Pathological examinations*.—It shall be and is hereby made the duty of the said pathologist and bacteriologist, whenever requested by the attorney general, to make any and all examinations of any person or persons, or any organ or organs, or any part or parts of any person or persons, with the view of determining the cause or causes of death and make a prompt report without charge to the State or any county thereof.

[Revised Statutes, 1893, page 362.]

SECTION 1. *County health officers*.—The governor shall appoint three physicians in each county to be health officers for such county.

[Revised Statutes, 1893, page 298.]

SECTION 1. *Municipal boards of health*.—It shall be the duty of the common council of every city and the commissioners of every incorporated town in the State, in which there is not now a board of health duly organized, to appoint, once in each year, a board of health for such city or town, to consist of not less than three nor more than seven persons, of whom at least one shall be a physician duly authorized to practice medicine; and in case there be a port physician already appointed by the governor, he shall be a member of the board ex officio.

SEC. 2. *Powers and duties—Officers*.—The several boards of health, constituted under this act, shall elect from among their own members a president and secretary of such board, and shall meet not less than once in every three months. The secretary of the board shall keep the minutes of the meetings of the board, and shall perform all such duties as shall be assigned to him by the board; for which services he shall receive such compensation as the city council or commissioners of the respective cities or towns may determine.

#### DISTRICT OF COLUMBIA.

[20 Statutes, 107, 1 Supplement, Revised Statutes, second edition, 179.]

SEC. 8. *Health officer*.—In lieu of the board of health now authorized by law, the commissioners of the District of Columbia shall appoint a physician as health officer, whose duty it shall be, under the direction of the said commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said commissioners; and the board of health now existing shall, from the date of the appointment of said health officer, be abolished.

SEC. 9. *Sanitary inspectors*.—There may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health officer, a reasonable number of sanitary inspectors for said District, \* \* \* to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each; and said inspectors shall be respectively required to make, at least once in two weeks, a report to said health officer, in writing, of their inspections, which shall be preserved on file; and said health officer shall report in writing annually to said commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. 10. *Clerks*.—The commissioners may appoint, on the like recommendation of the health officer, a reasonable number of clerks, but no greater number shall



be appointed, and no person shall be employed under said health officer, than the public interests demand and the appropriation shall justify.

[35 Statutes, 688.]

For \* \* \* assistant health officer, who shall be a physician, and during the absence or disability of the health officer shall act as health officer and discharge the duties incident to that position. \* \* \*

For chief inspector and deputy health officer. \* \* \*

[27 Statutes, 162.]

And the chief clerk shall hereafter act as deputy to the health officer.

[29 Statutes, 619.]

It shall be unlawful for any person in the District of Columbia to falsely represent himself or herself as being an inspector of the health department of said District, or an inspector of any department of the District government; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction in the police court of said District shall be punished by a fine of not less than \$10 nor more than \$50 for the first offense, and for each subsequent offense by a fine of not less than \$50 nor more than \$100, or imprisonment in the jail of the District not exceeding six months, or both, in the discretion of the court.

[27 Statutes, 394; 2 Supplement, Revised Statutes, second edition, 71.]

**SEC. 2. Regulations.**—The commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such reasonable and usual police regulations, in addition to those already made under the act of January 26, 1887, as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia.

[28 Statutes, 257; 2 Supplement, Revised Statutes, second edition, 231.]

**Powers, health officer.**—The ordinances of the late board of health of the District of Columbia, as legalized by joint resolution of Congress, approved April 24, 1880, are hereby declared to have the same force and effect within the District of Columbia as if enacted by Congress in the first instance, and the powers and duties imposed upon the late board of health, in and by the said ordinances, are hereby conferred upon the health officer of said District, and all prosecutions for violations of said ordinances and regulations shall be in the police court of the District of Columbia in the name of the said District: *Provided*, That said regulations shall not be enforced against established industries which are not a nuisance in fact.

[30 Statutes, 1390.]

**Repeal.**—The Commissioners of the District of Columbia are hereby authorized and empowered, in making regulations under the authority conferred by Congress, to alter, amend, or repeal any of the ordinances of the late board of health of said District which were legalized by joint resolution approved April 24, 1880, whenever in their judgment the public interest requires it.

#### FLORIDA.

[Constitution, Article XV.]

**SECTION 1.** The legislature shall establish a State board of health and also county boards of health in all counties where it may be necessary.



SEC. 2. The State board of health shall have supervision of all matters relating to public health, with such duties, powers, and responsibilities as may be prescribed by law.

SEC. 3. The county boards of health shall have such powers and be under the supervision of the State board to such extent as the legislature may prescribe.

[General Statutes, 1906.]

1109. *Governor to appoint.*—The governor shall appoint three discreet citizens of the State of Florida, who shall be confirmed by the senate, and who shall, after taking and subscribing an oath before some person competent to administer oaths, faithfully to perform the duties of their offices, constitute the State board of health.

1110. *Regular meetings, times of.*—The regular meeting of the State board of health shall be on the second Tuesday of February of each year.

1111. *Governor may convene board.*—It shall be the duty of the members of said board to convene upon the call of the governor at such time and place as he may direct.

1112. *Board to elect president and health officer.*—It shall be the duty of said board, at their first meeting, to elect one of their number as president of said board. At the same meeting it shall be the duty of said board to designate and employ a physician, who shall be an expert in diagnosis of yellow fever, smallpox, cholera, and other infectious diseases, and who must be a person of recognized ability and skilled in hygiene and sanitary science, and a graduate physician of a recognized and reputable medical college, which said person shall be known as the State health officer. The State health officer shall be the executive officer of the board and secretary of the same, and shall hold the office for the term hereinafter specified, unless removed by the board for just cause.

1113. *Terms of office.*—The term of office of each member of the board of health shall be four years from the date of his appointment, or until his successor is appointed and qualified, and the term of employment of State health officer shall be for four years from the date of his appointment, or until his successor is appointed and qualified: *Provided*, That should any member of the said board be and remain absent from the State for 10 days after any disease has been declared epidemic, the governor may declare his office vacant and proceed to fill the same by appointment, and should the health officer be and remain absent from the State for five days after his attention has been called to the presence of any disease in the State, the board of health may declare the office vacant and proceed to fill the same by designation and employment of a suitable person to perform the duties thereof.

1120. *Rules.*—The State board of health shall have general supervision of the public health of the State of Florida, and shall have power to make, promulgate, and enforce such rules and regulations as may be necessary for the preservation of the same, and to prevent the importation or spread of hydrophobia.

1122. *Board to make and publish rules.*—It shall be the duty of said State board of health to formulate such rules and regulations for the preservation of the public health as, in their judgment, they may deem necessary, and to meet upon the first Monday of May of each year to formulate such additional rules and regulations for the preservation of the public health as their experience may suggest; and they shall have the same published in such place and in such manner as they may deem best to give greatest publicity to the same.

1123. *Health officer to act as secretary.*—It shall be the duty of the State health officer to attend all meetings of said board of health and act as secretary of the same.



1124. *President may call meetings.*—The president of said board of health shall have power to call meetings of said board at any time, and at such place as he may designate, to take measures for the public safety.

1125. *Board may abrogate quarantine.*—The State board of health shall have the power, after close personal inspection, to modify or abrogate any and all quarantine regulations after they may be established by said State health officer.

1126. *With consent of governor may call on General Government.*—The State board of health shall have the power, by and with the consent of the governor, when the occasion demands it, to call upon the General Government for such aid as the necessities arising out of any epidemic may require.

1127. *Compensation of members of board and health officer.*—The State health officer shall receive a salary of \$3,000 a year, to be paid quarterly, upon his requisition, approved by the president of the board of health, out of the fund hereinafter provided, together with his actual traveling expenses while engaged in the discharge of his duties as State health officer. The members of the State board of health shall receive a per diem of \$6 for each day of actual session, with mileage to and from their homes to the place of meeting, by the nearest and most practicable route, at the rate of 10 cents per mile.

1128. *Assistant health officer.*—There shall be designated and employed by the State board of health an assistant State health officer who must also be a physician of experience and skilled in the diagnosis of infectious and contagious diseases and who shall be subject to the orders and instructions of the State health officer, and in case of sickness or disability of the State health officer he shall succeed to the duties of the office for the time being of the State health officer. The assistant health officer shall receive \$15 per diem for each day that he is engaged in active service under the direction of the State health officer, and 5 cents per mile for every mile traveled in the performance of such service, and shall hold the appointment until removed for cause by the State board of health.

1129. *Oath and bond of State health officer.*—The State health officer, before entering upon his duties, shall take before some person competent to administer oaths an oath to faithfully perform the duties of his office, and enter into a bond, with good and sufficient sureties, in the sum of \$10,000, payable to the president of the board of health, said bond to be approved by said president, conditioned for the faithful discharge of his duties. Said bond to be prosecuted by the attorney general for any neglect of duty or abuse of power herein conferred, and if said bond should be forfeited all amounts collected from such prosecution shall be placed to the credit of the before-named health fund by said president of the board.

1130. *President to certify expenses and report to governor.*—All expenditures of the board of health shall be certified by the president of the board, and he shall make an annual report to the governor of all such expenditures in a clear and concise statement, together with any special observation, recommendations, or facts that he may present that would be conducive to the health and sanitary conditions of the State, and such annual statements shall finally be submitted by the governor to the State legislature, when in regular session convened, and shall be published like other reports of State officers, and the president of said board shall hold for inspection properly certified vouchers for such expenditures, a copy of which shall be furnished the comptroller, who shall not draw his warrant on the treasurer without the proper certificates and vouchers.

1131. *One-half mill tax for State board of health.*—There shall be levied and collected annually upon the assessable property of the State a tax of one-half



of one mill to create a special fund for the maintenance and support of the State board of health other than for maintenance of quarantine or maritime sanitation.

1132. *Comptroller to audit account and draw warrant.*—Upon presentation to the comptroller of any accounts duly approved by the State board of health, accompanied by such itemized vouchers as shall be required by him, the comptroller is hereby authorized to audit the same and draw a warrant on the State treasurer for the amount for which the account is audited, payable out of the money received from the special tax provided for in section 1131.

1133. *Monthly requisition on comptroller.*—The State board of health is hereby authorized to forward to the comptroller of the State at the end of each month a requisition for a sum of not more than \$2,500 for current and incidental expenses for the ensuing month. Upon the receipt of such requisition the comptroller shall indorse on same the amount that may be so required, and the treasurer shall transmit the amount named in the requisition to the State board of health, which amount so advanced shall be covered and accounted for to the comptroller by proper vouchers and payment of any unexpended balance during the current month and before a succeeding monthly advance is made, and the comptroller shall audit the accounts and vouchers and draw his warrants upon the treasury for the amount due and shall pay over to the treasurer such warrant and any amount returned by the State board of health as provided for in this section, taking up the requisition of the State board of health given to the treasurer.

[Acts of 1909, chapter 62.]

SECTION 1. *General powers, State board of health.*—The State board of health shall have the power to make, adopt, promulgate, and enforce rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, factories, hotels, schools, and other places used by or open to the public; to provide for the treatment, segregation, and disinfection of animals having communicable, contagious, or infectious diseases; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage or sewage and any other refuse matter in or near any incorporated city or town or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics, and otherwise, in this State, and the means for prevention of contagion and disease, and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; to supervise and regulate municipal and county sanitation; and to make separate orders and rules to meet any emergency not provided for by general rules and regulations for the purpose of suppressing nuisances and communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however,* That nothing herein contained shall be construed as in any wise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in any wise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment: *Provided, however,* That nothing herein contained shall be construed as in any wise limiting any duty, power, or powers now possessed by or heretofore granted to the said State board of health by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.



SEC. 2. *Penalty.*—Any person who shall violate, disobey, refuse, omit, or neglect to comply with any rule of said State board of health made by it in pursuance of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the manner provided by law for violation of the rules of said board.

[Acts of 1911, chapter 47.]

SECTION 1. *Sanitary engineer.*—The State board of health of Florida is hereby authorized to employ or engage the services of a sanitary engineer, whose expert knowledge in the subject shall be determined by the State health officer, whenever in the opinion of the State health officer the necessities of sanitation in and about the State may require an expert opinion and decision in regard to construction of sewers, drainage of a sanitary character, the disposal of sewage and domestic wastes, or the institution of potable water supply for any of the cities or towns of the State of Florida.

SEC. 2. The sanitary engineer, as provided for by section 1 of this act, shall only be employed at such times and such periods as in the judgment of the State health officer his expert services may be required.

SEC. 3. The compensation for services of the sanitary engineer provided for in sections 1 and 2 of this act shall be fixed by the State health officer with the approval of the president of the State board of health.

#### GEORGIA.

[Code of 1911, Volume I.]

SEC. 1656. *State board of health created.*—A board, to be known as the State board of health, is established and made one of the public institutions of the State. Said board shall consist of 12 members, 1 of whom, the secretary, shall be a member by virtue of his office, and 11 shall be appointed by the governor, 1 from each congressional district, and a majority of whom shall be physicians.

SEC. 1657. *Term of office.*—The term of office of the members first appointed shall be so arranged that the term of two of the members shall expire on the 1st day of January of each year for six years, and subsequent appointments shall be for the full term of six years, and any vacancy that may occur shall be filled by appointment by the governor for the unexpired term.

SEC. 1658. *Meetings.*—Meetings of the board shall be semiannual and at such place and time as a majority of the board may determine. The president of the board may call special meetings in case of emergency. A majority of the members shall constitute a quorum for the transaction of business.

SEC. 1659. *Election of president.*—At the first meeting the board shall elect a president from the members comprising the board.

SEC. 1660. *Secretary, election, salary, etc.*—At the first meeting a secretary shall be elected. He shall not be a member of the board. He shall be a competent physician, and shall hold his office for six years, unless sooner removed by a majority vote of the entire board for failure to properly perform the duties of his office. The secretary shall receive a salary of \$2,000 a year; he shall keep his office in Atlanta, and shall keep a record of the transactions of the board; he shall be the custodian of all papers, books, documents, and other property belonging to the board, and he shall perform such duties as the board may prescribe.

SEC. 1661. *Salaries and expenses.*—The members of the board shall receive no salary, but each member shall receive \$5 per day and necessary traveling and hotel expenses when on actual duty by order of the board, with the approval of the governor, or attending meetings of the board.



SEC. 1667. *Rules and regulations, etc.*—The board shall have authority to make such rules and regulations as are necessary to carry into effect the scope and purpose of this act, and especially such reasonable rules and regulations for the establishment, maintenance, and enforcement of quarantine regulations as the board in its discretion may deem necessary, not in conflict with the laws of the State.

SEC. 1668. *Powers, State board in local affairs.*—\* \* \* When any contagious or infectious disease shall become, or threaten to become, epidemic in any county, city, village, or hamlet, and the local authorities shall neglect or refuse to enforce sufficient measures for its prevention, the State board of health may appoint a medical or sanitary officer with such assistants as he may require, and it shall be the duty of such officer to enforce the orders or regulations of the State board.

SEC. 1669. *Annual report.*—It shall be the duty of the State board of health to make annual reports to the governor of the State on or before the 1st day of January of each year, which shall be for the preceding calendar year; and such report shall include so much of the proceedings of the board, and such information concerning vital statistics, such knowledge respecting diseases, and such instructions on the subject of hygiene as may be thought useful by the board for dissemination among the people, with such suggestions as to legislative action as it may deem necessary.

SEC. 1662. *Powers and duties of the board.*—The State board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the State. It shall have supreme authority in matters of quarantine and may declare and enforce it when deemed necessary. It shall make and enforce reasonable orders or regulations for the prevention of the spread of contagious or infectious diseases. It shall be the duty of all local boards of health and the public and municipal officers of this State to enforce such quarantine and sanitary rules and regulations as may be adopted by the State board of health, and upon failure of any such officer to obey the quarantine and sanitary rules and regulations adopted by the State board of health, such person shall be subject to a fine of not more than \$50. The State board of health shall make careful inquiry as to the cause of diseases, and especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. It shall be the duty of the board to collect and preserve records of births and deaths and report the same, together with such other useful information, annually to the governor. It shall respond promptly when called upon by the State or local government and the municipal and township boards of health to investigate and report upon the water supply, sewerage, disposal of excreta, or ventilation of any place or public buildings. It shall not have power to supersede municipal boards of health where the same are properly maintained, but shall act in harmony with said local boards of health. It is made the duty of the State board of health to enforce the provisions of chapter 5 relating to health and quarantine in so far as the same may be done without violating any of the provisions relating to the duty of local boards of health; and the fines and forfeitures arising from the conviction of any person violating any of the laws of health and quarantine now of force in this State, or any violation of any reasonable rules and regulations for the protection of the public health of this State promulgated by the State board, shall be paid into the treasury of the city or county where said conviction was had, and be expended in aid of the quarantine and other sanitary laws.



[Acts of 1911, page 28.]

## (8) For the State board of health—

For the salary of the secretary of the State board of health, the sum of \$2,000.

For the salary of the clerk and stenographer of the State board of health, the sum of \$1,000.

For traveling expenses and per diem of the members of the State board of health, for the laboratory, bacteriological work, yellow-fever work, the dissemination of information concerning smallpox, typhoid fever, hookworm diseases, tuberculosis, and other infectious diseases, and the examination of water from towns and cities of the State; for the furnishing of vaccine points and other information improving the public health; for the manufacture and transportation of both attenuated virus for treating and preventing rabies or hydrophobia; and for the manufacture and distribution of diphtheritic antitoxin, both of which shall be supplied, where necessary, free of charge to the people of Georgia, the sum of \$27,500, or so much thereof as may be needed: *Provided*, That not exceeding \$1,000 of said sum shall be expended for all traveling expenses, and to be paid only on itemized accounts to be approved by the chairman of the board: *And provided further*, That said board shall submit through its chairman to the governor itemized accounts of all expenditures.

[Code of 1911, volume 1.]

SEC. 1670. *Regulations by county authorities.*—The county authorities of the several counties who have charge of county matters, being the ordinary or county commissioners, as the case may be, shall have full power and authority to adopt, enact, establish, and maintain all such rules and regulations not inconsistent with the laws and constitution of this State and of the United States as they may deem necessary and proper for protecting the health of their respective counties and for preventing the introduction, generation, and spread of infectious and contagious diseases therein: *Provided*, That such rules and regulations shall not apply to any incorporated city or town of this State.

SEC. 1671. *Rules may be changed.*—Said county authorities shall have power and authority to alter, amend, add to, or repeal such rules and regulations, from time to time, as they may deem necessary and proper for the purpose of this chapter.

SEC. 1672. *Rules must be approved and advertised.*—Such rules and regulations as may be established for any county under the provisions of this chapter, and any amendments or alterations thereof, before the same shall have the force of law, shall have the written approval of not less than three reputable physicians of the county, and shall be posted at the courthouse door of the county and also published at least once in the newspaper of the county in which the sheriff's notices are advertised.

SEC. 1673. *Expenses, etc.*—All cost and expense necessary and proper for carrying out the provisions of this chapter shall be paid out of the county treasury.

SEC. 4796. The ordinary, when sitting for county purposes, has original and exclusive jurisdiction over the following subject matter, to wit:

8. In making such rules and regulations \* \* \* for the promotion of health and quarantine, as are granted by law or not inconsistent therewith.

[Code of 1911, volume 2.]

SEC. 502. *Violating county health regulations.*—Any person who shall violate any one or more of the sanitary rules and regulations by county authorities, mentioned in sections 1670, 1671, and 1672 of the civil code, after being per-



sonally served with a written or printed copy of the same, shall be guilty of a misdemeanor.

#### HAWAII.

[Revised laws, 1905.]

SEC. 988 (as amended by act 132, 1911). *Territorial board of health; how constituted; powers and duties.*—There shall be a board of health for the Territory of Hawaii consisting of seven members, four of whom shall be laymen, two physicians, and the attorney general, ex officio. The members of said board shall be appointed by the governor, who shall also appoint the president, with the advice and consent of the senate of the Territory of Hawaii, and shall be commissioned for two years. All of the members of the said board shall serve without pay, except the president, whose salary shall be provided by the legislature. The president of the board shall preside at the meetings of the board, and in case of his absence, any member of the board may be chosen to preside over the meetings of the board. The board shall appoint its secretary, agents, and physicians, who shall receive such compensation for their services as shall be provided by the legislature.

The board shall have the general charge, oversight, and care of the health and lives of the people of the Territory. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. It shall be the duty of all county and city and county health authorities, sheriffs, and police officers, and all other officers and employees of the Territory, and every county or city and county thereof, to enforce the rules and regulations of the board of health. Such powers in health matters as have been or may be conferred upon any county or city and county, shall be concurrent with those of the board of health. It shall make, through its president, an annual report to the governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as it may deem of special interest.

The board of health shall keep a regular record of its proceedings. Said board shall also, during the prevalence of any severe pestilence, or epidemic, publish a weekly report of the public health.

SEC. 989. *Expenses.*—For the purpose of carrying into effect the laws relating to the public health, the board of health is invested with full power to apportion and disburse all sums of money that shall be appropriated by the legislature for the preservation of the public health. The said board shall observe the strictest economy in the expenditure of all public moneys placed under its control.

SEC. 990. *Agents.*—Said board of health may appoint suitable agents in such localities as it may deem necessary, to carry into effect all regulations for the public health; and it shall hold such agents accountable for all moneys received and disbursed by them, on account of the public health, and also for the manner in which they may discharge their several duties.

SEC. 991 (as amended by act 132, 1911). *Regulations.*—The board of health, with the approval of the governor, may make such regulations respecting nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, sources of filth, causes of sickness or disease, within the respective districts of the Territory, and on board of any vessels; as also respecting adulteration and false branding of food; drainage, location, air space, ventilation, and sanitation of buildings, courts, areas, and alleys; privy vaults and cess-pools; fish and fishing; interments and dead bodies; laundries, stables, bakeries,



poi shops, abattoirs, fish, meat, or vegetable stores or markets, hotels, lodging houses, tenements, or any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on; milk; poisonous drugs; pig and duck ranches, as it shall deem necessary for the public health and safety.

Said board shall, with the approval of the governor, also make such regulations as it may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into or conveyed from any district, or into or from any vessel.

SEC. 992. *Publication of regulations.*—Notice shall be given by the board of health of all regulations made by it by publishing the same in some newspaper of the district, or, where there is no such newspaper, by causing them to be posted in three public places of the town or district; and such notice of said regulations shall be deemed legal notice to all persons.

SEC. 992a (added by act 132, 1911). *Permits.*—No permit or license shall be issued by any county or city and county officer for the erection, maintenance, use, or operation of any building for which a permit or license may be issued by such county or city and county officer under the provisions of act 97 of the session laws of 1911 or under the provisions of any ordinance made in pursuance of said act, nor for the erection, maintenance, use, or operation of any bakery, laundry, poi shop, abattoir, stable, fish, meat, or vegetable store or market, hotel, tenement, lodging house, or any place or building where noisome and noxious trades or manufactures are carried on, or intended to be carried on, for which a permit or license may be issued by such county or city and county officer, except upon a certificate of the board of health setting forth that an agent of said board has examined the place at which it is proposed to erect or move said building, or to erect, maintain, use, or operate said building, bakery, laundry, poi shop, abattoir, stable, fish, meat, or vegetable store or market, hotel, tenement, lodging house, or place or building where noisome or noxious trades or manufactures are carried on or intended to be carried on, and that such place or building is in a fit and sanitary condition and suitable for the purpose for which it is intended. The board of health is hereby authorized to direct the cancellation of such permit or license issued by any county or city and county officer where any such building or place fails in any respect to meet the requirements of the general health laws and regulations.

SEC. 993. *Penalty.*—Every person who shall violate any regulation of the board of health after the same shall have been published, as provided in section 992, shall be fined not exceeding \$100.

SEC. 1000 (as amended by act 111, 1911). *Penalty.*—Any person who shall violate any of the provisions of this chapter, or who shall violate any order made by said board in pursuance of the provisions of this chapter, shall, upon conviction, be fined not more than \$100, and the court may, in its discretion, order the defendant, under the supervision of said board or its agent, to carry out at his own expense the provision or order violated, and no appeal shall suspend or affect such order pending the appeal.

[Acts of 1905, chapter 100.]

SECTION 1. *Bond.*—The \* \* \* president of the board of health, before entering upon the duties of their respective offices, shall be required to furnish a bond to the secretary of Hawaii in the amount required by law and conditioned for the faithful performance of all his official duties. \* \* \*



SEC. 3. It shall be the duty of the governor of the Territory to prescribe the amount of the bond to be given by each of the officers named in section 1 of this act. No such bond shall be for an amount less than \$10,000, nor shall the amount of any such bond exceed the greatest amount of money shown by the books of the Territory to have been in the possession or control of any of said officers at any one time during the preceding year, unless such amount is less than \$10,000.

[Acts of 1909, chapter 21.]

SECTION 1. *Substitute.*—\* \* \* The president of the board of health \* \* \* may, with the approval of the governor, designate some other officer in his department \* \* \* to act in his temporary absence or illness. Such designation shall be in writing and shall be filed in the office of the secretary of the Territory: *Provided, however,* That the respective heads of the departments hereinabove designated shall be responsible and liable on their official bonds for all acts done or performed by the persons designated to act in their absence as herein prescribed.

SEC. 2. Such person so designated shall, during the temporary absence or illness of the head of such office, have all the powers of the head of such office and shall be known as the acting \* \* \* president \* \* \*, but shall not be entitled to any additional compensation while so acting.

[Acts of 1911, chapter 155.]

SECTION 1. The following sums are hereby appropriated for the objects hereinafter expressed for the biennial period ending June 30, 1913, out of moneys in the treasury received from the general revenue:

*Board of health.*

[Page 247.]

General:

|   |          |
|---|----------|
| President.....  | \$7, 200 |
| Secretary, clerks, stenographers, janitors, messengers, expenses..... | 25, 000  |
|   | <hr/>    |
|   | 32, 200  |
|   | <hr/>    |

Sanitation:

|   |         |
|---|---------|
| General health and sanitary officer, Territory..... | 6, 000  |
| Chief sanitary inspector, Oahu.....                 | 4, 800  |
| Chief sanitary inspector, Hawaii.....               | 4, 800  |
| Chief sanitary inspector, Maui.....                 | 3, 600  |
| Chief sanitary inspector, Kauai.....                | 3, 600  |
| District sanitary inspector, Oahu.....              | 2, 400  |
| District sanitary inspector, East Hawaii.....       | 2, 160  |
| District sanitary inspector, West Hawaii.....       | 2, 160  |
| Sanitary inspector, Hilo.....                       | 1, 800  |
| Sanitary inspectors, Honolulu (900).....            | 21, 600 |
| Expenses, Territory.....                            | 10, 000 |
|   | <hr/>   |
|   | 62, 920 |
|   | <hr/>   |

Pure food:

|                                    |        |
|------------------------------------|--------|
| Food commissioner and analyst..... | 3, 000 |
| Assistants and expenses.....       | 2, 800 |
|                                    | <hr/>  |
|                                    | 5, 800 |
|                                    | <hr/>  |



## Medical and quarantine service and supplies:

|   |                      |
|---|----------------------|
| Bacteriologist and pathologist.....   | \$4, 800             |
| Pay of government physicians: <i>Provided</i> , That no salary shall be allowed or paid unless the physicians employed or appointed in the several districts to which they are appointed shall treat the indigent free of charge..... | 40, 000              |
| Quarantine, fumigation, disinfection, medical services, medical supplies, and suppression of contagious diseases.....   | 50, 000              |
| Prevention and cure of tuberculosis.....  | 24, 800              |
| Aid to tuberculosis hospitals and homes.....  | 27, 600              |
| Vaccination supplies.....   | 3, 450               |
| Rat campaign, Territory.....  | 18, 000              |
| Mosquito campaign, Territory.....   | 30, 000              |
| Repairs, etc., quarantine stations.....   | 5, 500               |
| Extension and equipment morgue.....   | 3, 520               |
|   | <hr/> 205, 270 <hr/> |
| Care of lepers and their children.....  | 390, 340             |
| Kapiolani Girls' Home and Kalihi Boys' Home.....  | 34, 800              |
| Insane asylum.....  | 92, 500              |

[Acts of 1905, chapter 39.]

SEC. 62. *County sanitary powers.*—The board of supervisors of each county shall have \* \* \* the following specific powers:

5 (as amended by ch. 98, acts of 1909). To make and enforce within the limits of the county all necessary ordinances covering all local police matters and all matters of sanitation, inspection of buildings, condemnation of unsafe structures, plumbing, sewers, dairies, milk, fish, cemeteries, burying grounds, interment of the dead, and morgues, and the collection and disposition of rubbish and garbage; and no ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or statutes of the Territory, whether such ordinance is in conflict with any such statute or statutes or otherwise; to appoint county physicians and such sanitary and other inspectors as may be necessary to carry into effect ordinances made as aforesaid, who shall have the same power as given by law to agents of the board of health, subject only to such limitations as may be placed on them by the terms and conditions of their appointments; to fix a penalty for the violation of any ordinance, which said penalty may be a fine not to exceed \$500, together with costs of court, and to provide that in the event of default in the payment of such fine or costs the offender shall be imprisoned until such fine or costs shall have been discharged by operation of the general law applicable to such cases.

5a (added by act 93, 1911). To regulate by ordinance the limits within which wooden and other inflammable buildings and structures shall not be erected, placed, or maintained, which limits, when once established, shall not be changed except by extension; and to regulate, also by ordinance, as to location, methods, and materials of construction and otherwise, the erection, moving, repairing, placing, and maintenance of buildings and other structures within or without such limits, so far as may be necessary or proper for the protection and safeguarding of life, health, and property, and to fix penalties for violations of such ordinances.



[Laws of 1911, act 28.]

SECTION 1. A commission of five persons, to be designated as the Sanitary Commission of Honolulu, be, and is hereby, constituted to investigate the sanitary conditions of Honolulu, with reference to present and future dangers and requirements, and to report the result of such investigation with its recommendations of what work should be done and the necessary plans and specifications for doing it.

SEC. 2. One member of the commission shall be a civil engineer, one a physician, and one an attorney at law. The members shall be appointed and commissioned by the governor, by and with the advice and consent of the senate. The report of the commission shall be made to the governor on or before December 31, 1911.

SEC. 3. The sum of \$500, or as much thereof as may be necessary, is hereby appropriated from the treasury of the Territory for the expenses of the commission, for transportation, clerical assistance, printing, and such other expenses as the members thereof shall determine to be necessary. The members of the commission shall serve without pay.

## IDAHO.

[Revised Codes, 1908.]

SEC. 1080. *State board of health; how constituted.*—A board is hereby established which shall be known under the name and style of the Idaho State Board of Health; it shall consist of five members, as follows: Two members who shall be experienced and legally licensed physicians of different parts of the State to be appointed by the governor, and a secretary, as provided in section 1082. These three, together with the attorney general of the State and the State engineer, who shall be ex officio members, shall constitute the said State board of health. The persons so appointed shall hold office for four years: *Provided*, That those first appointed shall be so classed by the governor that the term of one appointed shall expire on the second Monday of January in every second year; thereafter the governor shall biennially appoint one member in the place of the one whose term shall so expire, who shall hold office for four years, and all vacancies occurring otherwise shall be filled by the governor. \* \* \*

SEC. 1081 (as amended by act, p. 154, laws of 1909). *Meetings; officers; laboratories.*—The board shall meet annually at Boise on the first Tuesday of October and at such other times and places as they may deem expedient. A majority shall constitute a quorum for the transaction of business.

They shall choose annually one of their members to be their president and may adopt rules and by-laws, subject to the provisions of this chapter. They shall have authority to send their secretary or a committee of the board to any part of the State when deemed necessary to investigate the cause of any epidemic or any special or unusual disease or mortality.

The board shall have power to establish such bacteriological stations within the State as they may deem necessary; to equip the same with the necessary laboratory apparatus and supplies, and to appoint a director for each station so established, who shall be a practical bacteriologist and who shall receive such compensation for his work as the board may prescribe, not to exceed \$10 per day for each day actually and necessarily spent in bacteriological examinations. Said compensation shall be paid on claims approved by the board out of any funds appropriated for the use of said board in the same manner that other claims against the State are paid.



SEC. 1082. *Secretary*.—At their first meeting, or as soon as a competent and suitable person can be secured, the board shall elect a secretary, who shall be a physician of experience and legally licensed to practice medicine and surgery in this State, and who shall, by virtue of such election, become a member of the board and its executive officer. The board may elect one of their own members secretary, in which case the governor shall appoint another member to complete the full number of the board.

SEC. 1083. *Duties of secretary*.—The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor. He shall keep his office at Boise and shall perform the duties prescribed by this chapter or required by the board. He shall keep a record of the transactions of the board, shall have the custody of all the books, papers, documents, and other property belonging to the board which may be deposited in his office; shall, so far as practicable, communicate with other boards of health within this State; shall keep and file all reports received from such local boards of health and all correspondence of the office pertaining to the business of the board. He shall prepare blank forms of returns and such instructions as may be necessary, and forward them to the clerks of the several boards of health and county recorders throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 1084. *Compensation—Salaries and expense accounts*.—The secretary shall receive an annual salary, which shall be fixed by the State board of health, and which in no case shall exceed \$1,800, which shall be paid him in the same manner that the salaries of other State officers are paid. The expense account of the secretary's office, other than his salary, shall be certified to the State board of examiners by the president of the State board of health, and shall thereupon be audited and paid as other claims against the State. The board shall annually certify the amount of the expense account of the secretary's office, other than his salary, and on presentation of said certificate the State auditor shall draw his warrant on the State treasurer for the amount. The other members of the board, except the attorney general and the State engineer, shall receive a per diem compensation of not to exceed \$10 for their services; and they and all other members of the board shall be allowed their actual traveling expenses and other necessary expenses while employed on the business of the board, to be certified and paid in like manner as the expense account of the secretary's office.

SEC. 1085. *Powers and duties*.—The State board of health shall have a general supervision of all matters relating to the preservation of the life and health of the people of the State. They shall especially study the vital statistics of the State, and endeavor to make profitable and intelligent use of the collected records of sickness and mortality among the people; they shall carefully study the influence of the climate upon diseases and health in different localities in the State, for the benefit of the citizens thereof, as well as for the information of that large class of people who contemplate making this State their temporary or permanent home; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics; the causes of mortality and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people. They shall, when required or when they deem it best, advise officers of the Government or other State boards in regard to the location, drainage, water supply, disposal



of excreta, heating and ventilation of any public institution or building, and they shall, either as a whole board, or through a committee of the board, or other persons appointed by them for that purpose, visit and report on the sanitary conditions of all State institutions as often as conditions may require, but the State hospital for the insane, the penitentiary, and the soldiers' home shall be visited and reported on at least once a year, said report to become a part of the records of the State board of health, and a copy of said report shall be filed in the office of the governor and of the secretary of state, and also mailed to each member of the several boards controlling the management, and the officers in charge of these institutions.

SEC. 1087. *Public health information.*—In order to afford the State board of health better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other incorporated companies, the superintendent or other person in charge of any public, private, or parochial hospital, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as practicable, to furnish to the State board of health any information bearing upon the public health which may be requested by said board, for the purpose of enabling it better to perform the duties of collecting and distributing useful knowledge on this subject.

[Acts of 1911, chapter 86.]

*State board of health.*

|  |          |
|--|----------|
| For installing and maintaining hygienic laboratory and expenses incident thereto .....   | \$7, 000 |
| For traveling expenses and per diem of the State board of health, inspection of State institutions, printing, stationery, stamps, and office expenses of the State chemist and secretary of State board of health... | 5, 000   |
| For chemist's salary (\$2,000 per annum) .....   | 4, 000   |
| Maintenance of chemical laboratory .....   | 500      |
| For salary of secretary, State board of health (\$1,800 per annum) .....   | 3, 600   |
| For salary of State dairy, food, and sanitary inspector (\$2,400 per annum) .....  | 4, 800   |
| For clerk hire, State dairy, food, and sanitary inspector .....  | 1, 800   |
| For traveling expenses, State dairy, food, and sanitary inspector .....  | 2, 000   |
| Expenses of printing and other office expenses, State dairy, food, and sanitary inspector .....  | 1, 000   |
| For salary of deputy State dairy, food, and sanitary inspector (\$1,200 per annum) .....   | 2, 400   |

[Revised Codes, 1908.]

SEC. 1095 (as amended by act, p. 155, acts of 1909). *Local boards of health, how constituted.*—The board of county commissioners must, biennially at their regular meeting in January, appoint a licensed physician residing in the county, who shall be known as the county physician, and who, together with such board of county commissioners, shall constitute a county board of health, for the term of two years or until their successors be appointed and qualified. Said county physician shall be the secretary and the executive officer of such board.

*Vacancies, how filled.*—Any vacancy in such board caused by death, resignation of the county physician, or by his refusal to act, must be filled by appointment by the commissioners. The county board of health shall be empowered to



make its own local rules and regulations, which shall not be inconsistent with law nor with the rules and regulations of the State board of health and must make and establish for the county or any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious, and infectious diseases.

*Expense, how met.*—When any locality is in urgent need of a health officer, the secretary of the county board of health may, upon a proper showing, appoint a local physician to act as deputy health officer, and the expenses of such deputy health officer shall be paid in the same manner as all other county expenses. Cities and villages and other localities, in which there is urgent need therefor, may organize a local board of health to be composed of at least one physician, who shall be the executive officer of such local board, and two other persons who may or may not be physicians. Such local boards of health shall act under the authority and direction of the county board of health for the county in which city, village, or other locality may be situated, and shall report to said county board of health. All necessary expense incurred by the said county board of health in enforcing the provisions of this chapter must be paid for out of the general treasury from the current expense fund of the county, as other bills chargeable against said current expense fund are audited and paid.

SEC. 1096. *Meetings and powers of county and municipal boards.*—The local board of health of each county and municipality shall meet quarterly in the months of January, April, July, and October, and as much oftener as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this chapter. They shall establish the salaries of their respective health officers, and shall regulate all fees and charges in connection with their own regulations; they shall act in conjunction with the State board of health and report quarterly to said board such facts in reference to the sanitary condition of their respective counties or municipalities as they may deem important or necessary, or as required by the State board of health: *Provided*, That if there is a regular salaried county physician, it shall be his duty to attend to all quarantined patients who are unable to pay, without extra charge, and in no case shall the fees allowed to physicians for their services as local health officers exceed the regular fees of physicians for similar services, and no extra charge shall be made nor allowed in any case for admitting any patient or releasing him from quarantine.

SEC. 1097A (as enacted by act, p. 157, acts of 1909). *Sanitary inspections.*—It shall be the duty of all county boards of health to provide for the examination by the secretary, into the sanitary condition of all county buildings and jails, school buildings, and other public institutions in the county, at least once every year, before the 1st day of September, and as near said day as may be practicable, and such examining officer shall file a complete report, within 15 days after said 1st day of September, with the secretary of the State board of health.

SEC. 1098 (as amended by act, p. 155, acts of 1909). *Duties of county health officers.*—It shall be the duty of every county health officer, immediately after his appointment, to transmit to the secretary of said board of health his full name and post-office address; he shall keep accurate record of the proceedings of the local board of which he is the secretary, as well as his own official acts, and furnish a report thereof quarterly to the secretary of the State board of health, together with such other information in regard to the sanitary condition of his jurisdiction as he may deem interesting or valuable for publication in the annual report of the State board of health. He shall receive for his



services such reasonable compensation as his board may allow, to be paid out of the county treasury, and for every failure or neglect of said health officer to perform any of the duties prescribed in this act, he shall be guilty of a misdemeanor. Every municipal or local health officer shall make a similar report as required of the county health officer to the secretary of the county board of health.

SEC. 6540. *Penalty, conspiracy to injure public health.*—If two or more persons conspire—

5. To commit any act injurious to the public health, \* \* \* ;

They are punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding \$1,000, or both.

SEC. 2238 (as amended by ch. 81, acts of 1911). *Powers, cities and villages.*—

\* \* \* any city or village may, by ordinance or by-law—

Third. \* \* \* construct \* \* \* culverts and sewers \* \* \* , and repair and maintain the same; \* \* \*

Ninth. Impose a license tax not less than \$3 nor more than \$10 upon the owners and harborers of dogs and enforce the same by appropriate penalties, and to authorize the destruction of any dog the owner or harborer of which shall neglect or refuse to pay such license tax: *Provided*, That no such license shall authorize the owning, keeping, or harboring of more than one dog.

Fourteenth. Establish, alter, and change the channels of watercourses, and to wall them and cover them over; to establish, make, and regulate public wells cisterns, windmills, aqueducts, and reservoirs of water, and to provide for the filling of the same.

Fifteenth. Regulate the running at large of \* \* \* dogs and other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibition, and the expense of impounding and keeping the same, and of such sale.

Seventeenth. \* \* \* prescribe limits in which no dangerous or obnoxious and offensive business may be carried on.

#### ILLINOIS.

[Hurd's Revised Statutes, 1909, chapter 126a.]

SECTION 1. *Appointment of members—Term of office—Vacancies.*—The governor, with the advice and consent of the senate, shall appoint seven persons, who shall constitute the board of health. The persons so appointed shall hold their offices for seven years: *Provided*, That the terms of office of the seven first appointed shall be so arranged that the term of each one shall expire on the 30th day of December of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the governor, with the advice and consent of the senate: *And provided, also*, That appointments made when the senate is not in session may be confirmed at its next ensuing session.

SEC. 2. *Powers and authority of the board.*—The State board of health shall have the general supervision of the interests of the health and lives of the people of the State. They shall have supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The board shall have authority to make such rules and regulations and such sanitary investigations as they may from time to time deem necessary for the preservation and improvement of the public health, and they are empowered to regulate the transportation of the remains of deceased persons. It shall be the duty of all local boards of health, health authorities, and officers, police officers, sheriffs, constables, and all other officers and employees of the State, or any county, village, city, or township



thereof, to enforce the rules and regulations that may be adopted by the State board of health.

It shall be the duty of the State board of health to investigate into the cause of dangerously contagious or infectious diseases, especially when existing in epidemic form, and to take means to restrict and suppress the same; and whenever any dangerously contagious or infectious disease shall become or threaten to become epidemic in any village or city and the local board of health or local authorities shall neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities shall neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the State board of health or their secretary, as their executive officer, when the board is not in session, may enforce such measures as the said board or their executive officer may deem necessary to protect the public health, and all necessary expenses so incurred shall be paid by the city or village for which services are rendered.

The State board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever, and such other diseases as they may deem necessary, for the protection of the public health.

**SEC. 3. *Registration of births and deaths.***—The board of health shall have supervision of the State system of registration of births and deaths, as hereinafter provided; they shall make up such forms and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortuary statistics throughout the State. The secretary of the board shall be the superintendent of such registration. The clerical duties and the safekeeping of the bureau of vital statistics thus created shall be provided by the secretary of state.

**SEC. 7. *Penalty.***—Any person who violates or refuses to obey any rule or regulation of said State board of health shall be liable to a fine not to exceed \$200 for each offense or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court. All prosecutions and proceedings instituted by the State board of health for violation of their rules and regulations shall be instituted by the board or by their executive officer, and it shall be the duty of the State's attorney in each county to prosecute all persons in his county violating or refusing to obey the rules and regulations of the State board of health. All fines or judgments collected or received shall be paid over to the State treasurer and credited to the fund created for the support of the State board of health.

**SEC. 10. *Meetings of the board.***—The first meeting of the board shall be within 15 days after their appointment, and thereafter in January and June of each year, and at such other times as the board shall deem expedient. The meeting in January of each year shall be in Springfield. A majority shall constitute a quorum. They shall choose one of their number to be president, and they may adopt rules and by-laws for their government, subject to the provisions of this act.

**SEC. 11. *Officers and compensation.***—They shall elect a secretary who shall perform the duties prescribed by the board, and by this act he shall receive a salary which shall be fixed by the board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of the board shall receive no compensation for their services, but their traveling and other expenses, while employed on business of the board, shall be paid. The president of the board shall quarterly certify the



amount due the secretary, and on presentation of his certificate, the auditor of state shall draw his warrant on the treasurer for the amount.

SEC. 12. *Annual report.*—It shall be the duty of the board of health to make an annual report, through their secretary, or otherwise in writing to the governor of this State, on or before the 1st day of January of each year; and such report shall include so much of the proceedings of the board, and such information concerning vital statistics; such knowledge respecting diseases and such instruction on the subject of hygiene as may be thought useful by the board for dissemination among the people, with suggestions as to legislative action as they may deem necessary.

SEC. 13. *Appropriations.*—The sum of \$5,000,<sup>1</sup> or so much thereof as may be necessary, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, and all costs for printing, which, together, shall not exceed the sum hereby appropriated; said expenses shall be certified and paid in the same manner as the salary of the secretary.

SEC. 14. *Office room.*—The secretary of state shall provide rooms suitable for the meetings of the board, and office room for the secretary.

[Acts of 1911, p. 105.]

Sixtieth. To the State board of health, for salary of secretary, the sum of \$3,600 per annum; for salary of assistant secretary, \$1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purpose of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, scarlet fever, influenza, and malarial fevers, the sum of \$7,500 per annum; for expenses of laboratory for the investigating of disease, \$4,000 per annum; for chief clerk, \$2,400 per annum; for one clerk, \$1,200 per annum; for two clerks, \$1,000 each per annum, \$2,000 per annum; for stenographer and typewriter, \$1,200 per annum; for registrar of vital statistics, \$1,500 per annum; for janitor and messenger, the sum of \$800 per annum.

Also the sum of \$10,000 per annum, to be used only with the consent and concurrence of the governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease, such as smallpox, yellow fever, Asiatic cholera, and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State.

Also the sum of \$32,000 for the necessary expenses, including the salary of stenographer at \$1,200 per annum, incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses, and hotels, in cities of 100,000 or more inhabitants.

Also the sum of \$23,000 per annum for the free distribution of antidiphtheritic serum throughout the State as a preventive against the spread of diphtheria; \$8,000 per annum of this sum, or such part thereof as may be necessary, to be expended in cities of 100,000 or more inhabitants; also the sum of \$3,000 per annum for the free treatment and sustenance of poor persons, certified as such by an overseer of the poor or other officers in charge of the dispensation of public charity in the several counties of the State, and certified by a licensed physician to have been bitten or otherwise wounded by rabid animals and put

<sup>1</sup> See p. 105, acts of 1911.



in danger of infection from rabies (hydrophobia); this sum to be expended according to the provisions of "An act to provide for the treatment of poor persons afflicted with the disease called rabies," approved May 12, 1905.

Also the sum of \$2,500, or as much thereof as may be necessary, to defray the expenses incurred in the treatment of poor persons duly certified to have been bitten by rabid animals or otherwise put in danger from rabies in the Pasteur Institute in Chicago subsequent to January 1, 1911.

To the State board of health also the sum of \$20,000 per annum, or as much thereof as may be necessary, for expenses of examination, investigation of colleges and State board examinations, office and traveling expenses for members of the board, postage, clerical services, printing and binding, license certificates, fees returned, translations, incidental expenses, per diem of members of board, rating papers, special investigations, association dues, expenses in attending association meetings and meetings called on account of the enforcement of the medical practice and embalmers' acts: *Provided*, That no part of this sum to be expended for legal services.

For legal services for an attorney for the State board of health, \$5,000.

[Hurd's Revised Statutes, 1909, chapter 34.]

SEC. 116. *County and township boards—How created—Powers and duties.*—The board of county commissioners in counties not under township organization and the supervisor, assessor, and town clerk of every town in counties under township organization shall constitute a board of health, and on the breaking out of any dangerously communicable diseases in their county or town or in the immediate vicinity thereof it shall be their duty to make and enforce such rules and regulations tending to check the spread of the disease within the limits of such county or town as may be necessary; and for this purpose they shall have power to quarantine any house or houses or place where any infected person may be and cause notices of warning to be put thereon and to require the disinfection of the house or place: *Provided*, That nothing in this act shall apply to any territory lying within the corporate limits of any incorporated city or village: *Provided further*, That in case the board of health in any county not under township organization or of any township in counties under township organization shall fail, refuse, or neglect to promptly take the necessary measures to preserve the public health, or in case any such board of health shall refuse or neglect to carry out the rules and regulations of the State board of health, that thereupon the State board of health may discharge such duties and collect from the county or township, as the case may be, the reasonable costs, charges, and expenses incurred thereby.

SEC. 117. *Powers.*—The said boards of health shall have the following powers:

First. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Second. To appoint physicians as health officers and prescribe their duties.

Third. To incur the expenses necessary for the performance of the duties and powers enjoined upon the board.

Fourth. To provide gratuitous vaccination and disinfection.

Fifth. To require reports of dangerously communicable diseases.

SEC. 118. *Refusal to obey rule or regulation—Penalty.*—Any person who shall violate or refuse to obey any rule or regulation of the said board of health shall be liable to a fine not exceeding \$200 for each offense, or imprisonment in the county jail not to exceed six months, or both, in the discretion of the court.

All fines collected under the provisions of this act shall be paid into the county treasury of the county in which the suit is brought, to be used for



county purposes, and it shall be the duty of the State's attorney in the respective counties to prosecute all persons violating or refusing to obey the rules of said local boards of health.

SEC. 119. *Record to be kept.*—The clerk of the board of county commissioners or the town clerk, as the case may be, shall keep a full record of all the doings of said board and report the same to the annual meeting of such board of county commissioners or town board.

SEC. 120. *Compensation of members.*—The members of said boards of health shall be allowed for the time spent in the performance of their duties, each the sum of \$1.50 per day, which, together with all bills by them contracted and all sums of money by them expended, shall be audited and paid in the same manner as other county and town expenses.

[Revised Statutes, 1909, chapter 24.]

SEC. 44. *Powers, cities and villages.*—The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits for the purpose of enforcing health and quarantine ordinances and regulations thereof.

SEC. 62. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

Thirteenth. *Sewers.*—To regulate the opening therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels, and drains, and erecting gas lights: *Provided, however,* That any company organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized, for the purpose of manufacturing illuminating gas to supply cities or villages; or the inhabitants thereof with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

Fifteenth. *Garbage.*—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground.

Sixteenth. To provide for and regulate crosswalks, curbs, and gutters.

Twenty-seventh. To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroads to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley, or highway to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley, or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers, and culverts along and under their railroad tracks so that filthy or stagnant pools of water can not stand on their grounds or right of way and so that the natural drainage of adjacent property shall not be impeded.

Twenty-ninth. To construct and keep in repair culverts, drains, sewers, and cesspools, and to regulate the use thereof.

Thirtieth. *Water courses.*—To deepen, widen, dock, cover, wall, alter, or change the channel of water courses.

Fortieth. To provide for the cleansing and purification of waters, water courses, and canals, and the drainage or filling of ponds on private property whenever necessary to prevent or abate nuisances.



Forty-ninth. To establish markets and market houses and provide for the regulation and use thereof.

Fiftieth. To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions and to provide for place and manner of selling the same.

Fifty-second. To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal, and other provisions.

Fifty-seventh. To regulate the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters.

Sixty-first. To prescribe the thickness, strength, and manner of constructing stone, brick, and other buildings, and construction of fire escapes therein.

Seventy-fifth. To declare what shall be a nuisance and to abate the same; and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

Seventy-sixth. To appoint a board of health and prescribe its powers and duties.

Seventy-seventh. To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within 1 mile of the corporation.

Eightieth. To regulate, restrain, and prohibit the running at large of horses, cattle, swine, sheep, goats, geese, and dogs, and to impose a tax on dogs.

Eighty-first. To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories, and tanneries within the limits of the city or village and within the distance of 1 mile without the city or village limits.

Eighty-second. To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops, and foundries within the limits of the city or village.

Eighty-third. To prohibit any offensive or unwholesome business or establishment within or within 1 mile of the limits of the corporation.

Eighty-fourth. To compel the owner of any grocery, cellar, soap, or tallow chandlery, tannery, stable, pig sty, privy, sewer, or other unwholesome or nauseous house or place to cleanse, abate, or remove the same, and to regulate the location thereof.

Ninety-sixth. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, No fine or penalty shall exceed \$200 and no imprisonment shall exceed six months, for one offense.

#### INDIANA.

[Burn's Annotated Statutes of 1908.]

SEC. 7589. *State board of health; how constituted.*—A board is hereby created and established which shall be known under the name of the State board of health. It shall consist of five members, as follows: Four members who shall be appointed by a board of appointment, consisting of the governor, secretary



of state, and auditor of state, a majority of which shall constitute a quorum, and who shall meet in the office of the governor. \* \* \* Two members shall be appointed biennially, who shall hold their office for four years. Any vacancy in said board of health shall be filled by said State officers. Said board of health, when so appointed, shall elect a secretary, who shall be a physician, and shall be the health officer of the State, and shall hold his office for four years, who, by virtue of his election, shall be a member of said State board of health.

SEC. 7590. *Oath*.—Before entering upon the discharge of their duties the members of said board of health shall each take and subscribe an oath of office before the clerk of the supreme court, or any other officer authorized to administer an oath, that they will faithfully and honestly discharge the duties of said offices, which oath of office shall be filed in the office of the secretary of state.

SEC. 7591. *Duties of secretary*.—The secretary of the board shall keep his office at Indianapolis, and shall perform such duties as are prescribed by this act, or may be required by the board. He shall keep the custody of all papers, books, documents, and other property belonging to the board; he shall, so far as practicable, communicate with other State boards of health, and with the county boards of health within this State. He shall keep and file all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall prepare blank forms of returns and such instructions as may be necessary and forward them to the secretaries of the several county boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 7592 (as amended by ch. 144, acts of 1909). *Qualifications, secretary*.—The secretary of the State board of health shall be State health commissioner and the executive officer of the board. He shall keep the minutes of all meetings, make quarterly reports to his board, appoint and fix the salaries of all employees of the board, subject to the confirmation of said board. He shall be able-bodied, a licensed physician, thoroughly informed and experienced in hygiene and sanitation, skilled in the management of infectious and contagious diseases, temperate, not addicted to drugs, and of good moral character. He shall give his entire time to the duties of his office, shall not engage in private medical practice nor engage actively in any business, and shall have and possess the statutory and common-law powers of a constable at law in all parts of the State in matters pertaining to the public health.

SEC. 7593 (as amended by ch. 144, acts of 1909). *Meeting; quorum; president; reports*.—The State board of health shall meet at least once in each quarter in the city of Indianapolis, and as often as they may deem necessary, and at such other times and places as they may deem expedient. A majority shall constitute a quorum for the transaction of business, and a per diem of \$5<sup>1</sup> per day and expenses shall be allowed for the attendance upon meetings to each member except the secretary. They shall choose one of their number for president, who shall serve for two years, unless his time of office as a member of the board shall sooner expire. They shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people. They shall have (be) the superior health board of the State, to which all other health boards are subordinate, and they

<sup>1</sup> See chapter 120, acts of 1911.



shall have supervision of the system of registration of births, deaths, marriages, and infectious diseases, and they shall make up from time to time such blank forms as they may deem necessary for the collection, registration, and report of vital and sanitary statistics throughout the State. They shall annually, on or before the 1st of December, make a report to the governor of their transactions and expenditures for the year ending September 30 next preceding, with such suggestions with regard to legislation as they may deem important in reference to the public health.

SEC. 7594 (as amended by ch. 144, acts of 1909). *Powers and duties of State board of health.*—The State board of health shall have supervision of the health and life of the citizens of the State and possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. They shall have power to make sanitary inspections and surveys in all parts of the State and of all public buildings and institutions; and after due notice to enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and the possible cause and source of diseases; to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches and forbid public gatherings when deemed necessary to prevent and stop epidemics; to condemn and abate conditions causative of disease; to regulate and prescribe the character and location of plumbing, drainage, water supply, disposal of sewage, lighting, heating, and ventilation and all sanitary features of all public buildings and institutions; to pass rules governing the duties of all health boards and all health officers, governing the collection of vital statistics, governing the hygienic disposal, transportation (and) disinterment of the dead, governing the specific features of quarantine and for the enforcement of the State health and registration laws, and any violation of said rules shall be punished by a fine of not less than \$5 nor more than \$50 for each offense. Said rules shall bear the seal of the said board and be attested by the secretary, and they shall be promulgated by the State board of health by publishing the same in pamphlet or leaf form and supplying copies to all judges, all county auditors, all district prosecutors, all health officers, and any citizen asking for the same. County health commissioners shall make public announcement of the existence and receipt of said rules for the public benefit. The State board shall also have power to discharge any county health commissioner or health officer in the State, either for intemperance, failure to collect vital statistics, obey rules, keep records, make reports, answer letters of inquiry of said board concerning the health of the people, or neglect of official duty. Such removal, however, shall not be made until five days' notice of the charge or charges shall have been mailed to him by said board, naming a time and place for hearing by the State board of health, not less than two weeks later than time of mailing such notice to said health officer: *Provided, however,* That any county health commissioner or other health officer so removed by the State board of health shall have the right to appeal from the action of said board to the circuit or superior court of the county in which such health officer resides, and during the pendency of such appeal such health officer may serve in his official capacity. Any health officer discharged as herein provided shall be ineligible to hold the position of health officer for four years, and the vacancy shall be filled by the proper authority, as provided in this act.

SEC. 7699 (as amended by ch. 144, acts of 1909). *Expenses; how paid.*—All expenses legally incurred for the work of protecting the public health outside the corporation of cities and towns shall be paid by the county treasurers out of the health appropriations made by county councils, upon warrants from county



health commissioners, based upon sworn vouchers, said vouchers to have attached itemized bills for the amount for which they are drawn; and the expenses legally incurred for the protection of the public health inside the corporation of cities and towns shall be paid out of the treasuries of cities and towns in which the work is done; and townships shall not be held for the payment of public health expenses, but the cost of the care of the paupers, whether sick or well, shall be upon the townships.

SEC. 7610 (as amended by ch. 144, acts of 1909). The sum of \$5,000<sup>1</sup> per annum, or so much thereof as may be necessary, is hereby appropriated to pay the salary of the secretary and other necessary expenses of the State board of health, according to the provisions of this act; and the expenses of the State board of health shall in no event exceed the amount herein appropriated.

SEC. 7611 (as amended by ch. 144, acts of 1909). *Penalty.*—Any person or persons or the officers of any corporation, except as penalties are provided in other sections of this act, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$10 nor more than \$100.

SEC. 7600. *State laboratory of hygiene.*—A State laboratory of hygiene is hereby established as a department of the State board of health, the same to be under the general control of said board.

SEC. 7601. *Location.*—The State laboratory of hygiene shall be at Indianapolis and shall be used for making analyses of foods and drugs for the purpose of enforcing the pure-food and drug laws, for making sanitary analyses, pathological examinations and studies in hygiene and preventive medicine to aid in the enforcement of the health laws, and for no other purpose. All work done in the State laboratory of hygiene shall be done exclusively and entirely for the public benefit and no fees shall be charged.

SEC. 7602. *Employees, laboratory.*—For the conduct of the State laboratory of hygiene the State board of health shall employ and appoint a superintendent, other than the secretary of such board of health, and such superintendent shall have charge of and superintend and manage such State laboratory of hygiene, and he shall receive a salary not to exceed \$2,000 per annum. Such superintendent shall be learned and skilled in bacteriology and pathology. The State board of health shall also employ a skilled chemist, whose salary shall not exceed \$1,500 per annum, and both appointees shall be temperate, healthy, well recommended and of good moral character. The board may employ such minor employees as it may deem necessary for the successful conduct of such laboratory, and define the duties and fix the compensation of such employees, which employment shall be with the consent of the governor. A report of all work done in the laboratory of hygiene, together with an account of all expenditures for each year ending October 31, shall be made to the governor not later than the 1st day of December following. Such report shall be published in the regular annual report of the State board of health.

SEC. 7603. *Equipment and maintenance.*—Five thousand dollars,<sup>1</sup> or so much thereof as is found necessary, are hereby appropriated for equipping the State laboratory of hygiene with all necessary apparatus, books, appliances, and furniture, the same to be paid out by certificates issued by the State board of health and attested by the secretary; and on presentation of such certificates the auditor of State shall draw his warrant for the amount certified on the State treasurer, who shall pay the same, and all certificates shall have attached itemized bills for their face amount. For maintenance of the laboratory, purchase of food and drug samples, salaries of employees, transportation and hotel

<sup>1</sup> See ch. 120, acts of 1911.



expenses of those necessary to conduct inspections, collect samples, and attend prosecutions, and for the incidental expenses, \$10,000 per annum are hereby appropriated, the same to be paid out on certificates, as provided in this section. The appropriations herein provided for shall be available at the taking effect of this act. The State board of health shall locate and establish said laboratory in a room in the statehouse building in the city of Indianapolis, Ind., and the custodian of such statehouse shall set apart a room for such purpose.

[Acts of 1911, chapter 120, page 281.]

For the State board of health: Salary of secretary of State board of health, who is also State health commissioner, \$3,000: *Provided*, That he does not practice medicine or actively engage in any other profession or occupation, but gives to the board his full time in performance of his duties as such secretary. Salary of chief clerk of vital statistics, \$1,500; for attending the quarterly meetings of the State board of health, to each of the members of such board, except the secretary, the sum of \$10 for each of said meetings; for vital statistics, office expenses, suppression of disease, and any other public health work, \$20,000: *Provided*, That money for such expenses of the State board of health shall be drawn only upon specific itemized vouchers, signed by the president and secretary of said board. For maintenance and expenses of laboratory of hygiene, \$10,000; for enforcing the pure-food and drug law, purchase of food and drug samples, salaries of employees, transportation and hotel expenses of those necessary to conduct inspections, collect samples and attend prosecutions, and for incidental expenses, \$20,000: *Provided*, That the State food and drug commissioner, who is also chemist to the State board of health, shall receive an annual salary of \$2,500, to be paid out by certificates issued by the State board of health and attested by the secretary, and on presentation of said certificates the auditor of State shall draw his warrant for the amount certified on the State treasurer, who shall pay the same from the appropriations for enforcing the pure-food and drug law, which sum shall constitute the entire salary of said officer. For maintenance and expenses of the water and sewage laboratory, \$5,000.

[Acts of 1911, chapter 140, page 345.]

For the board of health: For the prevention of the spread of infectious, contagious, and other diseases, to instruct the public and to apply hygiene methods to prevent such diseases, \$5,000; to be available April 1, 1911.

[Burns's Annotated Statutes.]

SEC. 7605 (as amended by ch. 144, acts of 1909). *Local health boards; how chosen.*—In every county there shall be a county health commissioner who shall be elected for the term of four years by the board of commissioners of each county, said election to be held on the first Tuesday in January, 1910, and every four years thereafter. In every incorporated city there shall be a department of health composed of a board of three commissioners, not more than two of whom shall be of the same political party and at least two of whom shall be physicians well informed in hygiene and sanitary science, and who shall be appointed by the mayor of such incorporated city, for the term of four years, and who shall be known as the city board of health. City boards of health shall appoint as a secretary, a physician who may or may not be one of their members, and who shall be the executive officer of the board: *Provided, however*, That in counties having a population of less than 30,000 inhabitants, the board of county commissioners may upon agreement with the



mayor or mayors of any or all the incorporated cities contained within said counties consolidate the city board or boards of health with the office of county health commissioner, and appoint for the term of four years a single health officer, who shall also be known as the county health commissioner. In every incorporated town the board of town trustees shall constitute the board of health and shall appoint a secretary who shall be town health officer, and who shall serve for the term of four years. All county health commissioners and city and town health officers shall give bond in such sum as the appointing power may determine.

SEC. 7606 (as amended by ch. 144, acts of 1909). *Compensation.*—Each county health commissioner shall receive as his compensation from the county which he serves, the sum of  $1\frac{1}{2}$  cents per capita per annum, for each individual in the county. The secretary of each city board of health and each town health officer, shall receive as his compensation, from the city or town which he serves, the sum of 2 cents per capita per annum, for each individual residing in such city or town. The population of counties, cities, and towns for the purposes of this act, shall be determined by the method of the United States Census Bureau. Members of city boards of health other than the secretary shall receive such compensation as their respective city councils may provide. When the city and county health officers are consolidated, as provided for in section 8 of this act, the county health commissioner so provided for shall receive as his compensation the sum of 2 cents per capita per annum for each individual in said county; the city or cities shall bear their proportionate share of such compensation and the county shall pay the remaining portion of such county health commissioner's salary: *Provided*, That no county health commissioners, secretary of city boards of health, or town health-board secretaries shall receive as his compensation more than \$1,500 per annum, nor less than \$10 per annum.

SEC. 7608 (as amended by ch. 144, acts of 1909). *Powers and duties of health officers.*—It shall be the duty of the State health commissioner and of county health commissioners and city and town health officers, within their respective jurisdictions, to enforce the health laws, ordinances, orders, and rules of their own and superior boards of health; to collect, record, and report the vital statistics of their respective jurisdictions; to keep full and permanent records of their public-health work, minutes of all meetings of their respective boards, and to make a monthly report of the work done by them and their deputies to their respective boards, said report, after approval, to be made of permanent record. Reports of county health commissioners shall be made to the State board of health, and careful records of said reports shall be kept in county health record books.

The State health commissioner, all county health commissioners, and all city and town health officers shall have power to make sanitary inspections and surveys of all public buildings and institutions, to enter upon and inspect private property, at proper times after formal notice, in regard to the possible presence, source, and cause of disease; to establish quarantines and in common therewith to order what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches and forbid public gatherings in order to prevent and stay epidemics, and in all reasonable and necessary ways to protect the public health. And it shall be unlawful for any person, firm, company, or corporation to institute, permit, or maintain any conditions whatever which may transmit, generate, or promote disease; and it shall be the duty of all health commissioners and all health officers upon hearing in any way of the existence of said unlawful conditions within their respective jurisdictions to order their abatement, in writing if demanded, and specifying



particularly wherein said conditions may transmit disease and naming the shortest reasonable time for abatement. Upon refusal or neglect of any person, firm, company, or corporation to obey said order, then the district prosecutor of the district wherein the offense occurs, upon receiving the information from said health commissioners or health officers, shall institute proceedings in the courts for enforcement.

Secretaries of city health boards shall have immediate control and direction of the city sanitary police force, of the city meat and dairy inspectors, and of the city plumbing inspectors. He shall have charge of the municipal laboratory and he shall require and superintend, in relation to the sanitary condition of the city, such chemical, histological, bacteriological, and pathological investigations as shall be deemed advisable by the board. He shall have charge of the office occupied by the commissioners and carry out and perform all such orders and directions as the board may require. He shall devote such time to the duties of his office as the commissioners shall deem necessary for the proper performance of his duties. The city board of health shall have the entire management and control of the city hospital and dispensary, if any there be, and they shall appoint the superintendent of such hospital and dispensary.

SEC. 8655. *City council's powers respecting health.*—The common council of any city shall have power to enact ordinances for the following purposes:

Seventh. *To declare and abate nuisances.*—To declare what shall constitute a nuisance, to prevent the same, to require its abatement, authorize the removal of the same by the proper officers, and provide for the punishment of the person or persons causing or suffering the same, and to assess the expenses of its removal against such person or persons, and to provide for collecting such expenses either by causing them to be placed on the tax duplicate or by suit.

Ninth. *To protect local water supplies.*—To authorize the cleansing or purification of water and watercourses by the board of public works, or other designated authority; to prevent encroachment or injury to the banks of streams, or the casting into the same of offal, dead animals, logs, rubbish, dirt, or impure liquids. For the purpose of this clause jurisdiction is hereby conferred upon cities for ten miles from the corporate limits thereof.

Tenth. *To regulate offensive trades.*—To regulate the location and management of starch factories, glue factories, renderies, tallow chandleries, bone factories, soap factories, tanneries, foundries, slaughterhouses, breweries, distilleries, livery stables, and all other establishments of which the business or trade may become noxious or injurious to public comfort or health, and to prohibit the erection of such buildings or the continuance therein of such noxious or injurious occupations whenever the public comfort or health may require it. For the purpose of this clause, such city is given jurisdiction for four miles from the corporate limits thereof.

Twelfth. *To restrain stray animals.*—To regulate and prohibit the running at large of \* \* \* animals of any kind, and to authorize the impounding, keeping, sale, and redemption of the same when found in violation of the ordinances in relation thereto.

Thirteenth. *To regulate disposal of waste.*—To prevent the deposit of any unwholesome substances, either on private or public property, and compel its removal to designated points, and to require slops, garbage, ashes, and other waste or unwholesome materials to be removed to designated points, or to require occupants of premises to place them conveniently for removal; also, to provide for the destruction of such substances or their use for some beneficial purpose. For the purposes of this clause, jurisdiction is given such city four miles from the corporate limits thereof.



Fourteenth. *To compel cleaning of premises.*—To compel the occupants of any premises, buildings, or outhouses, when the same have become filthy or unwholesome, to abate or cleanse the same, and to authorize such cleansing to be done by the proper public officers, and to assess the expense thereof against and collect such expense from the occupant or owner, or to impose a lien on such property for such expense and place the same on the tax duplicate for collection or to collect the same by foreclosure of such lien. For the purposes of this clause, such city is given jurisdiction for four miles beyond the corporate limits thereof.

Sixteenth. *To regulate cemeteries.*—To regulate the location and management of cemeteries or burial places within or without such city, and to protect the same and provide for the sanctity of the dead; to regulate or prohibit the interment of bodies and to authorize the removal of bodies now or hereafter buried, or of cemeteries, to some other proper place. For these purposes such city shall have jurisdiction for four miles from the city limits.

Seventeenth. *To establish quarantine.*—To establish quarantine regulations and to authorize the removal or confinement of persons having infectious or contagious diseases. For the purposes of this clause, jurisdiction is given such city for four miles from the corporate limits thereof.

Eighteenth. *To prevent contagious diseases.*—To regulate and require reports and records of births and deaths and to make such requirements as may be deemed necessary to prevent the spread of contagious or infectious diseases, and to make all regulations that may be deemed expedient for the promotion of health and the suppression of disease.

Twentieth. *To regulate markets.*—To direct the location and regulate the management of all public markets and market places, whether established by the city or by private individuals. \* \* \*

Twenty-first. *To regulate sale of foods.*—To authorize and require the inspection and condemnation, if unwholesome, and to regulate the sale of meat, poultry, fish, butter, oleomargarine, cheese, lard, vegetables, and all other food or provisions.

Thirty-first. *To regulate sewers.*—\* \* \* To regulate and protect all aqueducts, sewers, canals, and hydrants, wholly or partly in such city; \* \* \* To regulate and prevent the throwing or depositing of sweepings, dust, ashes, offal, dirt, garbage, paper, handbills, slops, liquids, or any other materials into any streets, alleys, or public places. \* \* \* To regulate the making of private connections with sewers, gas, water, and other like pipes and public conveniences. \* \* \*

Forty-fourth. *To regulate keeping dogs.*—To license, tax, regulate, and prohibit the keeping or harboring of dogs.

Forty-eighth. *To protect local water supplies.*—To keep rivers, streams, and other waterways open, and prevent the waters thereof from becoming polluted; jurisdiction for both of which purposes is given for 10 miles beyond the city limits. \* \* \*

Forty-fifth. *To regulate dairies.*—To license, tax, regulate, and prohibit dairies and the keeping of milch cows.

Fifty-first. *To maintain pounds, etc.*—To establish, maintain, and regulate pounds, market houses, market places, houses of refuge, pest houses, hospitals, dispensaries \* \* \* and all other public city institutions.

Sec. 8696. *Powers of city boards of public works.*—The board of public works (in cities) shall have power:

Seventh. *To construct drains and sewers.*—To lay out, design, order, contract for, and execute the construction, alteration, and maintenance of all public



drains or sewers within such city, and all drains or sewers without such city and within 4 miles thereof, which may be necessary to carry off the drainage of such city.

Tenth. To design, order, contract for, and cause the erection of any culvert \* \* \* or aqueduct within such city, or to enter into a contract with any company or individual for the joint erection and maintenance by such company or individual and such city of any such structure.

Sixteenth. *To dispose of wastes.*—To remove all dead animals, garbage, filth, ashes, dirt, rubbish, or other offal from such city, either by contract or otherwise, and to erect crematories or other plants for the destruction and disposal thereof.

Seventeenth. *To prepare sewerage plans.*—To prepare a general uniform plan for the drainage and sewerage of such city, and extend the same from time to time, and to provide for the disposal of sewage.

Nineteenth. *To drain premises.*—To fill or drain, at the owner's expense, any lot or tract of ground within such city, or within 4 miles from its corporate limits, whenever the water thereon has become or may become so stagnant or noxious as to be injurious to the public health and comfort, and to make such expense a lien on such lot or tract and collectible by foreclosure or by placing the same on the tax duplicate: *Provided*, That not to exceed 20 per cent of the value of such lot or land, as valued and assessed upon the tax duplicate, shall be expended in filling up or draining the same in any one year.

SEC. 9005. *Powers, towns.*—The board of town trustees shall have the following powers:

Fourth. To declare what shall constitute a nuisance, and to prevent, abate, and remove the same; and take other measures for the preservation of the public health as the board shall deem necessary.

Fifth. To restrain \* \* \* animals from running at large and to impound and sell the same.

Eighth. To establish and regulate markets and build market houses, and to direct the location of slaughterhouses; but no town shall erect a market house or other permanent structure on any street.

Twentieth. To make and establish such by-laws, ordinances, and regulations not repugnant to the laws of this State, as may be necessary to carry into effect the provisions of this act, and to repeal, alter, or amend the same as they shall seem to require; \* \* \*

Twenty-first. To enact fines, penalties, and forfeitures for violation of this act, or of any by-laws or ordinances of the town, not exceeding \$10 for each offense, \* \* \*

IOWA.

[Code of 1897 and Supplement of 1907.]

SEC. 2564. *State board of health, how constituted.*—The State board of health shall consist of the attorney general and the State veterinary surgeon, who shall be members by virtue of their offices, one civil engineer, and seven physicians, to be appointed by the governor, each to serve for a term of seven years and until his successor is appointed; vacancies to be filled by the governor for the unexpired term. But no one of the seven physicians hereafter appointed shall be an officer or member of the faculty of any medical school, and the governor shall have the power to remove any member of said board for good cause shown. It shall meet semiannually in July and January, and at such other times as it may decide upon, such meetings to be held at the seat of government; suitable rooms (office supplies and furniture, except postage and stationery) therefor to



be provided by the custodian of the capitol. At the meeting held in July a president from their number and a secretary, who shall be a physician not of their number, shall be elected, and the latter have an office in the capitol.

*Health districts.*—For the purposes contemplated in this section the State shall be divided into health districts, numbered and consisting, respectively, of the counties named as follows:

*District No. 1.*—Allamakee, Butler, Bremer, Blackhawk, Buchanan, Chickasaw, Clayton, Delaware, Fayette, Floyd, Grundy, Howard, Mitchell, Winneshiek.

*District No. 2.*—Benton, Cedar, Clinton, Dubuque, Iowa, Jones, Jackson, Johnson, Linn, Muscatine, Scott.

*District No. 3.*—Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Louisa, Lee, Mahaska, Monroe, Wapello, Washington, Van Buren.

*District No. 4.*—Cerro Gordo, Calhoun, Emmet, Franklin, Hancock, Humboldt, Hamilton, Hardin, Kossuth, Palo Alto, Pocahontas, Webster, Winnebago, Worth, Wright.

*District No. 5.*—Buena Vista, Clay, Cherokee, Dickinson, Ida, Lyon, Osceola, O'Brien, Plymouth, Sioux, Sac, Woodbury.

*District No. 6.*—Audubon, Adair, Cass, Crawford, Carroll, Greene, Guthrie, Harrison, Monona, Pottawattamie, Shelby.

*District No. 7.*—Boone, Dallas, Jasper, Marshall, Madison, Marion, Polk, Story, Tama, Poweshiek, Warren.

*District No. 8.*—Adams, Clarke, Decatur, Fremont, Lucas, Mills, Montgomery, Page, Ringgold, Taylor, Union, Wayne.

When vacancies occur in the State board of health it shall be the duty of the governor to appoint to membership on the board physicians residing in the various health districts until seven such districts are represented on the board, after which time the annual appointment shall be made from the physicians residing in the district not represented on the board the preceding year.

SEC. 2565. *Powers and duties.*—The board shall have charge of and general supervision over the interests of health and life of the citizens of the State; matters pertaining to quarantine, registration of marriages, births, and deaths, authority to make such rules and regulations and sanitary investigations as it from time to time may find necessary for the preservation and improvement of the public health, which, when made, shall be enforced by local boards of health and peace officers of the State. It shall prepare and furnish, through its secretary, to the clerks of the several counties such forms for the record of marriages as it may determine upon, and by its secretary make biennial reports to the governor, which shall include so much of its proceedings, such information concerning vital statistics, such knowledge respecting diseases, and such instructions upon the subject of hygiene as may be thought useful for dissemination among the people, with such suggestions as to further legislation as may be thought advisable.

SEC. 2574 (as amended by ch. 120, acts of 1911). *Compensation.*—The secretary of the State board of health shall receive such salary as the board shall fix, not to exceed \$3,000 per annum, payable upon the certificate of the president to the State auditor, who shall issue his warrant for the amount due upon the State treasurer: *Provided, however,* That the aforesaid \$3,000 shall be in lieu of any and all other compensation he may receive in any official capacity. Each member of the board shall receive only actual traveling and other necessary expenses incurred in the performance of his duties, such expenses to be itemized, verified, certified, audited, and a warrant drawn therefor in the same manner as the secretary's salary.

SEC. 2576. *Expenses.*—The sum of \$5,000, or so much thereof as may be necessary, is annually appropriated to pay the salary of the secretary, expenses of the



board, contingent expenses of the secretary's office, and all costs of printing; all such contingent and miscellaneous expenses to be itemized, verified, certified, audited, and paid as other expenses of the board.

SEC. 2575-a-7. *Establishment State laboratory.*—The bacteriological laboratory of the medical department of the State University at Iowa City is hereby established as a permanent part of the medical department of the university work, and it shall, in addition to its regular work, perform all scientific analyses and tests, chemical, microscopical, or other scientific investigations, which may be required by the State board of health, and it shall make prompt report of the results thereof, under such rules and regulations as the said State board of health may from time to time adopt.

SEC. 2575-a-8. *Director—Reports.*—The professor of bacteriology of the medical department of the State University shall be the director of said laboratory and shall make or cause to be made all such analyses, tests, and investigations as shall be required by the State board of health as provided in the preceding section, causing the same to be made without delay and giving such analyses, tests, or investigations the preference of the point of time over all other work, and shall make prompt report of the result thereof to the board of health or to such person or persons as the board of health may by rule or designation designate.

SEC. 2575-a-9. *Appropriation.*—There is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of more perfectly equipping the present bacteriological laboratory at the State University and for the purpose of enabling it to perform the duties hereby imposed, and to provide it with the necessary apparatus and assistants to render the same effective, the sum of \$6,000 annually, or so much thereof as may be necessary, to be additional salary of the director, the assistants, the expenses of said laboratory as may be necessary by this act, including postage, stationery, and other contingent and miscellaneous expenses which may be incurred in the maintaining of said laboratory and performing the duties required therein by the provision of this act. The director shall receive such additional salary, not to exceed \$1,200 per year, as the State board of health may fix. The appropriations hereby provided shall be expended in the manner provided in section 2575 of the code.

[Acts of 1911, chapter 192.]

SECTION 1. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are fixed by law, and payable from the State treasury, and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments when not otherwise provided for by law.

SEC. 2. There is further appropriated from the State treasury for a term of two years ending June 30, 1913, the following sum, or so much thereof as shall be necessary, to wit: *Provided*, That on the 1st day of July succeeding the meeting of the regular session of the general assembly, all moneys appropriated in this act and remaining unexpended shall be and are hereby covered into the State treasury.

SEC. 3. \* \* \*

15. *State board of health.*—To the State board of health for extra clerical assistance, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of \$7,200.



**SEC. 2568. *Municipal boards.***—The mayor and council of each town or city, or the trustees of any township, shall constitute a local board of health within the limits of such towns, cities, or townships of which they are officers. The town, city, or township clerk shall be clerk of the local board, which board shall appoint a competent physician as its health officer, who shall hold office during its pleasure. It shall regulate all fees and charges of persons employed by it in the execution of health laws and its own regulations and those of the State board of health; have charge of all cemeteries dedicated to public use not controlled by other trustees or incorporated bodies, and the burial of the dead; make such regulations as are necessary for the protection of the public health respecting nuisances, sources of filth, causes of sickness, rabid animals, and quarantine, not in conflict with any regulation of the State board of health, which shall also apply to boats or vessels in harbors or ports within their jurisdiction; to proclaim and establish quarantine against all infectious or contagious diseases dangerous to the public and maintain and remove the same as may be required by regulations of the State board; may, when satisfied, upon due examination, that any cellar, room, tenement building, or place occupied as a dwelling or otherwise has become or is, by reason of the number of occupants, uncleanness, or other cause, unfit for such purpose or a cause of nuisance or sickness to the occupants or the public, issue a notice in writing to such occupants, or any of them, requiring the premises to be put in proper condition as to cleanliness or requiring the occupants to remove or quit such premises within a reasonable time to be fixed, and if the persons so notified, or either of them, neglect or refuse to comply therewith, may by order cause the premises to be properly cleaned at the expense of the owner or owners, or may forcibly remove the occupants and close the premises, and peace and police officers shall execute such orders, which premises so closed shall not be again occupied as a dwelling place without written permission of the board. The quarantine authorized by this section in case of infectious or contagious diseases may be declared or terminated by the mayor of any city or town, or the township clerk outside of such city or town, in cases required by regulations of the State board of health upon written notice given by any practicing physician of the existence of such disease or termination of the cause for quarantine, as the case may be.

**SEC. 2569. *Inspections.***—The local board may, with its physician, when of the opinion it is necessary for the preservation of the lives or health of the inhabitants, enter a building, vessel, or place for the purpose of examining into, preventing, removing, or destroying any nuisance, source of filth, or cause of sickness, and in case its members or physicians shall be refused such entry, make complaint through any member under oath to any magistrate of the county, whether a member of the board or not, stating the facts so far as known, and the magistrate shall thereupon issue his warrant, directed to any peace officer of the county, commanding him, between the hours of sunrise and sunset, accompanied by two or more members of the board, to prevent, remove, or destroy such nuisance, source of filth, or cause of sickness, which shall be executed by the officer under the direction of such members of the board, and it may order the owner of any property, building, or place to remove, at his own expense, within 24 hours or such other time as may be fixed by it after notice has been served upon such owner, occupant, or other person in charge thereof, any nuisance, source of filth, or cause of sickness found thereon, and if such person fails or neglects to comply with the order and make such removal it may cause the same to be done at the expense of the owner or occupants.



SEC. 2571 (as amended by ch. 156, acts of 1909). *Meetings of local board—Rules and regulations.*—Local boards of health shall meet for the transaction of business on the first Monday of April and November in each year and at such other times as it may be deemed necessary. Local boards of health shall furnish to the State board of health reports of their proceedings at such times and in such form as may be reasonably required by the State board of health. They shall give notice of all regulations adopted by publication thereof in some newspaper of general circulation in the town, city, or township, or by posting a copy thereof in five places therein. The secretary of the State board of health, immediately after the adoption of any rules and regulations of said board in accordance with section 1 of this act, shall forward a certified copy of such rules to the county auditor of each county. Whenever such rules may be amended or changed, similar notice shall be forwarded to each county auditor.

The State board of health shall cause to be printed such number of copies of the rules and regulations by it adopted as may be necessary to supply the needs of the several counties of the State and upon application forward the required number to the county auditors of the State for distribution to the several boards of health within the county.

The clerk of each local board of health shall upon request furnish a copy of said rules to any resident physician or citizen. It shall be the duty of the official, when establishing quarantine, to furnish to the person or persons quarantined a copy of the rules and regulations covering such quarantine.

SEC. 2572. *Enforcement regulations, State board.*—Local boards of health shall obey and enforce the rules and regulations of the State board; and peace and police officers within their respective jurisdictions, when called upon to do so by the local boards, shall execute the orders of such board. If any local board of health shall refuse or neglect to enforce the rules and regulations of the State board of health, the State board of health may enforce its rules and regulations within the territorial jurisdiction of such local board, and for that purpose shall have and may exercise all the powers given by statute to local boards of health; and peace and police officers of the State, when called upon by the State board of health to enforce its rules and regulations, shall execute the orders of such board. All expenses incurred by the State board of health in determining whether its rules and regulations are enforced by a local board of health, and in enforcing the same when a local board has refused or neglected to do so, shall be paid in the same manner as is now provided for the payment of the expenses of enforcing such rules and regulations by local boards of health.

SEC. 1025. *Cities under special charter—Boards of health.*—There shall be appointed in every such city (cities under special charters) a local board of health, consisting of five members, a majority of whom, including the mayor, shall be members of the city council. The mayor of the city shall be ex officio one of said members and the chairman thereof. The manner of appointment and duration of office of said board shall be determined by ordinance of said city.

SEC. 1026. *Board of health appointments.*—The board of health shall appoint a physician to the board, who shall hold office during the pleasure of the board. The city clerk or recorder shall be clerk of the board, unless some other clerk may be provided by ordinance. The board of health shall appoint, with the consent of the council, all officers and agents necessary to carry their rules and orders into effect, and shall recommend the compensation or salaries to be paid such officers or agents, which shall be determined by the council. In cases of emergency, the board of health may employ persons to aid in the execution of its orders, and fix the compensation of such employees. The



majority of the members of the board shall constitute a quorum for the transaction of all business and the exercise of powers conferred upon the board.

SEC. 1027. *Reports.*—It shall be the duty of such clerk and physician to report at least once a year to the State board of health the proceedings of such board, and such other facts as may be required in blanks, in accordance with instructions received from the State board. They shall also make special reports whenever required so to do by the State board.

SEC. 1028. *Local board of health may issue regulations.*—The local board of health shall make such rules and regulations and orders respecting the connection of buildings and tenements with sewers, and the approval of plans for plumbing and the inspection thereof; and the inspection of milk, provisions, and of all food products sold within such city, and the condemnation and destruction of the same when impure or diseased; the collection and disposition of garbage; the condemnation of impure wells and cisterns; the prompt report of contagious or infectious diseases; nuisances, sources of filth and cases of sickness within their jurisdiction, and on all boats in its ports and harbors, or railroad cars passing through such city; and for the prevention of nuisances and the preservation of the public health and safety; and shall, from time to time, report to the city council ordinances for carrying such rules, regulations, and provisions into effect, and for the appointment of the proper inspectors and officers necessary to enforce the same.

SEC. 1029. *Penalties for violation.*—Such cities shall have power and may provide by ordinance for the punishment by fine and imprisonment of any person who shall knowingly violate or fail to comply with any rule, regulation, or order of such local board of health, but the fine shall not exceed one hundred dollars, or the imprisonment 30 days. The prosecution for the violation of any rule, regulation, or order of such board of health shall be in the name of the city appointing such board, and shall be conducted in the same manner and before the same tribunals as other prosecutions for the violations of ordinances of such city.

SEC. 1035. *Regulations, how signed and issued.*—Whenever any such board shall make or adopt any general rules and regulations for the public health, they shall be signed by the mayor or other presiding officer, and attested by the clerk of such board, and, when so signed and attested, shall be published twice in the official newspaper of such city. When such publication is completed, due proof thereof by affidavit shall be attached to said rules and regulations, and the same shall then be recorded by the clerk of such board in a book kept for such purpose, which record shall be certified by the mayor or presiding officer and attested by the clerk. And such general rules and regulations shall be in force and effect from and after the completion of such record.

SEC. 1036. *Notices, how served.*—Any notice from the board may be served by any city officer, or by any other person whom the board of health may appoint or designate.

SEC. 1043. *Meetings.*—Every such board shall meet for the transaction of business at least once each month, and at such other times as occasion may require, and the clerk of the board shall transmit his annual report to the secretary of the State board within two weeks after the October meeting, and at such other time as may be required by the State board. Such report shall embrace a history of any epidemic disease which may have prevailed within the city. The failure of the clerk to make such report shall be considered a misdemeanor, for which he shall be subject to a fine of not more than \$25.

SEC. 1044. *Cities having special charters—Powers.*—The foregoing provisions in regard to boards of health shall not in any manner limit the powers of cities acting under special charters in relation to matters affecting the public health,



and the city councils of such cities shall provide by ordinance for the manner of the exercise of the powers herein conferred upon such boards, and for the enforcement of the orders, rules, and regulations thereof, and punishment for the violation of the same, as prescribed in this chapter, and shall also have power to provide and shall provide for the assessment of all expenses incurred by said board and by said cities, in consequence of the failure or neglect of any owner or occupant of property to comply with any order of such board, upon the real estate upon which such expenditures are made or expenses incurred, and it shall be a lien thereon from the time said work is done, and may be assessed, levied, and collected as other special assessments, and may be collected and the lien enforced by civil action in any court of competent jurisdiction.

SEC. 1045. Boards of health shall report their doings and proceedings to the council from time to time as required by ordinance or resolution, and the council shall have supervision over the orders and proceedings of said board.

SEC. 1046. The provisions of this chapter in regard to the police powers, sanitary regulations, and regulations for the prevention and spread of fires and of contagious diseases, shall not be construed as a limitation of the general powers of such cities.

SEC. 696. *Powers of municipal corporations.*—They (municipal corporations) shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to provide for the destruction of weeds and other noxious growths upon any of the lots and parkings therein, and to provide for the assessment of the cost thereof to the property; to provide for the immediate seizure and destruction of tainted or unsound meat or other provisions; to establish all needful regulations as to the management of packing and slaughter houses, renderies, tallow chandleries and soap factories, bone factories, tanneries, and manufactories of fertilizers and chemicals within the limits of such cities or towns; to regulate and restrain the deposit and removal of all offensive material and substances, and the engendering of offensive odors and sights therefrom so as to protect the public against the same; to establish and regulate slaughterhouses; and, in cities having 5,000 or more inhabitants, to build and control the same.

SEC. 707. They (municipal corporations) shall have power to regulate, restrain, license, or prohibit the running at large of dogs within their limits, and to require them to be kept upon the premises of the owners thereof, unless licensed to run at large, and to provide for the destruction thereof when found at large contrary to and in violation of the provisions of any ordinance or by-law passed pursuant to the power herein granted.

SEC. 717. They (municipal corporations) shall have power to establish and regulate markets, \* \* \* to build market houses and establish and regulate the same; \* \* \*

SEC. 737. *Municipal corporations may issue regulations.*—They (municipal corporations) shall have power by ordinance to prescribe rules and regulations for all plumbing connecting any building with sewers, water mains, and gas pipes; and may prescribe the kind and size of materials to be used in such plumbing and the manner in which the same shall be done; and to appoint an inspector thereof and define his duties and powers; and to provide for the assessment of the cost of such inspection and replacing of the pavement to the property; and to prescribe penalties for the violation of such ordinance. Nothing herein shall be construed as authorizing the annulment of any rules or regulations relating to such plumbing made by the local or State board of health, but such ordinance shall conform to and enforce the same.



SEC. 881. *Powers of cities and towns to regulate waste disposal.*—Cities and towns shall have the power to acquire real estate within or without their territorial limits necessary for sewer outlets, garbage-disposal plants, sewage-disposal plants, and dump grounds by purchase or condemnation as in this chapter provided, and the expense of such acquisition of real estate for sewer outlets, garbage-disposal plants, sewage-disposal plants, and dump grounds shall, in the case of garbage-disposal plants and dump grounds, be paid out of the general fund, and in the case of sewer outlets and sewage-disposal plants, out of the general fund or out of the sewer fund of the sewer district for which the sewer outlet or sewage-disposal plant is established.

#### KANSAS.

[General Statutes, 1909.]

SEC. 8027. *State board of health, how constituted.*—\* \* \* The governor, by and with the advice and consent of the senate, if it then be in session, shall appoint from the different parts of the State nine physicians, who shall be men of good moral character and temperate habits, distinguished for their devotion to the study of medicine and allied sciences, and not less than seven years' continuous practice in their profession, and each of whom shall be a graduate of a reputable medical college. The governor shall also appoint one other person not a member of the medical profession (preferably an attorney interested in sanitary sciences), and said persons, when so appointed and confirmed, shall be known as the Kansas State Board of Health. Three of the members of said board shall be appointed for one year, three for two years, and four for three years; and annually thereafter the governor shall in like manner appoint successors of like character and qualifications to fill the vacancies occurring in said board by reason of the expiration of the terms of service as herein provided, and the persons so appointed shall hold their respective offices for the like term of three years, and until their successors are appointed and qualified; but in no case shall the governor appoint a majority of the physicians that shall constitute said board of health from any one school of medical practice, nor shall said board at any time be composed of persons a majority of whom shall be of the same school of medical practice. Upon the appointment of the persons provided for in this act, the secretary of state shall issue to each of them a certificate of his appointment, and within 20 days after such appointment the said 10 persons shall meet in the city of Topeka, and they shall each take and subscribe to the oath prescribed by law for State officers, which shall be filed with the secretary of state; and thereupon said board shall immediately organize by electing one member of the board president. The member of said board who is not a physician shall have no vote in the election of officers, but shall have a vote on all other questions arising in the regular quarterly meetings of the board. The president of said board shall have no vote on any matter other than the election of officers unless there is a tie vote, when he shall have the deciding vote. The board shall also elect a secretary, and said secretary shall be the executive officer of said board, but not a member thereof. The secretary shall execute to the State of Kansas a bond in the sum of \$5,000, with sureties, to be approved by the governor, and when approved it shall be filed in the office of the secretary of state. Said bond shall be conditioned for the faithful performance of duties of his office as such secretary, and he shall take and file a like oath to that prescribed for the members of said board. The board may elect one of its own number secretary, but in such case such election shall create a vacancy



in the board, which shall be filled by the governor. It shall be the duty of the governor to fill all vacancies which may occur in the board; and all appointments, whether original or to fill vacancies, made during the recess of the legislature, shall be submitted by the governor to the senate at its first session after such appointment is made for its action, but all lawful actions of the members of the board made before confirmation or rejection shall be valid. The executive council shall provide the State board of health with a suitable office at the city of Topeka for the transaction of its business.

SEC. 8028. *Rules—Meetings—Salary.*—The State board of health shall make, adopt, and publish such rules and order of business as may be necessary to make this act effective and facilitate the transaction of its business. It shall provide a seal, and all correspondence and papers emanating from it shall be under the seal of said board. It shall meet quarterly and oftener, if deemed necessary, at such place as it may designate, the first meeting to be held in the city of Topeka. The annual meeting after the first shall be held during the month of June in each and every year at Topeka, and a majority of its members shall constitute a quorum for the transaction of business. The compensation of the members of said board shall be \$5 for each and every day actually spent in the discharge of their duties, and the actual and necessary traveling expenses of said members shall, while employed on the business of the board, be allowed and paid. The secretary shall receive such compensation as may be allowed by said board of health and approved by the governor, and to be paid him in the same manner as the salaries of other State officers are paid, and such necessary expenses shall be allowed him as the secretary of state shall admit, on the presentation of an itemized account, having vouchers annexed, together with the certificate of the board.

SEC. 8029. *Secretary.*—The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at any regular meeting of the board by a majority of all members of the board. He shall keep a record of all the transactions of the board; shall have the custody of all books, papers, documents, and other property belonging to the office; shall communicate with other State boards of health and with the local boards of health within this State; shall file and keep all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall perform all other duties prescribed in this act for the said secretary or directed by the State board of health.

SEC. 8030. *Powers and duties State board of health.*—The board shall have general supervision of the health of the citizens of the State, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of disease, and especially of epidemics and endemics; the causes of mortality and the effects of locality, employments, conditions, food, water supply, habits, and other circumstances upon the health of the people. They shall advise officers of Government, or other State boards, in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of public buildings. They shall make sanitary inspection and survey of such places and localities as they deem advisable; and when they believe there is a probability that any infectious or contagious disease will invade this State from any other State or country, it shall be their duty to take such action and adopt and enforce such rules and regulations as they may, in the exercise of their discretion, deem sufficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this State. The better to accomplish such objects, they are empowered



and directed to establish and strictly maintain quarantine at such places as they may deem proper; and are further empowered to make and enforce any regulations to obstruct and prevent the introduction or spread of infectious or contagious diseases to or within the State. They may establish quarantine ground in some suitable place and establish the quarantine to be observed in such locality, and may there cause to be erected temporary buildings or hospitals necessary for the medical treatment of any persons who may be kept in quarantine and affected with contagious or infectious disease, for the inspection or disinfection of travelers' baggage, merchandise, and articles in transit through such quarantine grounds or stations; and they may enforce inspection of persons and articles at such stations or grounds, as well as the purification of persons, baggage, and articles, and require the transportation of passengers from said quarantine station. All companies or individuals operating or controlling railroads, electric railways, coaches, public and private conveyances in this State, shall obey the rules and regulations when made and published by the State board of health; and any person or owner having charge of any railway train, passenger coach, electric railway, or public or private conveyance who shall refuse to obey such rules and regulations when made and published by the State board of health shall be guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than \$50 nor more than \$500, or be imprisoned in the county jail not less than 10 nor more than 60 days, or both so fined and imprisoned.

SEC. 8032. *Sanitary service—experts, etc.*—The State board of health shall, when they think best to do so, appoint committees, or engage suitable persons to render special sanitary service, to make or supervise practical or scientific investigations and examinations requiring expert skill, and to prepare plans and report thereon. And it is hereby made the duty of all officers and agents having the control, charge, or custody of any public structure, work, ground, or erection, or any plan, description, outline drawings, charts thereof or relating thereto, made, kept, or controlled under any public authority, to permit and facilitate any examination and inspection ordered by said board; and the members of said board and such other officer or person as may at any time be by said board authorized may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places; but the legislature shall first determine the amount which shall be expended during the year for such special sanitary work, and the expenditures shall not exceed the amount thus determined and set apart for the year.

SEC. 8031. *Registration; transportation of dead bodies.*—The State board of health shall supervise the registration of marriages, births, and deaths, and also the registration of forms of disease prevalent in the State; and the secretary of said board shall superintend the registration of the vital statistics of the State. They shall prepare the blank forms necessary for obtaining and preserving such records, and forward such of them to the health officers of local boards as may be required by physicians, assessors, local boards, and others whose duty it is to gather information in relation to the vital statistics of the State. The State board of health shall also prepare the forms and establish the rules by which permits for transporting the dead bodies of persons for burial beyond the county where the death occurs; and in all cases the said board of health shall require the coupons to be attached to such permits to be detached and preserved by every common carrier, or the person in charge of any vessel, railroad train, or vehicle to which dead bodies shall be delivered for transportation. Any violation of these rules shall subject the offender to a fine of \$10 for each offense.



SEC. 8037. *Annual report.*—It shall be the duty of the State board of health, on or before the first Monday in January of each year, to make a report in writing to the governor of the State upon the vital statistics and the sanitary conditions and prospects of the State; and said report shall set forth the action of said board and its officers and agents, and the names thereof, and also the names of physicians registered for the past year, and shall suggest any further legislative action deemed proper for the better protection of life and health, and may contain any useful information which said board may desire to communicate. The annual report of said board shall contain a detailed account of the money paid out by or on account of said board, and a detailed statement of the manner of its expenditure, during the past year, but the amount so paid out shall not aggregate a sum exceeding \$500 in any year. The report of the State board of health shall be published in form and manner as other State reports.<sup>1</sup>

SEC. 8958. The annual report required by law to be made by \* \* \* the State board of health shall hereafter be made biennially in the even-numbered years.

SEC. 8038. *Prosecution.*—All prosecutions under this act shall be conducted by the county attorney for the county in which the offense was committed, in the court having jurisdiction, and all fines imposed and collected shall be paid into the county treasury to the credit of the school fund.

[Acts of 1911, chapter 2, page 13.]

| To the State board of health.  | 1912    | 1913    |
|--|---------|---------|
| Secretary, provided he receive no other salary from the State.....   | \$2,500 | \$2,500 |
| Assistant chief food and drug inspector.....   | 1,800   | 1,800   |
| Bacteriologist.....  | 1,200   | 1,200   |
| Two clerks, who shall also be stenographers, at \$900 each.....  | 1,800   | 1,800   |
| One stenographer \$900 each year.....  | 900     | 900     |
| Six food and drug inspectors, at \$1,500 each, but in no wise shall the amount paid to any inspector exceed the scale provided in section 4 of chapter 184, Session Laws of 1909....   | 9,000   | 9,000   |
| Sanitary fund.....   | 2,500   | 2,500   |
| Emergency fund for the suppression of epidemic diseases and to be used only on the approval of the governor the balance of the 1912 appropriation to be reappropriated for 1913.....   | 5,000   | .....   |
| Expenses of members of board to carry out the provisions of chapter 129, Laws of 1885, postage and incidentals.....  | 1,000   | 1,000   |
| Traveling expenses of the inspectors and incidental expenses of the food and drug act....  | 6,000   | 6,000   |
| Miscellaneous and incidental expenses, including the expenses of the chief food and drug inspector to the annual conference of the Federal and State food commissioners, as authorized in section 12 of chapter 266 of the law of 1907, and the expenses of a representative of the State board of health to the annual meeting of the Surgeon General of the Public Health and Marine-Hospital Service of State and Territorial service of State and Territorial boards of health, as authorized by an act of Congress July 1, 1902, and for other trips outside of the State upon the order of the governor..... | 3,000   | 3,000   |
| For equipment and maintenance of laboratory hygiene.....   | 500     | 500     |
| For the purpose of conducting a State-wide educational campaign for the suppression and prevention of tuberculosis, and to carry out the provisions of Senate bill No. 209, Laws of 1909; provided, any unexpended balances for the fiscal year ending June 30, 1911, is hereby reappropriated for the fiscal year ending June 30, 1912 and 1913.....  | 10,000  | .....   |
|  | 43,400  | 28,400  |

[General Statutes, 1909.]

SEC. 8033. *Local boards.*—The county commissioners of the several counties of this State shall act as local boards of health for their respective counties. Each local board thus created shall elect a physician, preference being given to adepts in sanitary science, who shall be ex officio a member of said local board and the health officer of the same. He shall hold his office during the pleasure of the board, but may be removed for just cause at any regular

<sup>1</sup> Biennial reports. See Sec. 8958.



meeting of the same by a majority of the members voting therefor, on which motion he shall not vote. The local boards of health hereby created shall not supersede or in any way interfere with such boards established by municipal regulations in any of the counties of this State; but all local boards of health of this State created by this act, or existing by authority of municipal law, shall be governed by the provisions of this act.

SEC. 8034. *County health officers.*—The county health officer in each county and the health officer of each local board of health throughout the State immediately after his election shall take the same oath of office prescribed by law for county officers, and shall give a bond of \$500, conditioned for the faithful performance of his duty, to keep an accurate record of all of the transactions of his office, and to turn over to his successor in office, or to the county or local board of health selecting him, on the expiration of his term of office, all records, documents, and other articles belonging to the office, and to faithfully account to said board and to the county and State for all moneys coming into his hands by virtue of his office. And he shall further notify the State board of health of the fact of his election and qualification as herein provided for, and give his post-office address. He shall receive and distribute without delay in the county for which he is appointed all forms from the State board of health to the rightful persons, all returns from physicians, assessors, and local boards to the said State board of health, and shall keep an accurate record of all of the transactions of his office and shall turn over all records and documents kept by him as herein provided, and all other articles belonging to the office, to his successor in office or to the county or local board electing him, on the expiration of his term of office, and shall perform such other duties as this act, his local board, or the State board of health may require of him. He shall receive for his services such reasonable compensation as his board may allow, to be paid out of the county treasury, and for any failure or neglect of said health officer to perform any of the duties prescribed in this act he may be removed from office by the State board of health, as well as in the manner prescribed by section 7 of chapter 129 of the laws of 1885. And in addition to removal from office as provided herein, for any failure or neglect to perform any of the duties prescribed by this act, said county or local health officer shall upon conviction be fined not less than \$10 nor more than \$100 for each and every offense.

SEC. 1243. *Sanitary powers, cities of first class.*—The board of commissioners (in cities with more than 15,000 inhabitants so organized) shall have power to enact ordinances for all the purposes named and provided for in this article not repugnant to the constitution and laws of this State, and to alter, amend, modify, and repeal such ordinances.

SEC. 1244. *Food.*—To maintain and regulate market houses and regulate market places.

SEC. 1250. *Smoke nuisances.*—To regulate and prescribe the construction of and compel the building and cleaning of smokestacks, chimneys, and hot-air flues.

SEC. 1253. *Markets.*—To provide for the inspection and regulation of meat markets and shops and levy and collect a license tax therefrom.

SEC. 1256. *Hospitals, workhouses, etc.*—To erect, establish, and regulate hospitals, workhouses, houses of correction, pest houses, and provide for the government and support of the same.

SEC. 1257. *Communicable diseases.*—To make regulations to prevent the introduction and spread of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within 5 miles of the city.



SEC. 1258. *Vital statistics.*—To prescribe rules and regulations relating to births, deaths, and burial of persons who have died in the city, and provide against and prevent premature burials.

SEC. 1369. The mayor (in cities with more than 2,000 and less than 15,000 inhabitants) shall be active and vigilant in enforcing all laws and ordinances for the government of the city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty, and he shall have such jurisdiction as may be vested in him by ordinance over all places within 5 miles of the corporate limits of the city for the enforcement of any health, quarantine, cemetery, or waterworks ordinance and regulation thereof.

SEC. 1395. *City councils may regulate dogs.*—The council (in cities with more than 2,000 and less than 15,000 inhabitants) may regulate and prohibit the running at large of \* \* \* animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibition and the expense of impounding and keeping the same, and for such sale; and may also provide for the erection of all needful pens, pounds, and buildings for the use of the city, within or without the city limits, and appoint and compensate keepers thereof, and establish and enforce rules governing the same. The council may also regulate and provide for taxing the owners and harborers of dogs, and authorize the killing of dogs found at large contrary to any ordinance regulating the same.

SEC. 1401. *May regulate markets.*—The council may purchase grounds for and may erect and establish market houses and market places, and regulate and govern the same, and also contract with any person or persons, or association of persons, companies, or corporations, for the erection and regulation of said market houses and market places, on such terms and conditions and in such manner as the council may prescribe, and raise all necessary revenue therefor in the manner hereinbefore provided. The council may also in like manner provide for the erection and government of any and all necessary buildings for the city.

SEC. 1405. *May establish hospitals.*—The council may purchase or condemn and hold for the city, within or outside the city limits, within 5 miles therefrom, all necessary lands for hospital purposes and waterworks, and erect, establish, and regulate hospitals, workhouses, and poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water: *Provided*, The condemnation of such property outside of the city limits shall be regulated in all respects as provided by law for the condemnation of property for railroad purposes: *And provided further*, That the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries.

SEC. 1416. *May establish cemeteries.*—The mayor and council of any city of the second class may purchase, hold, and pay for, in the manner hereinbefore mentioned, lands not exceeding 80 acres in one body outside the limits of such city for the purpose of burial of the dead. The council shall provide for the survey, platting, grading, fencing, ornamenting, and improvement of all the burial and cemetery grounds and the avenues leading thereto owned by such city, and may construct walks and rear and protect ornamental trees therein and provide for paying the expense thereof.

SEC. 1418. The council may pass rules and ordinances imposing penalties and fines, not exceeding \$100, regulating, protecting, and governing the cemetery, the owners of lots therein, visitors thereof, and punishing trespassers therein; and the officers of such city shall have as full jurisdiction and power in the enforcing of such rules and ordinances as though they related to the city itself.



SEC. 1573. *Public health powers of city councils.*—The council (in cities of the third class; municipal corporations with less than 2,000 inhabitants) may purchase and hold for the city, within or outside the city limits, all necessary lands for hospital purposes and waterworks, and erect, establish, and regulate hospitals, workhouses, and poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.

SEC. 1574. *To regulate quarantine.*—The council may make regulations to prevent the introduction of contagious diseases into the city, may make quarantine laws for that purpose, and enforce the same within 5 miles of the city.

SEC. 1579. For any purpose or purposes mentioned in this article, the council shall have power to enact and make all necessary ordinances, rules, and regulations; and they shall also have power to enact and make all such ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the State, as may be expedient, in addition to the special powers in this section granted for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactories; and to enforce all ordinances by inflicting fines, forfeitures, and penalties upon inhabitants or other persons for the violation thereof not exceeding \$100 for any one offense, recoverable with costs, and to provide for the recovery and collection thereof; and in default of payment to provide for confinement in the city prison or workhouse, or at labor on the streets, or both.

SEC. 1539. He (the mayor, in cities of the third class) shall have such jurisdiction as may be invested in him by ordinance over all places within 5 miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance and regulation thereof.

#### KENTUCKY.

[Carroll's Statutes, 1909.]

SEC. 2047. *State board of health—Number of members and appointment of secretary.*—A board, to be known as the "State board of health," is hereby established. It shall consist of eight members, all of whom shall be legally qualified practitioners under this act, seven of whom shall be appointed by the governor, by and with the advice and consent of the senate, and the eighth member, who shall be secretary, shall be elected by the board and, by virtue of his office as secretary, shall be a member of the board. One member of the board shall be a homeopathic, one an eclectic, and one an osteopathic physician, and the other appointive members shall be regular or allopathic physicians, all to be appointed by the governor from lists of three names for each vacancy, furnished respectively by the State society or association of such schools or systems of practice as are entitled to the members; and the successors of such members shall be elected in the same manner. If the board shall elect one of its number secretary, as it may do, the governor shall appoint another member to complete the full number of the board. The president and secretary shall have authority to administer oaths for the purpose of this act, and the members of the board shall before entering upon the discharge of their duties take the oath prescribed by the constitution for State officers.

SEC. 2048.—*Term of office—Vacancy—How filled.*—The present board shall continue in office until their respective terms expire; and, as the term of members expire, their successors shall be appointed, as herein provided, and shall hold office six years, and until their successors are appointed. A vacancy in the



board may be filled by the governor until the next regular session of the general assembly.

SEC. 2049.—*Powers and duties—Quarantine established—Common carriers to obey—Penalty.*—The board shall have general supervision of the health of the citizens of the State, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of the disease, and especially of epidemics and endemics; the causes of mortality and the effects of locality, employments, conditions, food, water supply, habits and other circumstances upon the health of the people. They shall make sanitary inspection and survey of such places and localities as they deem advisable; and when they believe there is a probability that any infectious or contagious disease will invade this State from any other State or country, it shall be their duty to take such action and adopt and enforce such rules and regulations as they may, in the exercise of their discretion, deem sufficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this State. The better to accomplish such objects, they are empowered and directed to establish and strictly maintain quarantine at such places as they deem proper; and are further empowered to make and enforce any regulations to obstruct and prevent the introduction or spread of infectious or contagious diseases to or within the State. They may establish quarantine ground in some suitable place and establish the quarantine to be observed in such locality; and may there cause to be erected temporary buildings or hospitals necessary for the medical treatment of any persons who may be kept in quarantine and affected with contagious or infectious disease, for the inspection or disinfection of travelers' baggage, merchandise, and articles in transit through such quarantine grounds or stations; and they may enforce inspections of persons and articles at such stations or grounds, as well as the purification of persons, baggage, and articles, and require the transportation of passengers from said quarantine station; and shall assign the charge and control of each quarantine station to a competent physician and his necessary assistants or employees, who shall receive such compensation as the board may fix as the value of their service. All companies or individuals operating or controlling railroads, steamboats, coaches, public and private conveyances, and steamers plying the Ohio River or its tributaries in this State shall obey the rules and regulations when made and published by the State board of health; and any person or owner having charge of any railway train, passenger coach, steamboat, or public or private conveyance who shall refuse to obey such rules and regulations when made and published by the State board of health shall be guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than \$50 nor more than \$500 or be imprisoned in the county jail not less than 10 nor more than 60 days, or both so fined and imprisoned.

SEC. 2050. *Meetings.*—The board shall hold its meetings semiannually at such places and times as the majority of the board may determine by a vote taken at the previous meeting of the board. A majority of the members shall constitute a quorum for the transaction of business; they shall elect the president of the board from their own number; and may adopt rules and by-laws subject to the provisions of this law. They are authorized to send either the secretary or a special committee of the board to consult and cooperate with the national board of health, the State boards of health of other States, or other sanitary organizations, with reference to location, drainage, water supply, the disposal of excrement, garbage, the heating and ventilation of public and private buildings; and the board is empowered to cooperate with other



State boards of health in prosecuting sanitary investigations and, whenever requested, shall afford information to any community as to the proper methods of ventilating and heating the public buildings and schoolhouses of the State.

SEC. 2051. *Members sent on duty to be paid.*—Whenever the State board of health shall deem it necessary to send any member or members of said board to any place in this State for the purpose of establishing quarantine or to make any sanitary investigation or survey said board may allow such member or members so sent a reasonable compensation, to be paid out of the appropriation made by this law.

SEC. 2052. *Secretary—Appointment and removal of—Office and duty.*—The secretary shall be elected by the members composing the State board of health \* \* \* and shall hold his office for a term of four years and until his successor shall have been elected. He shall keep his office at some centrally located place in this State designated by the board and shall perform the duties prescribed by this law or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents, and other property belonging to the board which may be deposited in his office; shall, so far as practicable, communicate with other State boards of health and with the local boards within the State; shall keep on file all reports received from such boards and all correspondence of the office appertaining to the business of the board; he shall, so far as possible, aid in obtaining contributions to the library of the board; shall prepare blank forms of returns and such instructions as may be necessary and forward them to the local boards of health; he shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene; and, through an annual report and otherwise as the board may direct, shall disseminate such information among the people; and shall supply, on demand, to local boards of health reliable vaccine virus for gratuitous vaccination of the poor.

SEC. 2053. *Salary of secretary—Compensation of members.*—The secretary shall receive an annual salary which shall be fixed by the State board of health, not exceeding the sum of \$1,200. The board shall, quarterly, certify the amount due him and, on presentation of said certificate, the auditor shall draw his warrant upon the treasurer for the amount. The members of the board shall receive no compensation for their services, but their traveling and other necessary expenses, while employed on the business of the board, shall be allowed and paid. The necessary printing of the State board of health shall be done in the same way and upon the same conditions as other public printing is done.

SEC. 2054 (as amended by chapter 11, acts of 1910). *Appropriation.*—The sum of \$30,000 per annum, or so much thereof as may be found necessary by the State board of health, is hereby appropriated for the use of such board for the following purposes:

(a) To employ a State bacteriologist at a salary to be fixed by said board, not to exceed \$2,500, and such assistants as may be found necessary for the proper maintenance of such laboratory.

(b) To make a survey and investigation of the rivers, creeks, watersheds, springs, wells, and other matters relating to the sources and purity of the water supply in all sections of the State, looking to the protection and purification of the same.

(c) To establish and maintain a bureau of vital statistics, that the causes of sickness and mortality may be known and utilized.

(d) To control and prevent diseases among domestic animals.



(e) To pay the salary of the secretary and such clerks, stenographers, sanitary inspectors, and other employees as may be actually necessary.

(f) To pay the traveling and such other expenses of the board as it may find necessary in the proper discharge of its duties, a certified list of all expenditures under this act to be made in its reports.

(g) To arrange for an annual school for county and city health officers, at some centrally located place, for systematic instruction in the best practical manner for preventing the diseases above named (tuberculosis, typhoid fever, diphtheria, dysentery, scarlet fever, and other diseases which are practicably preventable and caused by polluted water and bad sanitary conditions), and other public health work, said school to continue in session at least three days; and it shall be the duty of each city and county health officer to attend and take part in such school unless prevented by an epidemic in his city or county, or for other reasons satisfactory to the officials conducting the school, and it shall be the duty of each fiscal court or city council to pay the actual necessary expenses incurred by its health officer in attending such schools, upon certificates duly attested by the State board of health of actual attendance during the entire period for which such school is held and that charges are reasonable.

All warrants under this act shall be signed by the president and countersigned by the secretary of the board, and duplicates of all vouchers and an itemized statement of expenditures shall be filed with the auditor of public accounts. The secretary shall give bond in the sum of \$10,000 from a reliable insurance company, the fee for which shall be paid by the board, for the faithful performance of his duties and the proper accounting for all funds coming into his hands, and such bond shall be filed with the auditor of public accounts. The total expenses of the board shall not exceed the sum hereby appropriated except for the public printing of said board, which shall be paid for outside of this appropriation as other public printing is now paid.

SEC. 2055. *Local boards of health, how constituted—Powers and duties.*—It shall be the duty of the State board of health to appoint three intelligent and discreet licensed and practicing physicians residing in each county of this State, who, together with the county judge and one person selected by the fiscal court of each county, shall constitute a local board of health for the respective counties in which they reside, and such persons, as members of the local board, shall hold their office for a term of two years from the date of their appointment or election, and until their successors are appointed or elected, and such local boards are empowered, and it shall be their duty, to inaugurate and execute and to require the heads of families and other persons to execute, such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other epidemic and communicable diseases, and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of the disease, and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition, and it shall be empowered to fix and determine the location of an eruptive hospital for the county sufficiently remote from human habitation and public highways as in its judgment is safe, and said boards are authorized and shall have power to enforce the rules and regulations adopted by the State board of health, and any person who shall fail or refuse, after written notice from the local board or State board, to observe or obey the written request shall be fined not less than \$10 nor more than \$100 for each day he so fails or neglects, and it shall be the duty of physicians practicing their profession in any county in which a local board is organized to report all or any of the above-mentioned diseases



under their special treatment to such local board, and it shall likewise be the duty of heads of families to report any of said diseases, when known by them to exist in their respective families, to such local board, or to some member thereof, within 24 hours from his or her knowledge of the existence of such disease, and such local board shall make report to the State board of health at least once in every three months:

First. Of the character of the infectious, epidemic, and communicable diseases prevailing in their county.

Second. The number reported as afflicted with such disease.

Third. The action taken by such boards in arresting the progress of such epidemics, and the visible effects of such action, and shall also make special reports when they deem it expedient, or when required by the State board, and the local board shall receive no compensation for such services.

The local board shall appoint a competent practicing physician, who shall be the health officer of the county and secretary of the board, whose duties shall be to see that the rules and regulations provided for in this act and the rules and regulations of the State board of health are enforced, and who shall hold his office at the pleasure of said board, and he shall receive a salary, the amount of which to be fixed by the fiscal court at the time or immediately after his election. In no state of case shall said health officer claim or receive from the county any compensation for his services other than the salary fixed by the fiscal court.

SEC. 2059. *City boards—Appointment—Term of office—Powers and duty—Appointment of health officer.*—It shall be the duty of the council of every city in this State of 10,000 inhabitants or more to appoint a board of health for such city, to consist of six persons, not members of such council, who shall be appointed as follows: Two persons for a term of one year, two persons for a term of two years, and two persons for a term of three years, and at least three of whom shall be competent physicians. The mayor of such city shall be ex officio a member of such board of health. Upon the expiration of the term of office of any member of a board of health appointed under this section his successor shall be appointed for a term of three years. It shall be the duty of the board of trustees or council of every incorporated city or town of less than 10,000 and more than 2,500 inhabitants to appoint a board of health for such city or town, to consist of three persons, not members of such board of trustees or council, who shall hold their office for a term of three years and until their successors have been appointed. Such boards of health shall organize within 10 days after their appointment, and shall elect a competent physician, who shall be the health officer of such city or town and the executive officer of and ex officio a member of such board of health. Such local boards shall have the same powers within their respective cities and towns as local boards for counties are vested with by this chapter.

SEC. 2060. *Compensation of health officer—Removal—Address to be sent State board.*—Physicians appointed as health officers for cities, towns, and counties shall receive reasonable compensation for their services, to be allowed by the councils, trustees, or county courts of the cities, towns, or counties and to be paid as other city, town, or county officers are paid, and such officers may be removed at any time by the local boards appointing them. It shall be the duty of each local authority to transmit to the office of the State board the name and post-office address of each officer appointed by it. Any physician or head of a family who shall fail or refuse to report to the local board of health cases of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other epidemic diseases as provided for in section 2055 of the act mentioned in the title of this act shall be fined not less than \$5 for each day he neglects or refuses to report.



SEC. 2061. *Existing boards and health officers continued.*—All existing local boards and health officers shall remain in office until removed as herein provided or until their respective terms expire and their successors shall be appointed as herein provided.

SEC. 2861. *Public health duties—Board of public safety.*—The board of public safety (in cities of the first class) \* \* \* shall have exclusive control, under the ordinances of the general council, of all matters relating to \* \* \* the health department, department of buildings, of the pounds, \* \* \* and market places, and of all the charitable \* \* \* institutions of the city, including the city hospital, the almshouse, the city dispensary, the pesthouse, \* \* \* . Said board shall also have charge of the registration of births \* \* \* and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary.

SEC. 3058. *Powers, cities.*—The general council (in cities of the second class) shall have power by ordinance:

1. To establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases in the city, and within 2 miles thereof, and to provide for the destruction of all diseased or deleterious articles of food or drink; to establish and maintain public hospitals within or without the city, and to that end may condemn property therefor, or to contract with others for such purposes; to regulate hospitals, infirmaries, etc., within the city, and to secure the general health of the inhabitants by any necessary measure; \* \* \* to provide for the erection, management, and regulation of slaughter houses and to regulate the slaughtering of animals; \* \* \* to prohibit, remove, and regulate the erection or maintenance of soap factories, stock yards, slaughter houses, pigpens, cow stables, dairies, coal-oil and vitriol factories, and all other factories which the general council may, by ordinance, declare to be nuisances, within prescribed limits of the city and within 2 miles thereof; to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or vending of any articles deleterious to the health of the inhabitants; to declare, prevent, and abate nuisances on public or private property and the causes thereof; and the mayor, whenever in his opinion a nuisance exists on public or private property, or whenever a nuisance has been so declared by ordinance, is authorized to abate and remove such nuisance and the cause thereof, in a summary manner, at the cost of the owner or occupant of the premises where the nuisance or the cause thereof may be, and for that purpose may enter upon and take possession of any premises or property where such nuisance may exist or be produced; to constitute a board of health and elect or appoint necessary health officers.

4. To provide the city with water; to make, regulate, and establish public cisterns, hydrants, and reservoirs in or under the streets within the city or beyond the limits thereof, \* \* \* .

5. \* \* \* to establish, erect, and maintain and regulate the use of culverts and sewers; to establish, alter, deepen, and change watercourses, natural and artificial, to change the channel of the same, and to wall them up and cover the same.

7. To provide for the erection and maintenance of market houses, \* \* \* to provide for the government and regulation of markets, market places, and meat shops, \* \* \* .

8. \* \* \* to regulate the inspection and vending of flesh, fish, meats, poultry, fruits, vegetables, butter, lard, and other provisions, and the place and manner of selling and inspecting the same.

11. \* \* \* to make provisions for the inspection \* \* \* of beef, pork, meal, oil, \* \* \* molasses, sirups, turpentine, vinegar, beer, ale, wines,



whisky, rum, brandy, and other spirituous, vinous, or malt liquors \* \* \*;  
for the inspection of butter, cheese, milk, lard, and all other provisions;  
\* \* \* to inspect and regulate house drainage and sewer connections.

19. To license, tax, regulate, or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and impose penalties on the owners or keepers thereof.

23. To impose, enforce, and collect fines, forfeitures, and penalties for the breach of any provision of this act or any ordinance; to punish the violation of any provision of this act or any ordinance of this city, by fines or imprisonment, or by both fine and imprisonment; and no ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense.

24. To prohibit and regulate the opening and vacating of \* \* \* cemeteries, graveyards \* \* \* within the city.

25. To pass all such ordinances not inconsistent with the provisions of this act or the laws of this State, as may be expedient in maintaining the \* \* \* health and welfare of the city, \* \* \* and to enforce the same by fines and penalties; \* \* \* .

SEC. 3066. The city (a city of the second class), through its officers and agents, may, at all reasonable times, within the city and within 2 miles of the city limits, enter and examine all dwellings, lots, yards, inclosures and buildings, cars, and vehicles of every description, to ascertain their condition of healthfulness, cleanliness, and safety, take down and remove buildings, walls, or superstructures that are or may become dangerous, or require owners to remove or put them in a secure and safe condition at their own expense; \* \* \* shall provide for the safe construction, inspection, and repair of all private and public buildings in the city; \* \* \* compel the consumption of smoke, and make such regulations as may be necessary to prevent the same from becoming deleterious and offensive to health \* \* \* .

SEC. 3290. The common council of each of said cities (of the third class) shall, within the limitations of the constitution of the State and this act, have power by ordinance:

3. To prevent the introduction of contagious diseases into the city, to make quarantine laws for the purpose and enforce the same within 10 miles of the city.

4. To establish and erect hospitals, \* \* \* make regulations for the government thereof, and to acquire and hold land for the purpose, either within or beyond the boundaries of the city.

7. \* \* \* to erect, establish, and keep in repair \* \* \* culverts, sewers, gutters, \* \* \* .

8. The common council may construct or reconstruct, maintain, alter, repair, or change a system of sewers in such manner and at such time as the common council shall, by ordinance, declare, either by general taxation or at the cost of the property owners.

14. To regulate, restrain, or prevent the establishment or continuance in or near said city of any trade or occupation, business or manufactory offensive to the public or dangerous to health, \* \* \* .

16. To make all police regulations to secure and protect the general health, comfort, \* \* \* and safety of the public; and to define, declare, prevent, suppress, and remove nuisances either within the city or within 1 mile thereof.

20. To provide for and regulate the inspection of beef, pork, flour, meal, and other provisions, oil, whisky, and other spirits.

21. To provide for and regulate the inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, eggs, vegetables, and



fruits, \* \* \* and to establish and regulate markets and market houses and places.

22. To impose fines, forfeitures, and penalties, and terms of imprisonment, for the violation of ordinances and by-laws, and to provide for their recovery.  
\* \* \*

25. To regulate the construction of all buildings in the city, to prohibit and prevent the construction of unsafe buildings, \* \* \* and to provide for the inspection of buildings. \* \* \*

28. To regulate, tax, license, or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption pursuant to ordinance, to sell or kill the same.

33. To acquire, establish, and maintain public cemeteries, \* \* \* either within or without the city; \* \* \* and to make regulations for the government thereof.

36. To establish a board of health, and to invest it with such powers and impose upon it such duties as may be deemed necessary.

SEC. 3438. The board of public works (in cities of the third class) shall have the exclusive power and control over the construction, supervision, cleaning, \* \* \* repairing \* \* \* of all public cemeteries, \* \* \* market houses and places, sewers, drains, ditches, culverts, streams, canals, and water courses, \* \* \*.

SEC. 3490. The board of council (in cities of the fourth class) \* \* \* shall have power within the city:

1. To pass ordinances not in conflict with the constitution or laws of this State or of the United States, \* \* \*.

6. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within 1 mile of the city; to establish and regulate hospitals or pesthouses in or outside the city; to make all regulations necessary to secure the general health of the inhabitants of the city, and to regulate and provide for the burial of the dead.

7. To prevent and remove nuisances at the cost of the owners or occupants, or of the parties upon whose ground they exist, and define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for causing or permitting a nuisance.

8. To provide the city with water \* \* \*; to erect hydrants, cisterns \* \* \* within or beyond the limits of the city.

9. To construct sewers along or under any of the streets, alleys, or highways of the city, \* \* \*.

11. To erect market houses, and provide for the government and regulation thereof.

20. To control, regulate, and determine the use and location of butchers' shops, slaughterhouses, glue factories, breweries, distilleries, livery stables, blacksmith shops, and foundries.

21. To provide for and regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, and all other articles of food for consumption within the city limits.

22. \* \* \* to provide, maintain, and regulate a public burial ground;  
\* \* \*.

30. The board of council shall have power, by ordinance, to prescribe the punishment by fine not exceeding \$100, or imprisonment not exceeding 60 days, of any person who shall molest, damage, or interfere with any system of water-works laid in said city, or the pipes and mains, hydrants, or any part thereof,



and shall have power to punish by ordinance and impose the same penalty as for damaging or molesting any other public property, \* \* \*.

31. The board of council shall have the right to establish and maintain a pound, and make proper regulations for the impounding, keeping stock, fixing fees for same and release of same, and regulate and prohibit the running at large of stock on the streets of the city.

SEC. 3583. The board of public works shall have the exclusive power and control over the construction, supervision, cleaning, \* \* \* repairing, \* \* \* of all \* \* \* market houses and places, \* \* \* sewers, drains, ditches, culverts, streams, canals, and watercourses \* \* \*.

SEC. 3637. The city council of such city (a city of the fifth class) shall have power to pass ordinances not in conflict with the constitution or laws of this State or of the United States, \* \* \*.

5. To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinances; to fix the penalty by fine or imprisonment, or both; but no such penalty shall exceed \$100, nor the term of imprisonment exceed 50 days.

7. To do and perform any and all acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce, within the limits of such city, all other local, police, sanitary, and other regulations as do not conflict with general laws.

9. Where the city owns a cemetery it shall be under the control and management of the city council; \* \* \*.

10. The city council \* \* \* may, by resolution, establish and maintain a pound and make proper regulations for impounding and keeping stock, fixing fees of officers for impounding, trial, and release of same, as well as penalties for the violation of said ordinance.

SEC. 3643. The city council is hereby authorized and empowered to order any work they deem necessary to be done upon the \* \* \* sewers \* \* \* of such city.

SEC. 3704. The board of trustees of such town (a city of the sixth class) shall have power:

1. \* \* \* to pass ordinances not in conflict with the constitution or laws of this Commonwealth or of the United States, \* \* \*.

5. To impose fines, imprisonment, penalties, and forfeitures for violations of ordinances. But no such fine or penalty shall exceed \$100, nor the term of imprisonment exceed 50 days.

7. To do and perform any and all other acts necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such town all other local, police, sanitary, and other regulations as do not conflict with general laws.

9. Where the town owns a cemetery it shall be under the control and management of the board of trustees; \* \* \*.

SEC. 1705. The board of trustees is hereby authorized and empowered to do any work they deem necessary to be done upon the \* \* \* sewers, \* \* \*.

#### LOUISIANA.

[Constitution, 1898.]

ART. 296. *Creation State and local boards of health.*—The general assembly shall create for the State and for each parish and municipality therein, boards of health, and shall define their duties, and prescribe the powers thereof. The State board of health shall be composed of representative physicians from the various sections of the State. Until otherwise provided by law, both the presi-



dent and secretary of the State board of health shall be ex officio members of the board of health for the city of New Orleans, the president of the State board to be the president of the local board of the city of New Orleans.

[Act No. 192, 1898.]

SECTION 1 (as amended by act 150, 1902). *State board of health.*—A State board of health for the State of Louisiana is hereby created and established to consist of seven representative physicians from the various sections of the State, who shall be appointed by the governor, by and with the advice and consent of the senate, as provided by article 296 of the constitution. They shall hold their offices for seven years from the date of their qualification, unless sooner removed for cause. The members first appointed shall be so designated that the term of two of the members shall expire in two years from the date of their qualification, and the term of two other members shall expire in four years from the date of their qualification, and the terms of the three others in six years. When reappointed the members shall then serve for seven years. They shall qualify and be commissioned in the manner now provided by the constitution and laws of the State of Louisiana for all other officers of the State. At any meeting of said board three members shall constitute a quorum to transact business. The board shall meet once in every three months on a day to be fixed by it, and as much oftener as the board may determine. Special and called meetings may be held as hereinafter provided in this act.

All members of said board shall be entitled to and allowed \$10 per day for each day they may be actually present at and in attendance on any meeting of said board, and such members of the board as may not reside in the city of New Orleans shall, in addition to the \$10 per day for attendance as hereinbefore provided, shall be entitled to and shall be allowed \$10 for each and every day consumed in going to and coming from the board meetings and 5 cents per mile mileage for every mile traveled in going to or coming from said meetings, by the most direct route of transportation from the places of their respective residences to and from the place of meetings of the said board, all of which per diem of all members and the mileage of members residing outside of the city of New Orleans shall be paid by the secretary and treasurer of the board, on the voucher of the member, approved by the president of the board, out of the funds of the board.

SEC. 2. *Officers.*—The governor shall designate and appoint one of the members to be president of said board, who shall receive an annual salary of \$5,000, and shall serve as such for four years from the date of his appointment, the said salary to be paid out of the funds, or appropriation, of said board. At its first meeting after the passage of this act the board shall elect a suitable person, other than a member of the board, to be secretary and treasurer, who shall receive an annual salary of \$2,500, to be paid out of the funds or appropriations of the board, and shall serve for four years from the date of his election. He shall be removable at the pleasure of the board. He shall give bond to the State of Louisiana for the faithful performance of his duty, in such sum and with such surety thereon as shall be fixed and approved by the board. The duties and powers of said president and secretary and treasurer shall be those incident to like officers in similar corporations, and also such other powers and duties now devolved by law upon their predecessors in the present board, as well as those additionally prescribed by the provisions of this act. In addition to said powers and duties heretofore prescribed by existing laws, the president shall have the power after the adjournment of the board, and during the interval of time between the meetings of the board and when the board is not in session, to issue all orders and warrants and to take all necessary steps to execute the



sanitary laws of the State and to carry out the rules, ordinances, and regulations of the board made thereunder, and he may in his discretion call special meetings of the board whenever in his opinion an emergency shall require it: *Provided*, That in all cases where two or more members shall demand the same it shall be his duty to convene said special meetings.

SEC. 3 (as amended by act 150, 1902). *Powers and duties*.—Said board shall have all the powers, authority, and jurisdiction now possessed by the existing State board of health under present laws now in force, except in so far as modified and changed by the provisions of this act. It shall have exclusive jurisdiction, control, and authority over maritime quarantine within the State, as now provided by existing laws of the State. It shall have supervisory power over land quarantine and over the care and control of infectious and contagious disease within the State, in order to accomplish the subsidence and suppression thereof and to prevent the spread of same. Such supervision and control shall be exercised in the manner and to the extent hereinafter laid down in this act. It shall prepare or cause to be prepared a sanitary code for the State of Louisiana which shall contain and provide rules and regulations and ordinances of a general nature for the improvement and amelioration of a hygienic and sanitary condition of the State. On the adoption of said code by the board it shall be printed and published in pamphlet form with such number of copies as may be necessary for the distribution for information of health bodies, health and sanitary officers, and the public generally. When so printed said code shall cover and provide for, specially, land and maritime quarantine regulations; the reporting, care, management of cases of infectious and contagious diseases; it shall regulate the manner of keeping and reporting and tabulating vital and mortuary statistics; it shall provide for affording facilities for vaccination, provided the same shall not be made compulsory, except in cases of children attending the public schools of a parish where smallpox prevails, and when the same shall have been recommended by a majority of the local board of health; it shall regulate the carriage and transportation of persons, freight, and dead bodies brought into the State or transported through or in the State, in so far as the same may affect the public health; it shall provide for the carrying out of the laws of the State in regard to the adulteration of articles intended for human food or consumption; it shall provide for the inspection of meats, milk, coal oil, and other articles affecting the public health and safety, where and when the same may be brought into one parish from another, or from outside the State, leaving to the local boards hereinafter provided, the regulation of the sale or offering for sale of said articles within the parish or municipality to which the same may be brought; and said code shall contain general rules in regard to such health, sanitary, and hygienic subjects, as can not, in the opinion of the State board of health, be efficiently and effectively regulated by the local boards. And any violation of any provision or provisions, or regulation or regulations, of said code shall constitute a misdemeanor, and the offender shall be punished by a fine of \$25 or 30 days' imprisonment in the parish jail for each and every offense, on conviction before any court of competent jurisdiction. The board shall have the power to appoint inspectors and other necessary officers and employees and fix the salaries thereof. All inspectors, officers, and employees of the said board shall have power to arrest without warrant all persons violating the provisions or any rule or regulation of the said board, when such violation has occurred within the sight, view, or personal knowledge of said inspector, officer, or employee, and in all cases where said violation may not have occurred within the sight, view, or personal knowledge of said inspector, officer, or employee, said functionary shall have only the right to arrest in execution of a warrant duly



Issued by the president of the board. It is hereby made the duty of all sheriffs, their deputies, constables and their deputies, police officers of towns and cities, and all other peace officers to aid and assist in the arrest and apprehension of all persons violating the articles of any rule or regulation of the State board of health; to themselves arrest and apprehend all offenders committing the offense in their view or sight or within their personal knowledge. The members of the State board of health and every person duly authorized by them may, without fear or hindrance, enter, examine, and inspect all grounds, erections, structures, public buildings, and places. The State board shall at all times keep in readiness one or more medical inspectors and nurses, medicines, clothing, bedding, appliances, tents, and other necessary paraphernalia, so as to repair to any locality in the State that applies to it for assistance upon the outbreak of an infectious or contagious disease with the view of stamping out the same. An annual appropriation of \$5,000 shall be made to start this first help. The local authorities shall keep up the work at their own expense after it has been started.

[Act No. 98, 1906.]

*Foods, drugs, etc.*—The State board of health for the State of Louisiana is hereby authorized and empowered in order to further carry into effect article 297 of the constitution of 1898, to revise the sanitary code provided for by section 3 of act 192 of 1898, and to incorporate therein rules and regulations governing the manufacture, sale, and inspection of foods, liquors, waters, and drugs within the State in so far as the same may affect the public health; to fix standards of purity; to provide for the collection of samples and the entering of premises for this purpose; to provide for the establishment of a laboratory for the analysis of foods, liquors, drugs, and water; to employ an analyst and assistants, and fix and pay their compensation; and to do all other acts as may be requisite and proper to carry this act into effect: *Provided*, That as a standard of purity and strength for drugs, chemicals, and medicines the said board shall adopt the United States Pharmacopœia and the National Formulary as to all drugs, chemicals, and medicines therein contained and treated of; and the board shall renew said adoption as often as new or revised editions of the said Pharmacopœia and National Formulary are issued.

SEC. 2. *Revision, sanitary code.*—The power to further revise and amend said sanitary code is hereby conferred on said State board of health for the State of Louisiana: *Provided*, That any revisions or amendments adopted by said board shall, before going into effect, be promulgated in the same manner as is required by existing law for the sanitary code.

SEC. 3. *Penalties of sanitary code.*—Any person violating any of the provisions of said sanitary code shall, on conviction by any court of competent jurisdiction, be fined not less than \$10 nor more than \$200 for the first offense; not less than \$25 nor more than \$400 for the second offense; not less than \$50 nor more than \$500, or imprisonment for not less than ten days nor more than six months, or both, in the discretion of the court, for each subsequent offense.

SEC. 4. All fines imposed under the provisions of this act shall be paid into the treasury of the State, to the credit of the general fund.

SEC. 5. *Annual report.*—It shall be the duty of the president of said board to make an annual report to the governor of the operations of said board of health under this act.

[Act No. 336, 1855.]

SEC. 6 (as amended by act No. 14, 1870). *Duties, secretary.*—It shall be his duty to keep a minute of the proceedings of the board and all vouchers and expenditures made by authority of said board. \* \* \*



SEC. 12. *Accounts.*—The secretary of the board of health shall deposit in bank all moneys paid over to him and shall keep a correct account of the same. He shall, moreover, present at each meeting of the board a statement of its affairs, and cause his accounts to be approved by the auditor of public accounts every three months, and shall act as commissary for the purchase of provisions and supplies, and shall deposit in bank all moneys paid over to him, and shall perform such other duties as the board of health may assign to him.

SEC. 27. *Corporate body.*—The board of health and their successors is hereby created a body corporate, under the name of the board of health of the State of Louisiana, to sue and be sued under that title.

[Act No. 192, 1898.]

SEC. 4 (as amended by act 150, 1902). *Parish boards of health.*—Each and every parish in the State shall establish and organize parish boards of health in the manner following: The police jury of each parish shall immediately after the promulgation of this act, and hereafter not later than the third regular meeting in the new police jury term, elect and appoint a parish board of health to consist of three persons; said board to be composed of a duly licensed and registered physician, a resident of said parish, who shall be chairman of said board of health and health officer, and two other members of said board shall be selected from the police jury of said parish. Said persons when so appointed or elected shall constitute the parish board of health, and shall serve for four years from the date of their qualification, provided that the term of no parish board of health shall continue longer than that of the body by which it was appointed. Said parish board shall meet on the first Tuesday after the commissioning of its members. It shall elect a chairman, who shall be a registered and licensed physician and the health officer of the parish, who shall serve in said capacity, exercise the powers and perform the duties usual and incident to such officers in similar organizations. His salary shall be fixed by the police jury and paid by the parish. The secretary of the police jury of the respective parishes shall be ex officio secretary of the parish board of health. The treasurer of the police jury of the respective parishes shall be ex officio treasurer of the parish board of health.

SEC. 5 (as amended by act 184, 1904). *Municipal boards of health.*—The council or legislative bodies of each and every incorporated municipal government in the State shall establish and organize a town or city board of health in the manner following: The said council or legislative body shall, on the expiration of the term of office for which existing town or city boards of health have been elected, or where no such boards have been elected immediately after the promulgation of this act, or as soon thereafter as may be practicable, elect or appoint five persons in said municipality to be members of the municipal board of health. Such persons shall not be members of the said council or occupy any other office in said municipality, and three of the persons so appointed or elected shall, if practicable, be duly registered and licensed physicians. Said persons when so appointed or elected shall constitute the city or town board of health and shall serve for four years from the date of their qualification.

For the cities of Shreveport and Baton Rouge the governor shall appoint, with the advice and consent of the senate, three members and the council two members of each of said boards.

The council or legislative bodies shall provide ample means for the maintenance and operations of said boards. Said town or city boards of health shall meet on the first Tuesday after the commissioning of their members, and shall elect a chairman, who shall be a duly registered and licensed physician, who



shall be the health officer of the town or municipality, who shall serve in said capacity, exercise the powers, and perform the duties usual and incident to such officers in similar organizations. The chairman shall receive such annual salary as the board of health of said municipality may fix and pay.

The said boards of health shall each have power to appoint a sanitary officer, whose duty shall be to enforce the requirements of said board in all matters of sanitation, and also to act as secretary. His salary shall be fixed and paid by the board. Said persons when so appointed or elected shall constitute the town or city boards of health for their respective municipalities, and shall serve for four years as hereinbefore provided:

Provided, the members of the city board of health of the city of New Orleans shall serve for the terms established by act No. 192 of 1898, and the salaries of the president and secretary of said board of health of the city of New Orleans shall be and remain as they were prior to the passage of this amendatory act.

Sec. 6 (as amended by act 44, 1900). *Compensation.*—All members of parish and municipal boards shall have been, at the time of their appointment or election, residents and voters of the parish or municipality in which they are to act as said boards for at least one year, and the membership shall be vacated on the removal therefrom of the member; and

No member of said board, with the exception of the chairman and sanitary officer, shall receive any pay or emoluments in any way for the services rendered as a member of the board; and

No member shall be in any way, directly or indirectly, be interested in any contract for supplies to be furnished or services to be rendered to said board.

SEC. 7. *Powers and duties of parish and municipal boards of health.*—Said parish and municipal boards of health shall have power and authority to pass health and sanitary ordinances for defining and abating nuisances dangerous to the public health; to regulate drainage and ventilation with reference to human habitation and places of business and public resort; to regulate the carrying on of trade and business injurious to public health; for the disposition of foecal matter and garbage; to regulate the erection of buildings with due regard to the filling of lots and the grading thereof, and the arrangements of said buildings; for the vacation of, demolishing of buildings when necessary for the protection of public health; for the registration of births, deaths, and marriages, and the keeping of vital statistics to be registered and reported to the State board of health under its instructions and regulations, and generally all health and sanitary ordinances necessary and incident to the proper local sanitation of the parish, city, or town in which they exercise their powers.

They shall act under the supervision and advice of the State board of health, and shall pass no ordinances in conflict or inconsistent with the powers and duties of the State board of health, but shall in all health and sanitary measures which they may adopt be auxiliary to and act in harmony with the State board of health and shall make such reports monthly to said State board of health and furnish such other information as the State board of health may require, the same to be embodied in the annual report of the State board.

The object and purpose of this act being hereby declared to be to intrust full power and authority to such local boards to establish, control, and administer all matters of strictly and purely local sanitation not affecting other portions of the State.

For the city of New Orleans the State board alone shall have power to establish quarantines. Local boards of health shall have power to establish quarantines with the cooperation of the councils of municipalities and the police juries. The State board shall have supervisory power over all local quarantines so established.



All necessary expenses, costs, and charges of local sanitation shall be borne by the parish, city, or town in which the local board shall be established, and in case the fiscal authorities thereof shall refuse to budget for, appropriate, or pay to the same the local boards shall have right to the writ of mandamus before a court of competent jurisdiction to compel the proper action by said parish, city, or town authority.

[Act No. 45, of 1896.]

(As amended by act No. 40, of 1898; act No. 84, of 1898; act No. 39, of 1900; act No. 44, of 1902; act No. 110, of 1902; act No. 131, of 1902; act No. 216, of 1902; act No. 200, of 1904; and act No. 64, of 1908.)

SEC. 14. *Public health, powers of city councils.*—The council shall have the power and it shall be their duty to pass such ordinances and see to their faithful execution as may be necessary and proper: (2) To maintain its cleanliness and health, and to this end: (a) To adopt and provide an efficient system of drainage. (b) To provide for the inspection and cleanliness of all vaults, privies, yards, pools, markets, cemeteries. (c) To regulate the location of and inspection and cleansing of dairies, stables, cattle yards, landings and pens, slaughter-houses, soap, glue, tallow, and leather factories, depositories for hides, blacksmith shops, forges, foundries, laundries, oyster shops, and all places of business likely to be or become detrimental to health or comfort, and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises. The common council shall provide for the frequent inspection of all premises by persons to be designated either by the common council or by the board of health in the city; they shall also prescribe what water supply shall be provided by the owners of private premises and that all premises, yards, streets, and alleys shall be kept in a cleanly condition; shall provide for the punishments of any violation, by fine or imprisonment, or both; and all such fines, when recovered, shall be paid over to the board of health to assist in its maintenance. (d) To suppress all nuisances. (e) To prevent the sale of adulterated or decayed food, and punish the same; to punish the sale of adulterated drinks. (3) To open and keep open and free from obstructions all streets, public squares, wharves, landings, lake shores, and river and canal banks. (4) To keep the streets and crossings and bridges and canals and ditches clean and in repair. (8) To maintain levees, dikes, and to prevent the city from overflow, and to provide for the drainage thereof unless otherwise provided by law.

SEC. 15. *Further public health powers of city councils.*—The council shall also have the power:

1. To order the ditching, filling, opening, widening, and paving of the public streets.
2. To regulate the public cemeteries, to order the manner of conducting the same and to order the closing of same.
3. To compel the owners of any lot or lots to fill the same to a grade above the grades of the streets, and to construct drains or gutters.
5. To compel the owners of property and tenants to keep their sidewalks in front of such property clean and in repair.

SEC. 16. *Additional powers.*—The following additional powers are conferred on the mayor and aldermen of cities and towns, but not of villages, viz:

Third. To erect, establish, and regulate hospitals, \* \* \* in the corporate limits, or within 3 miles thereof, and to provide for the government and support of the same.



Ninth. \* \* \* to enter into and examine all dwelling houses, lots, yards, inclosures, and buildings of every description, and other places, in order to ascertain whether any of them are in a dangerous state; and to take down and remove buildings, walls, and superstructures that may become insecure or dangerous, and to require owners of insecure or dangerous buildings, walls, and other erections to remove or render the same secure and safe at the cost of the owner of such property.

SEC. 17. The following additional powers are conferred on mayors and aldermen of cities and towns having more than 1,000 inhabitants, and incorporated parish seats:

Fourth. \* \* \* to regulate and provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large; to provide for the erection of all needful pens, pounds, and buildings for the use of the city or town, or incorporated parish seats, within or without the city limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

[Act 136, of 1898.]

SEC. 15 (as amended by act No. 230, 1908). *Municipal sanitary powers.*—The mayor and board of aldermen of every city, town, and village \* \* \* shall have power:

Third. To make regulations to secure the general health of the municipality; to prevent, to remove, and abate nuisances; to regulate or prohibit the construction of privy vaults and cesspools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with the sewers and drains; to suppress hog pens, slaughterhouses, and stockyards, or to locate same, with the concurrent approval of the board of health, or to regulate the same and prescribe and enforce regulations for cleaning and keeping the same in order and the cleaning and keeping in order warehouses, alleys, yards, ways, outhouses, and other places where offensive matter is kept or permitted to accumulate, and to compel and regulate the removal of garbage and filth beyond the corporate limits. To locate within its corporate limits livery and sale stables, and prescribe and enforce such regulations as they may see fit for the construction and conduct of the same: *Provided*, That no sale or livery stable, for either horses or cattle, shall be located within 300 feet of a house of worship, nor in a residential district, without the consent of a majority of the residents living within 300 yards of any proposed location of such stable.

Tenth. To establish and maintain, and to provide for the government and regulation of markets, market houses, and places, and meat shops, and to collect a license tax therefrom and determine the amount of license to be paid therefor; \* \* \*

Eleventh. To establish, alter, and change the channel of streams and water courses, \* \* \*

Twenty-fifth. To make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws not contrary to the general State laws on the subjects, and to enforce the same within 5 miles of the corporate limits; to establish pesthouses within or without the corporate limits, and to provide for the support and government of the same.

#### MAINE.

[Revised Statutes, 1903, chapter 18.]

SEC. 1. *State board of health, how constituted.*—The State board of health as heretofore established shall consist of six members, appointed by the governor, with the advice and consent of the council, and a secretary, elected as herein-



after provided. The governor, with the advice and consent of the council, shall annually appoint a member of said board to hold office for six years from the 31st day of January of each year; any vacancy occurring during a term among the members so appointed shall be filled in like manner for the remainder of the term. The members so appointed by the governor shall elect a secretary, who shall, by virtue of such election, become a member of the board and its executive officer. The board may elect one of their own number secretary, in which case his term of office as a member by appointment of the governor shall expire, and the governor, with the advice and consent of the council, shall appoint another member to complete the full number of the board.

SEC. 2. *Powers and duties.*—The State board of health shall have the general supervision of the interests of health and life of the citizens of the State. They shall study the vital statistics of the State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease and especially of communicable diseases and epidemics, the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people; they shall investigate the causes of disease occurring among the stock and domestic animals in the State and the methods of remedying the same; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall, when required or when they shall deem it best, advise officers of the Government, or other boards within the State, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; they shall from time to time examine and report upon works on the subject of hygiene for the use of the schools of the State; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of health; and they shall, in the month of January, make report to the governor and council of their doings, investigations, and discoveries during the year ending on the 31st day of December, with such suggestions as to legislative action as they may deem necessary.

SEC. 3. *Meetings.*—The board shall meet quarterly at Augusta and at such other places and times as they may deem expedient. Suitable accommodations for the meetings of the board and office room for its secretary shall be provided at the State capitol. A majority shall be a quorum for the transaction of business. They shall choose annually one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this chapter. They may send the secretary, or a committee of the board, to any part of the State when deemed necessary to conduct an investigation within the scope of their prescribed work.

SEC. 4. *Secretary.*—The secretary shall hold his office as long as he shall faithfully discharge the duties thereof; he may be removed for just cause at a regular meeting of the board by vote of a majority of the members. He shall keep his office at the State capitol, and shall perform the duties prescribed by law or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents, and other property belonging to the board which may be deposited in his office; shall, as far as practicable, communicate with other State boards of health and with the local boards of health within this State; shall keep and file all reports received from local boards of health and all correspondence of the office appertaining to the business of the board. He shall, as far as possible, aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns, and such instructions as may be necessary, and



forward them to the local boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and, through an annual report and otherwise, as the board may direct, shall disseminate such information among the people.

SEC. 5. *Salary.*—The secretary shall receive an annual salary which shall be fixed by the State board of health. The board shall quarterly certify the amount due him, and on presentation of said certificate the governor shall draw his warrant on the treasurer of State for the amount. The members of the board shall receive no compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

SEC. 6. *Appropriation.*—The sum of \$5,500 shall be annually appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary and the expenses of the board, which shall not exceed the sum appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

SEC. 7. *Public health information.*—In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, all officers of the State, the physicians of all incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, as far as is practicable, shall furnish to the State board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

SEC. 8. *Inspections, etc.*—The more effectually to protect the public health the State board of health may establish such systems of inspection as in its judgment may be necessary to ascertain the actual or threatened presence of the infection of Asiatic cholera, smallpox, diphtheria, scarlet fever, plague, or typhus fever; and any duly authorized agent or inspector of said board may enter any building, vessel, railway car, or other public vehicle to inspect the same and to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railway car to stop such vessel or vehicle at any place, and he may require the conductor of any railway train to stop his train at any station or upon any sidetrack and there detain it for a reasonable time: *Provided*, That no conductor shall be required to stop his train when telegraphic communication with the dispatcher's office can not be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers: *And provided further*, That any such agent or inspector may cause any car which he may think may be infected with any of said diseases to be sidetracked at any suitable place and there be cleansed, fumigated, and disinfected. And the said board of health may from time to time, make, alter, modify, or revoke rules and regulations for guarding against the introduction of any infectious or contagious diseases into the State, including rabies, or hydrophobia, of animals and men; for the control and suppression thereof if within the State; for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such diseases; for the transportation of dead bodies when death results from any infectious or contagious disease; for the speedy and private interment of the bodies of persons who have died from said diseases; and, in emergency, for providing those sick with said diseases with necessary medical aid and with temporary hospitals for their accommodation and for the accommodation of their nurses and attendants. And the said board may



declare any and all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole State, or within any specified part thereof, and to apply to any person or persons, family, camp, building, vessel, railway car, or public vehicle of any kind.

SEC. 9. *Rules and regulations.*—Any rules and regulations adopted by the State board of health in the premises shall be immediately submitted by it to the governor and council, and unless approved in writing by the governor and council within 30 days after such submission such rules and regulations shall thereafter become ineffective. Should the governor and council disapprove any rules and regulations so submitted to them within 30 days and so notify the secretary of the State board of health in writing, the rules and regulations so disapproved shall, upon such notification, immediately become ineffective and void. Such rules and regulations, if of general application, shall be published in the State paper; but whenever, in the judgment of the board, it shall be necessary to do so, special rules and regulations or orders relating to said diseases may be made for any town, village, or city without such publication, and the service of copies of such rules, regulations, or orders upon such town, village, or city through the officers thereof shall be a sufficient notice thereto; and the rules, regulations, or orders of the State board of health made in accordance with the provisions of this section shall, for the time being and until the same are revoked, supersede all local rules, regulations, by-laws, or ordinances that may be inconsistent or in conflict therewith.

All health officers, local boards of health, municipal officers, sheriffs, constables, police officers, and marshals shall enforce the rules and regulations of the State board of health made as provided in the two preceding sections in every particular affecting their respective localities and duties; and any person who shall neglect or refuse to obey the said rules and regulations, or who shall wilfully obstruct or hinder the execution thereof, shall be punished by a fine of not more than \$500, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment. And all authorities of every county, city, town, and village corporation, all local boards of health, and all officers and persons in charge of the institutions, buildings, and vehicles mentioned in section 8 shall cooperate with the State board of health in carrying out the provisions of this section and the two preceding sections; and in case such cooperation be refused, withheld, or neglected, the said board may execute its orders and directions by agents of its own appointment; and all expenses incurred by members of the State board of health or by duly appointed agents of said board under the provisions of this section shall be paid by the State, the bills being first approved by the governor and council.

SEC. 21. *State laboratory of hygiene.*—The State board of health may establish and equip with the proper and necessary apparatus, instruments, and supplies a State laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and other infectious and contagious diseases.

SEC. 22. *Director.*—The State board of health shall appoint a director of such laboratory who shall hold that position at the pleasure of the board. He shall keep a record of all specimens sent to him for examination, and examine these specimens without unnecessary delay, and do such other work and make such other investigations relating to the public health as said board may from time to time direct. He shall annually in the month of January make a full report to the board of all matters pertaining to the laboratory, and shall make such other and special reports as the board may require. The kind and amount of the work he shall do and the compensation therefor shall be fixed by said



board. The services of the laboratory and all investigations therein made shall be free to the people of the State.

SEC. 23 (as amended by ch. 26, acts of 1907). *Appropriation.*—The sum of \$4,500 a year is hereby appropriated to pay for the services of the director and of such assistants as may be necessary, to procure the necessary supplies, and to meet the other necessary expenses of said laboratory, which sum shall be expended under the supervision of the State board of health.

[Acts of 1911, chapter 289, page 645.]

*State board of health.*

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| For contingent expenses of the board, including salary and expenses of the secretary, traveling and other necessary expenses of the other members of the board, clerk hire, stationery, postage, express, telephone, telegraph, books, and sanitary journals, etc., as provided by chapter 48, section 1, public laws of 1909----- | \$5, 500 |
| For printing and binding reports of department, and for circulars, blanks, etc-----  | -        |
|  | 2, 000   |
| For the registration of vital statistics, including actual traveling and other necessary expenses of the registrar, clerk hire, etc., as provided by chapter 75, sections 6 and 8, public laws of 1909-----  | 3, 000   |
| For the salary of the director, necessary assistants, and for necessary supplies and expenses of the State laboratory of hygiene, as provided by chapter 18, section 23, revised statutes, as amended by chapter 26, public laws of 1907-----  | 4, 500   |

[Revised Statutes, 1903, chapter 18.]

SEC. 24. *Appointment and organization of local boards.*—There shall be a local board of health in each city and town in the State, to be composed of three members appointed by the municipal officers, anything in the charter of such city to the contrary notwithstanding; the board first appointed in any town shall be appointed to serve, one for three years, one for two years, and one for one year, and thereafterwards the municipal officers in each town shall annually before the 15th day of April, appoint a member of such board to serve three years and to hold office until another is appointed in his stead. Any vacancy arising from any cause shall be filled for the unexpired term at the first meeting thereafter of the municipal officers. If for any reason the appointments are not made at said date the same shall be made as soon as may be thereafter.

SEC. 25. If the municipal officers of any city or town shall fail to appoint a local board of health, or to fill any vacancy in said board, in accordance with the provisions of the preceding section, the secretary of the State board of health may in writing request such municipal officers to make such appointment, and if the municipal officers shall neglect or refuse to do so for a period of 30 days after receiving such written request, the State board of health may appoint such local board of health, or fill any vacancy therein.

SEC. 26. Before the 15th day of May in each year the board of health shall meet for the transaction of business, and shall choose a chairman and secretary from their number.

SEC. 27. The chairman shall preside at all meetings of the board. The secretary shall, in a book kept for that purpose, make and keep a record of all the proceedings at the meetings and of all transactions, doings, orders, and regulations of the board of health. The secretary shall be also the executive officer of the board when a health officer is not appointed.



SEC. 28. The municipal officers may appoint a health officer, who shall be a well-educated physician, who shall be the sanitary adviser and executive officer of the board, and who shall hold office during the pleasure of the board. The municipal officers shall establish his salary or other compensation, and shall regulate and audit all fees and charges of persons employed by each board of health in the execution of the health laws and of their regulations.

SEC. 29. *Powers and duties of local boards.*—The health officer, or where there is no health officer appointed, the secretary of each local board of health, at least once in each year shall report to the State board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said board. He shall also make special reports whenever required to do so by the State board of health. He shall, within one week following their meeting and election of officers, report to the secretary of the State board of health the name and address of each member of the local board, of the chairman and secretary, and of the health officer when one is appointed.

SEC. 30. Each local board of health constituted under section twenty-four shall:

(1) Hold regular quarterly meetings, and special meetings whenever considered necessary by its executive officer; also whenever requested by the State board of health, or the president and secretary thereof.

(2) Prescribe the powers and duties of the local health officer when there is one, and direct him from time to time in the performance of his duties.

(3) (As amended by ch. 78, acts of 1909.) Guard against the introduction of contagious and infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things coming within the limits of its jurisdiction from infected places, or which for any cause are liable to communicate contagion; give public notice of infected places by displaying red flags or by posting placards on the entrance of the premises; require the isolation of all persons and things that are infected with, or have been exposed to, contagious or infectious diseases, and provide suitable places for the reception of the same; and furnish medical treatment and care for persons sick with such diseases who can not otherwise be provided for; prohibit and prevent all intercourse and communication with, or use of, infected premises, places, and things, and require, and if necessary, provide the means for the thorough cleansing and disinfection of the same before general intercourse therewith, or use thereof, shall be allowed. And it shall report to the State board of health promptly facts which relate to infectious and epidemic diseases, and every case of smallpox, varioloid, diphtheria, scarlet fever, typhoid fever, cerebro spinal meningitis, measles, membranous croup, so called, whooping cough occurring within the limits of its jurisdiction, and such notification shall be in accordance with the requirements of the blanks furnished by the said State board.

(4) Receive and examine into the nature of complaints made by any of the inhabitants concerning nuisances dangerous to life and health within the limits of its jurisdiction; enter upon or within any place or premises where nuisances or conditions dangerous to life and health are known or believed to exist, and personally, or by appointed agents, inspect and examine the same; and all owners, agents, and occupants shall permit such sanitary examinations; and every such board of health shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the limits of its jurisdiction.

(5) (As amended by ch. 130, acts of 1909.) Make, alter, and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the State,



subject to the approval of any justice of the supreme judicial court. Notice shall be given by the board of health of all by-laws made or amended by them by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk shall be deemed a legal notice to all persons.

[Revised Statutes, 1903, chapter 4.]

SEC. 93. *Municipal sanitary powers.*—Towns, cities, and village corporations may make by-laws or ordinances, not inconsistent with law, and enforce them by suitable penalties for the purposes and with the limitations following:

(3) Respecting infectious diseases and health.

(4) For regulating the going at large of dogs.

(8) Respecting the erection of buildings therein and defining their proportions, dimensions, and the material to be used in the construction thereof, and any building erected contrary to a by-law or ordinance adopted under this specification is a nuisance.

(11) Cities may establish localities for and regulate the sale of fresh meat and fish therein and fix penalties for breach thereof.

(13) Cities may establish ordinances requiring all persons selling milk therein to be licensed, and may prescribe in such ordinances the terms and conditions upon which such licenses may be granted, when and how such licenses may be revoked and may prescribe penalties for violations of such ordinances. No person, unless so licensed, shall sell milk in any city where a license is required as herein provided.

#### MARYLAND.

[Code of 1904, article 43.]

1. *State board of health, how constituted.*—A board is hereby established which shall be known under the name and style of the "State Board of Health of Maryland"; it shall consist of seven members, as follows: Four members, one of whom shall be an experienced civil engineer, and three of whom shall be experienced physicians, to be appointed by the governor, with the advice and consent of the senate, and a secretary, as provided in section 4; these five, together with the attorney general of the State and the commissioner of health of the city of Baltimore, who shall be ex officio members, shall constitute the said board of health; the persons so appointed by the governor shall hold office for four years: *Provided*, That those first appointed shall be so classed by the governor that the term of office of two shall expire on the last day of January in every second year; thereafter the governor, with the advice and consent of the senate, shall biennially appoint two members in the place of the two whose terms shall so expire, who shall hold office for four years, and all vacancies occurring otherwise shall be filled by the governor, with the advice and consent of the senate.

2. *Powers and duties.*—The State board of health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality, and the influence of locality, employments, habits, and other circumstances and conditions upon the health of the people; they shall inquire into and investigate all nuisances affecting the public health in any county, city, or village in the State, and are authorized and empowered, by information or petition filed in the name of the board, to apply to the judges,



or to any judge of the circuit court for the county in which such nuisance shall exist, or to the judge of the circuit court of Baltimore City, as the case may be, in term time or vacation, for an injunction to restrain and prevent such nuisance, no matter by whom or by what authority committed.

3. *Meetings.*—The said board shall meet quarterly in the city of Baltimore, and at such other times and places as they shall appoint, a majority to be a quorum for the transaction of business; they shall elect one of their number to be president of the board, and adopt all needful rules and regulations subject to the provisions of this article; they shall organize, as far as practicable, in every city, village, and legislative district in this State, local boards or advisory committees, to serve without pay, to assist the board in the proper performance of their duties, and to make a report quarterly to the board of the sanitary condition of their respective cities, villages, or districts. The board shall have authority to send their secretary or a committee of the board, to any part of the State, at any time, when necessary, to investigate the cause of any special or unusual sickness or mortality. In the event of an epidemic or pestilential disease occurring in any county, city, or village of the State, the board shall forthwith cause all needful sanitary measures and precautions to be taken, which the emergency may call for, and which may be consistent with law, and shall be approved by the governor, said approval to be expressed in writing; and upon the application of said board, with the approval of the governor, the comptroller is hereby authorized to draw his warrant upon the treasury in favor of the board for an amount not exceeding \$10,000, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the governor and the said board of health, in carrying out such needful sanitary measures and precautions.

4. *Secretary.*—At their first meeting, or as soon as a competent and suitable person can be secured, the board shall elect a secretary, who shall be an educated physician and experienced in sanitary science, and who, by virtue of such election, shall be a member of the board, and their executive officer. The board may elect one of their own number secretary, in which case the governor shall, with the advice and consent of the senate, appoint another member to complete the full number of the board.

5. *Duties of secretary.*—The secretary shall hold office as long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor; he shall keep a record of the transactions of the board and an account of all expenditures by them; he shall, whenever necessary or practicable, correspond and consult with boards of health of other States, and with local boards and health officers in this State, and secure an interchange of all useful sanitary information, especially respecting the causes, treatment, and progress of epidemics; he shall keep on file all reports received from such boards and all correspondence relating to duties of this board; he shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the several local boards of health throughout the State; he shall, when requested by local boards, visit their respective districts, cities, or villages to investigate the cause of any existing disease, and shall, from time to time, and whenever directed by the governor or legislature, make special inspections of public hospitals, asylums, prisons, and other institutions, and shall, at each session of the legislature, submit, through the board, a full report of his investigations, with such suggestions and recommendations as he may deem proper; he shall, when required by the governor or other proper authorities, advise in regard to the location, drainage, water supply, disposal of excrement,



heating, and ventilation of any public institution or building belonging to the State; he shall collect information concerning vital statistics, prevailing diseases, and the general hygiene of the State, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people; he shall receive from the treasury, in monthly payments, an annual salary of \$2,500, to be paid on the warrant of the comptroller, out of any money in the treasury not otherwise appropriated.

5a (ch. 345, acts of 1908). *Chemist*.—The State board of health shall appoint a suitable person, who shall have been actually engaged in this State as an analytical chemist for at least 10 years prior to his appointment, as chemist to the State board of health, who shall hold office as long as he shall faithfully discharge the duties thereof. The chemist, under the direction and control of the State board of health and the secretary thereof, shall have charge of the analyses and examination of foods, drugs, and other substances which shall be submitted to him for examination, and he shall report in writing the result of his analyses and examinations to the secretary. The chemist shall annually make a report to the State board of health of the work done by him for the previous year. The chemist shall receive from the treasury, in monthly payments, an annual salary of \$2,500, to be paid upon the warrant of the comptroller, out of any money in the treasury not otherwise appropriated.

20. *Expenses of the State board of health*.—Each member of the State board of health shall receive the sum of \$5 per day for each day's attendance at the meetings of the board, and while employed in the service of the board. Such necessary expenses of the board as the comptroller of the treasury shall audit, on presentation of an itemized account, with vouchers, and the certificates of the board shall be paid: *Provided*, That such expense shall not exceed annually the sum of \$2,000, which is hereby appropriated from any money in the treasury not otherwise appropriated.

21. *Rules and regulations*.—Whenever the State board of health shall have cause to believe that there is any danger of cholera, smallpox, or other contagious or infectious disease invading the State or country, it shall be the duty of the said board to take such action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction or spread of such infectious or contagious disease within this State, and any person or persons or corporations refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 for every such offense. Whenever necessary, the State board of health may call public conferences of health officers, or may, by a vote of a majority of its members, send a delegate to any conference of local, State, or national health officers.

21a (created by ch. 560, acts of 1910). *Bureaus*.—The State board of health is authorized and empowered to establish five bureaus, to be known as the bureau of communicable diseases, the bureau of bacteriology, the bureau of chemistry, the bureau of sanitary engineering, and the bureau of vital statistics.

21b (created by ch. 560, acts of 1910). *Bureau of communicable diseases*.—The bureau of communicable diseases shall secure accurate and complete returns of communicable diseases in Maryland; it shall examine into the prevalence and causes of such diseases and devise means for their control; it shall examine into and investigate epidemics and nuisances and devise means for their control; it shall publish monthly a bulletin for health officers and perform such other duties and exercise such other functions as the State board of health or the secretary thereof shall designate.



21c (as amended by ch. 153, acts of 1912). *Bureau of bacteriology.*—The bureau of bacteriology shall conduct inquiries into the nature, source, and vehicles of infectious diseases; it shall establish and maintain, under the direction of the State board of health, a properly equipped laboratory. The services of the said bureau shall be free to all local boards of health and to all practicing physicians of the State for such inquiries concerning infectious and contagious diseases as the said board may from time to time direct, and to the vaccine agent for testing vaccine virus; it shall examine into and analyze public and private water supplies, milk, and other foods. It shall examine properly prepared specimens from all animals known or suspected to be suffering from hydrophobia or rabies, and shall perform such other duties and exercise such other functions as the State board of health or the secretary thereof shall designate.

21d (ch. 560, 1910). *Bureau of chemistry.*—The bureau of chemistry shall conduct inquiries into the nature, source, and vehicles of infectious diseases, and into the nature and character of sewage, trades wastes, and into nuisances. It shall examine and analyze, free of cost, public and private water supplies, milk and such other foods, drinks, confectionery, drugs, spices, and condiments as the board shall direct; it shall establish and maintain, under the direction of the State board of health, a properly equipped laboratory, and perform such other duties and exercise such other functions as the State board of health or the secretary thereof shall designate. \* \* \*

21e (ch. 560, 1910). *Bureau of sanitary engineering.*—The bureau of sanitary engineering shall examine into all public and private systems of water supply and prepare proper maps and drawings of the same for permanent record; it shall examine and patrol, as far as possible, the watersheds or catchment basins of all public-water systems and investigate and report upon all sources of pollution of public and private water supplies; it shall investigate and report upon all private and public systems of sewage disposal; it shall inquire into and investigate the water supply, sewage disposal, ventilation, heating, and lighting of schools, asylums, jails, and other public institutions; it shall inquire into and investigate offensive trades and nuisances, disposal of trades wastes, sewage, and other offensive matters, and devise means for their control, and perform such other duties and exercise such other functions as the State board of health or the secretary thereof shall designate.

21f (ch. 560, 1910). *Bureau of vital statistics.*—The bureau of vital statistics shall supervise the registration of births and deaths in the State of Maryland; it shall receive, file, and compile all such records and shall tabulate and publish the same in such form as shall make them most valuable in the public service; it shall perform such other duties and exercise such other functions as the State board of health or the secretary thereof shall designate.

21g (ch. 560, 1910). *Bureau officers.*—The State board of health is authorized and empowered to appoint a chief and an assistant chief for each of the bureaus hereinbefore provided, and to appoint such inspectors, draughtsmen, and employees as may be necessary in the execution of this act. Such chiefs and assistant chiefs shall be men of good technical education and ability, competent to properly conduct their respective bureaus; they shall be appointed by the secretary of the State board of health by and with the consent of the said board, and the said board is empowered to fix the compensation of said chiefs and assistant chiefs at an annual salary of not less than \$1,500 nor more than \$2,400 for the said chiefs, and an annual salary of not less than \$1,000 nor more than \$1,800 for assistant chiefs; such chiefs and assistant chiefs may be removed from office upon the recommendation of the secretary and a majority vote of the board.



21*h* (ch. 560, 1910). *Title*.—For the purpose of this act the State board of health shall be known under the title and designated "State department of health," and the secretary of the said board shall be known under the title and designated "secretary of the department of health."

21*i* (as amended by ch. 352, acts of 1912). *Appropriation*.—For the purpose of making effective the provisions of this act the sum of \$24,000 per annum, or as much thereof as may be necessary, is hereby appropriated, payable by the treasurer of the State upon warrant of the comptroller, at such times and in such sums as may be authorized by the State board of health upon presentation of the proper vouchers.

22. *County boards of health*.—The board of county commissioners of the several counties in this State shall, ex officio, constitute a local board of health for their respective counties, and shall have and exercise all the duties of a board of health, as provided in this article, except in cases where the charter of any city or town in the State contains provisions inconsistent therewith.

23. *County health officers*.—Such local boards of health shall each appoint in the month of May, 1902, and biennially thereafter, or as soon thereafter as practicable, a county health officer, who shall be a well-educated physician and who by virtue of his appointment shall be secretary and executive officer of the board, and upon any vacancy in the office of county health officer, his successor shall be appointed by the local board of health as soon as practicable; the county health officer shall hold office for two years from the date of his appointment, but may be removed by the State board of health for cause upon charges made and considered at a regular meeting of said board. This section not to apply to Baltimore County.

25. *Meetings*.—The local board of health of each county shall meet semi-annually in the month of May and October, and as much oftener as they may deem necessary; they shall act in conjunction with the State board of health, and shall report to said board such facts in reference to the sanitary condition of their respective counties as they may deem important or necessary; they may adopt and enforce all needful rules and regulations concerning nuisances and causes of sickness within their respective jurisdictions, subject to the provisions of this article; they may regulate all fees and charges in connection with their own regulations, and shall establish the salaries of their respective county health officers, on the following maximum basis: Not exceeding in counties having a population of 15,000 or less \$150 per annum, with an additional allowance of not more than \$50 per annum for each 5,000 of population in excess of 15,000.

26. *Duties of local boards*.—Whenever any legally qualified medical practitioner or any two or more persons affected thereby shall make a complaint in writing to a local board of health that any water course, well, spring, open ditch, gutter, cesspool, drain, privy pit, pigpen, or other place, or any accumulation or deposit of any substance is in a condition dangerous to human health, the said local board of health shall immediately institute an investigation, and if it shall decide that the place or thing complained of is in such a condition as to injuriously affect the life or health of any persons, the said board shall serve a notice in writing on the persons, firm, or corporation by whose act, default, or sufferance the place or thing complained of is in such a condition as to injuriously affect the life or health of any person, the said board shall serve a notice, in writing, on the person, firm, or corporation by whose act, default, or sufferance the place or thing complained of arises or exists, requiring him or them to abate the same within a time specified in the notice, and any person, firm, or corporation refusing or neglecting to comply with the requirements in such notice shall be guilty of a misdemeanor and be punished by a fine of not



less than \$1 nor more than \$10 for the first offense, and for each subsequent offense in reference to the same place or thing be fined not exceeding \$25. This section not to apply to Baltimore County.

27. *Nuisances.*—Such local boards of health shall take cognizance of all unhealthy nuisances within the limits of their sanitary jurisdiction; and any person or corporation refusing or neglecting, after due notice, to comply with the requirements of said board in this respect, shall be liable to a penalty not exceeding \$50; all questions arising between local boards as to jurisdiction or their relative duty in the abatement of any particular nuisance shall be referred to the State board of health for settlement.

28. *Reports to State board.*—It shall be the duty of every county health officer, immediately after his appointment, to transmit to the secretary of the State board of health his full name and post-office address; he shall keep accurate record of the proceedings of the local board of health of which he is the secretary, as well as his own official acts, and furnish a copy thereof annually, in the month of October, to the secretary of the State board of health, together with such other information in regard to the sanitary condition of his county as he may deem interesting or valuable for publication in the biennial report of the State board of health. This section not to apply to Baltimore County.

29. *Suppression of communicable diseases.*—Whenever any local or county health officer shall receive reliable notice, or shall otherwise have reason to believe that there is within the limits of his sanitary jurisdiction a case of cholera, smallpox, or other disease dangerous to the public health, he shall immediately investigate the matter and take all proper steps for the restriction or suppression of such disease or diseases, and the said county commissioners may incur and pay as other county expenses are paid the necessary and legitimate expenses thereof; he shall promptly notify the secretary of the State board of health of the existence of any epidemic or unusual sickness or mortality that may come to his knowledge within his own sanitary jurisdiction or contiguous thereto, and when thus informed, it shall be the duty of the secretary of the State board of health to cooperate with and aid the local health authorities in making scientific and practical investigation into the cause or causes of any existing disease, and in devising the most efficient means for its restriction or suppression or for the exclusion of any threatened disease; and to this end he may exercise all the powers of the State board of health.

#### MASSACHUSETTS.

[Revised Laws, chapter 75.]

SECTION 1. *Provision for State board of health.*—There shall be a State board of health consisting of seven persons, one of whom shall annually be appointed by the governor, with the advice and consent of the council, for a term of seven years.

SEC. 2. (As amended by ch. 211, acts of 1905.) *Meetings and report.*—Said board shall hold meetings at least once in each month, shall make its own by-laws, and shall annually, on or before the third Wednesday in January, make a report to the governor and council for the year ending on the preceding thirtieth day of November.

SEC. 3. (As amended by ch. 364, acts of 1907.) *Secretary.*—Said board shall elect a secretary, who shall be the executive officer and shall hold office during the pleasure of the board. He shall, as directed by it, perform or superintend the work prescribed by law for the board and all other duties required



by it. He shall not be ex-officio a member of the board, but the board may elect one of its members secretary pro tempore and such member may, in the absence or disability of the secretary, perform his duties. The secretary shall receive from the Commonwealth an annual salary of \$5,000 and his necessary traveling expenses incurred in the performance of his official duties. No member of the board shall receive any compensation; but the actual personal expenses of any member while engaged in his official duties, audited by the board, shall be paid by the Commonwealth.

SEC. 4 (as amended by ch. 104, acts of 1912). *Powers and duties of board.*—Said board shall take cognizance of the interests of health and life among the citizens of the Commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulterations thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. It shall advise the government relative to the location and other sanitary conditions of any public institutions; and shall have oversight of inland waters, sources of water supply and vaccine institutions, and may, for the use of the people of the Commonwealth, produce and distribute antitoxin and vaccine lymph and such specific material for protective inoculation against typhoid fever and other diseases as said board may from time to time deem it advisable to produce and distribute. It shall annually examine all main outlets of sewers and drainage of cities and towns of the Commonwealth, and the effect of sewage disposal, and shall annually report thereon to the general court, with such recommendations for the protection of the interests of persons and property and for the prevention of offensive odors and objectionable conditions as it considers expedient.

SEC. 8. *Duties relative to contagious or infectious diseases.*—If smallpox or any other contagious or infectious disease dangerous to the public health exists or is likely to exist in any place within the Commonwealth, the State board shall make an investigation thereof and of the means of preventing the spread of the disease, and shall consult thereon with the local authorities. It shall have coordinate powers as a board of health in every city and town with the board of health thereof or with the mayor and aldermen of a city or the selectmen of a town in which there is no such board.

SEC. 5. *Duties relative to sale of food and drugs.*—In the performance of its duties relative to the sale of drugs and food it may appoint inspectors, analysts, and chemists, and may remove them. Such inspectors shall have the same power and authority relative to drugs and food as is given by sections 42 and 52 of chapter 56, relative to milk, to the inspectors named therein. Whoever hinders, obstructs, or in any way interferes with any such inspector, analyst, or other officer appointed under the provisions of this section while in the performance of his official duty shall be punished by a fine of not more than \$50 for the first offense and of not more than \$100 for each subsequent offense.

[Acts of 1902, chapter 110.]

SEC. 2. *Duties relative to inspection of liquors.*—The powers and duties heretofore conferred and imposed on the inspector and assayer of liquors are hereby conferred and imposed on the State board of health.

[Acts of 1902, chapter 230.]

SECTION 1. *May publish parts of annual reports, etc., and manual of health laws.*—The State board of health is hereby authorized to publish for general distribution such parts of its annual report and such other matter as it may



deem adapted to promote the interests of the public health in this Commonwealth: *Provided*, That the expense of such publication is paid out of the appropriation for the general expenses of the board and does not exceed in any one year the sum of \$500. The board is also authorized to publish not oftener than once in three years, beginning with the year 1902, a manual of the laws relating to boards of health in this Commonwealth, together with such other information upon the same subject as the board may deem expedient, the same to be distributed among the local boards of health throughout the Commonwealth. The cost of such publications shall not exceed \$500 for each edition and shall be paid out of the appropriation for general expenses of the board.

[Acts of 1902, chapter 272.]

SECTION 1. *Shall publish analyses and other information concerning adulterated food.*—The State board of health shall cause to be published as often as once each month in the official publication of said board, and also, if in its opinion the public health can be served thereby, may cause to be published in one or more papers in Massachusetts a certificate of the examination or analysis made by authority of said board during the preceding month of any article of food manufactured or offered for sale in the Commonwealth which is adulterated within the meaning of chapter 75 of the revised laws; and said board of health shall also cause to be published with such certificate of examination a statement of the trade-mark, brand mark, or name, with the name and place of business of the manufacturer, which appear upon the package or box containing such adulterated article, or with the name and place of business of the wholesale dealer of whom the goods were obtained.

[Acts of 1907, chapter 537, as amended by chapter 523, acts of 1910.]

SECTION 1. *Formation of health districts.*—The State board of health shall, as soon as may be after the passage of this act, divide the Commonwealth into not more than 15 districts, to be known as health districts, and the board may from time to time modify the district lines in such manner as it may deem necessary or proper for carrying out the purposes of this act.

SEC. 2. *State inspectors of health.*—After the division aforesaid has been made the State board of health, whenever it appears necessary to appoint or reappoint a State inspector of health, shall, with the consent of the governor and council, appoint in each health district one practical and discreet person, learned in the science of medicine and hygiene, to be State inspector of health in that district. Every nomination for such office shall be made at least seven days prior to the appointment. A State inspector of health thus appointed shall hold his office for a period of five years from the time of his respective appointment, but shall be liable to removal from office by the State board of health at any time.

SEC. 3. *Duties, inspectors.*—Every State inspector of health shall inform himself respecting the sanitary condition of his district and concerning all influences dangerous to the public health or threatening to affect the same; he shall gather all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health within his district, shall disseminate knowledge as to the best methods of preventing the spread of such diseases, and shall take such steps as, after consultation with the State board of health and the local State authorities, shall be deemed advisable for their eradication; he shall inform himself concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable



or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his or her parents or employers and of the State board of health.

SEC. 4. *Supervision, State board.*—The State inspectors of health shall be under the general supervision of the State board of health and shall perform such duties other than those hereby imposed upon them as the said board from time to time shall determine. They shall keep a record of their proceedings and observations, shall annually make a report of the same to said board on or before the 31st day of October, shall from time to time furnish said board with such information as it may require touching circumstances affecting the public health in their respective districts, and shall in every instance where written suggestions are made by them to the local authorities send copies of such suggestions to said board.

SEC. 5. *Buildings, factories, etc.*—The State inspectors of health shall, under the direction of the State board of health and in place of the inspection department of the district police, enforce the provisions of section 41 of chapter 104 of the revised laws so far as said section provides that factories shall be well ventilated and kept clean, sections 41, 44, and 47 to 61, inclusive, of chapter 106 of the revised laws, chapter 322 of the acts of the year 1902, chapter 475 of the acts of the year 1903, chapter 238 of the acts of the year 1905, and chapter 250 of the acts of the year 1906; and the powers and duties heretofore conferred and imposed upon the members of said inspection department of the district police by section 8 of chapter 108 of the revised laws in respect to the foregoing sections and acts, and in respect to all acts in amendment thereof or in addition thereto, and in respect to any other laws, are hereby conferred and imposed upon said State inspectors of health or such other officers as the State board of health may from time to time appoint: *Provided, however, That* neither said board of health nor any inspector thereof shall have authority to require structural alterations to be made in buildings, but shall report the necessity therefor to the inspection department of the district police. Wherever in said provisions of law the words "inspector" or "inspectors of factories and public buildings," "inspection department of the district police," "inspector" or "inspectors of the district police," "district police," "factory inspector" or "inspectors," and "member" or "members of the district police" occur, they shall be taken to mean State inspector or inspectors of health. Wherever the words "chief of the district police" occur, they shall be taken to mean the State board of health.

SEC. 6. *Salaries.*—The State board of health, with the approval of the governor and council, shall establish the salaries of said State inspectors of health, having regard in each district to the extent of territory, the number of inhabitants, the character of the business there carried on, and the amount of time likely to be required for the proper discharge of the duties. The salaries thus established shall be paid from the treasury of the Commonwealth monthly.

SEC. 7. *Appropriations.*—There may be expended out of the treasury of the Commonwealth annually, for the purposes specified in this act, for salaries, a sum not exceeding \$25,000, and for other expenses a sum not exceeding \$5,000.

SEC. 8. *Experts.*—For the purpose of carrying out the provisions of this act the State board of health may employ from time to time experts in sanitation.

[Acts of 1910, chapter 405.]

SECTION 1 (as amended by ch. 282, acts of 1911). *Inspections, jails, etc.*—The State inspectors of health, in addition to the duties provided for by chapter 537 of the acts of the year 1907, shall annually make such examination of police



station houses, lockups, houses of detention and, except in the county of Suffolk, jails, houses of correction, prisons, and reformatories as, in the opinion of the State board of health, may be necessary to ascertain the sanitary condition of the said buildings.

SEC. 2 (as amended by ch. 282, 1911). *Rules, etc.*—The State board of health shall make rules for police station houses, lockups, houses of detention, jails, houses of correction, prisons, and reformatories regarding the care and use of drinking cups and of dishes used for food, the care and use of bedding, and the ventilation of the buildings. Such rules may be general or may be applicable to a single building. A copy of such rules as are made applicable to station houses, houses of detention, or lockups shall be sent by the State board of health to the mayor of every city and to the selectmen of every town to which the rules apply; and a copy of such rules as are made applicable to jails, houses of correction, prisons, or reformatories shall be sent by said board to the proper authorities. It shall be the duty of the mayors of cities and the selectmen of towns to which the rules relating to station houses, houses of detention, or lockups so made apply, and the duty of those in charge of jails, houses of correction, prisons, and reformatories, to which the rules so made apply, to see that the rules are enforced.

[Acts of 1911, chapter 643.]

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salaries and expenses of the State board of health for the fiscal year ending on the 30th day of November, 1911, to wit:

For the salary of the secretary, \$5,000.

For the general work of the board, including traveling expenses, a sum not exceeding \$20,000.

For salaries and expenses in the inspection of milk, food, and drugs, a sum not exceeding \$14,500.

For expenses in the examination of sewer outlets, a sum not exceeding \$14,000.

For expenses in the production and distribution of antitoxin and vaccine lymph, a sum not exceeding \$20,000.

For printing and binding the annual report, a sum not exceeding \$5,000.

For the services of engineers, chemists, biologists, and other assistants, and for other expenses in protecting the purity of inland waters, a sum not exceeding \$36,000.

For salaries of the inspectors of health, a sum not exceeding \$25,000.

For expenses under the act establishing health districts, a sum not exceeding \$6,800.

For expenses in connection with the watershed of the Charles River basin in the city of Boston, a sum not exceeding \$1,800.

For the compensation and expenses of the State examiners of plumbers, a sum not exceeding \$5,100.

For expenses in carrying out the provisions of the act relative to the prevention of ophthalmia neonatorum, a sum not exceeding \$2,500.

[Acts of 1911, chapter 709.]

The State board of health, for the purpose of gathering all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health and of carrying out the provisions of chapter 537 of the acts of the year 1907, and of acts in amendment thereof, may expend out of



the treasury of the Commonwealth annually for salaries and other expenses, in addition to the sum now authorized, a sum not exceeding \$6,000.

[Acts of 1911, Resolves, chapter 49.]

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of \$10,000, to be expended under the direction of the State board of health in its investigation of the disease known as anterior poliomyelitis or infantile paralysis.

[Acts of 1911, Resolves, chapter 50.]

*Resolved*, That for the extension of the work of the State board of health in regard to the diagnosis of typhoid fever the annual appropriation for the general expenses of the board be increased by the sum of \$1,500.

[Revised Laws, 1903, chapter 75.]

SEC. 9. *The board of health of a city shall include one physician.*—In each city except Boston the board of health shall consist of three persons, one of whom shall be a doctor of medicine and no one of whom shall be a member of the city council. Unless a different mode of appointment or election is provided in the city charter, one member shall annually in January be appointed by the mayor, subject to confirmation by the board of aldermen, for a term of three years next succeeding the first Monday in February, and if appointed under the provisions of this section, may be removed by the mayor for cause, and vacancies shall be filled by appointment for the residue of the unexpired term. Members of the board shall receive such compensation as the city council may determine. Boards of health in towns shall be chosen as provided in section 338 of chapter 11.

SEC. 10. *Organization, physician, clerks, agents, etc.*—Every such board shall organize annually by the choice of one of its number as chairman. It may appoint a physician to the board, who shall hold his office during its pleasure, may choose a clerk who in a city shall not be a member of the board and may employ the necessary officers, agents, and assistants to execute the health laws and its regulations. It may fix the salary or other compensation of such physician and of its clerk and other agents and assistants, but the amount of such compensation shall not exceed the appropriation therefor. It may make rules and regulations for its own government and for the government of its officers, agents, and assistants.

SEC. 11. *Annual reports to be made in January.*—In each city such board shall annually, in January, make a full and comprehensive report to the city council of its acts during the preceding year and of the sanitary condition of the city. It shall also, if the city council or the standing committee thereof on finance so requires, send to the auditor of the city an estimate in detail of the appropriation required by its department for the next financial year.

SEC. 12. *Board of health in towns of more than 5,000 population shall report deaths annually to State board of health.*—The board of health in towns which have, according to the latest census, more than 5,000 inhabitants, shall send an annual report of the deaths in such town to the State board of health upon forms to be prescribed by said State board.

SEC. 13. *Appointment of agents, and powers thereof.*—The board of health in a city or town may appoint an agent or agents to act for it in cases of emergency or if it can not be conveniently assembled; and any such agent shall have all the authority which the board appointing him had; but he shall in



each case report his action to the board within two days for its approval, and shall be directly responsible to it and under its direction and control. An agent who is appointed to make sanitary inspections may make complaint of violations of any law, ordinance, or by-law relative to the public health in a city or town.

SEC. 14. *Regulations must be published.*—The board of health of a town shall publish all regulations made by it in a newspaper of its town, or, if there is no such newspaper, shall post them up in a public place in the town. Such publication or posting shall be notice to all persons.

SEC. 15. *Cases to be retained by board of health and not by overseers of the poor.*—The board of health of a city or town shall, to the exclusion of the overseers of the poor, retain charge of any case arising under the provisions of this chapter in which it shall have acted.

SEC. 141. *Enforcement of orders of board of health.*—The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the board of health of a city or town, to enforce the orders of said board relative to the public health, and the provisions of sections 36 and 37 of chapter 159 shall apply to such cases. But a jury may be summoned under the provisions of said sections if there is no sitting of the court within one month after the issues have been framed.

[Revised Laws, 1903, chapter 11.]

SEC. 338. *Election of board of health optional.*—If no board elected, selectmen shall act.—A town may elect a board of health consisting of three persons, who shall serve for terms of one, two, and three years, respectively, beginning with the day following the meeting at which they are elected, or until their respective successors are chosen and qualified; and thereafter such town shall, at its annual town meeting, choose one member of such board who shall hold office for three years from the day following such meeting and until another is chosen and qualified in his stead. If no such board is chosen the selectmen shall act as a board of health. In every town having more than five thousand inhabitants as determined by the latest national or State census at least one member of the board, unless composed of the selectmen, shall be a physician.

SEC. 343. The election of the board of health shall be by ballot.

[Acts of 1911, chapter 278.]

*Milk distribution.*—The boards of health of cities and of towns having 10,000 or more inhabitants are hereby authorized, when they deem it advisable for the public health, to establish in such cities and towns stations for the distribution of milk, either free of charge in cases of necessity, or at such charge and under such conditions, rules, and regulations as the board may establish; but this act shall not be construed to permit the said boards of health to engage in a general milk business.

#### MICHIGAN.

[Compiled Laws, 1897.]

SEC. 4397. *State board of health.*—A board is hereby established which shall be known under the name and style of the "State board of health." It shall consist of seven members, as follows: Six members who shall be appointed by the governor with the consent of the senate, and a secretary, as provided in section 4 of this act (4400). The six members first appointed shall be so designated by the governor that the term of office of two shall expire every



two years, on the last day of January. Thereafter, the governor, with the consent of the senate, shall biennially appoint two members to hold their offices for six years, ending January 31. Any vacancy in said board may be filled until the next regular session of the legislature by the governor.

SEC. 4398. *Duties.*—The State board of health shall have the general supervision of the interests of the health and life of the citizens of this State. They shall especially study the vital statistics of this State and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances on the health of the people. They shall, when required, or when they deem it best, advise officers of the Government, or other State boards, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building. They shall from time to time recommend standard works on the subject of hygiene for the use of the schools of the State.

SEC. 4399. *Meetings.*—The board shall meet quarterly at Lansing, and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. They shall choose one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this act. They shall have authority to send their secretary, or a committee of the board, to any part of the State, when deemed necessary to investigate the cause of any special or unusual disease or mortality.

SEC. 4400 (as amended by act 18, 1905). *Secretary of board.*—At the meeting of the legislature in the year 1905 and every six years thereafter, the governor with the consent of the senate shall appoint a suitable and competent person to be the seventh member of the board, which member shall be the secretary of the said board and its executive officer.

SEC. 4401 (as amended by act 18, 1905). *Term of office.*—Said secretary shall hold his office for six years, and until his successor is appointed. He shall keep his office at Lansing, and shall perform the duties prescribed by this act, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents, and other property belonging to the board, which may be deposited in his office; shall, so far as practicable, communicate with other State boards of health and with the local boards of health within this State; shall keep and file all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall, so far as possible, aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns and such instructions as may be necessary, and forward them to the clerks of the several boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people: *Provided*, That all printing and binding under the provisions of this act shall be ordered through the board of State auditors as other State printing is ordered and paid, except that the payment therefor shall be out of the appropriation provided for in section 7 of this act (4403).

SEC. 4402 (as amended by act 18, 1905). *Compensation.*—The secretary shall receive an annual salary of \$2,500. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.



**SEC. 4403** (as amended by act 18, 1905). *Appropriation.*—The sum of \$9,000 per annum, or so much thereof as may be deemed necessary by the State board of health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of his office, and the expenses of the board, to pay for necessary instruments, to pay for special investigations, to pay for the compiling, publishing, and distribution of such circulars and pamphlets as will promote the best interests of the public health, to comply with the provisions of section 4796 of the Compiled Laws of 1897, and to generally promote the public health. All expenses incurred under the provisions of this act shall be certified by the secretary of the board to the board of State auditors and allowed by them. The sum so allowed shall be paid from the State treasury on the warrant of the auditor general and charged to the appropriation account of said board of health. And not to exceed \$10,000 shall be expended by said board of health in any one year for the employment of additional clerks in the office of said board, under the provisions of act No. 173 of the session laws of 1871, entitled "An act to provide for the payment of the salaries of the State officers," being section 165 of the Compiled Laws of 1897.

**SEC. 4404.** *Reports by local boards.*—It shall be the duty of the health physician, and also of the clerk of the local board of health in each township, city, and village in this State, at least once in each year, to report to the State board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said State board. They shall also make special reports whenever required to do so by the State board of health.

**SEC. 4405.** *Public health information.*—In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as practicable, to furnish to the State board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

**SEC. 4406.** *Annual report.*—The secretary of the State board of health may publish in his annual report such information or statistics as is provided for in this act.

(Sec. 10 of act 44 of 1899 provides for the publication of the annual report of the secretary. Not over 4,000 copies, to exceed 300 pages, of the size of the report of 1894, may be printed.)

**SEC. 4407.** *Office.*—The secretary of state shall provide a suitable room for the meetings of the board at Lansing, and office room for its secretary.

[Act 318, 1905.]

**SECTION 1.** *Assistant secretary.*—The secretary of the State board of health is hereby authorized to appoint an assistant secretary of said board, which appointment may be revoked at his pleasure.

**SEC. 2.** *Duties.*—It shall be the duty of such assistant secretary to perform such duties in connection with the department of the State board of health as may be assigned to him by the secretary, and during the illness, absence, or disability of the secretary he may execute all the duties of that office. He shall be paid the sum of \$1,500 per annum from the same fund, and in the same manner as deputies in the different State departments are now paid.



[Act 293, 1909.]

**SECTION 1. *State inspector of health.***—The State board of health is hereby authorized and empowered, whenever it becomes necessary to promote the work of the State board of health, to appoint any one of its members a State medical inspector, to the end that the rules and regulations adopted by said board for the preservation of public health may be strictly enforced in the various parts of the State. Any member of the board selected or appointed as a medical inspector, or any other person the board may so designate to act as a medical inspector, shall have the same right of inspection and the same authority in regard to all matters affecting the public health as has been or may be conferred upon the State or local boards of health. The said State board of health is hereby expressly authorized to designate what diseases are dangerous communicable diseases and what diseases are contagious diseases, and it shall be the duty of every local board of health and health officer to observe such rules in relation to dangerous communicable diseases and contagious diseases as may be prescribed by the said State board of health.

**SEC. 2. *Duties.***—Every person selected to act as medical inspector shall act under the direction of the State board of health and shall make a thorough and complete investigation of all nuisances, sources of sickness, epidemics of infectious or dangerous communicable diseases or contagious diseases, water supplies, the sewerage-disposal systems, the sanitary conditions of public vaults, jails, school houses and school grounds, and such other work as is found necessary to improve the general sanitary and hygienic condition of the State.

**SEC. 3. *Reports.***—It shall be the duty of any person acting as such medical inspector after the completion of any investigation to immediately report in writing to the State board of health, upon such forms and in such manner as may be prescribed, a complete account of the essential facts disclosed by the investigation, together with the recommendations made and the work done to better safeguard the public health.

**SEC. 4. *Compensation.***—The compensation of any person selected to act as medical inspector, and the members of the State board of health when acting as medical inspectors, shall be determined by the State board of health. All actual expenses incurred by the medical inspector in the discharge of his official duties, together with his compensation, not to exceed \$10 per diem, shall be paid from the general fund in the State treasury upon vouchers audited by the board of State auditors and approved by the State board of health.

**SEC. 5. *Appropriation.***—There is hereby annually appropriated out of the general fund in the State treasury such amount as may be necessary to enable the State board of health to carry out the provisions of this act. The auditor general shall add to and incorporate in the State tax for the year 1909 and every year thereafter a sufficient amount to reimburse the general fund in the State treasury when collected for the amounts appropriated by the provisions of this act.

[Act 109, 1907.]

**SECTION 1. *Bacteriologist.***—The State board of health is hereby authorized and empowered to employ a competent bacteriologist, whose duties shall be such as are or may be defined by law or defined by said board of health, and shall be performed in connection with the department of public health. The salary of the person appointed bacteriologist shall be fixed by the said board of health.

**SEC. 2. *Duty.***—The bacteriologist whose appointment is herein provided for shall conduct the routine work in connection with bacteriological examinations



and analyses that may be necessary, authorized, or required by the provisions of this act or ordered or directed by the said board of health, all of which shall be under the supervision of the secretary of said board.

SEC. 3 [as amended by act 122, 1909]. *Examinations.*—The various boards of health, health officers, and all State institutions may require a bacteriological examination or analysis of blood, sputum, urine, water, milk, or other substances in localities where there is an outbreak of any contagious disease or epidemic in which bacteriological examination or analysis may be necessary to the public health and welfare, or for the purpose of locating sources of infection, or contamination of water, milk, ice, etc., as the case may be. The said State board of health shall also be required to make an examination and analysis of the water used by the public, and of public water supplies, when contamination is suspected, whenever the examination or analysis is required by the mayor of any city, the president of any village, or the supervisor of any township. Such boards or officers shall forward or deliver to the secretary of the State board of health a sample of the substance required to be analyzed, in a sealed package or jar, accompanied by a statement from such board or officer, indicating the necessity for the analysis. The examination or analysis for the boards or officers above named shall be made free of charge. The State board of health shall also make a bacteriological examination or analysis in all matters of a criminal nature whenever requested by the prosecuting attorney of the county in which the case may arise: *Provided, however,* That any prosecuting attorney requiring any analysis of a criminal nature, or any private individual, corporation, or association requiring an analysis for private purposes, shall be required to pay to the State board of health, upon the completion of the analysis, the nominal cost of the materials used and for the time necessarily spent in making such examination or analysis, which amounts shall constitute a charge against the particular county, private individual, corporation, or association, and shall, together with all fees for expert testimony, be turned into the State treasury to the credit of the bacteriological fund in addition to the amount herein appropriated, and may be drawn by the State board of health in the manner now provided by the accounting laws of this State for the purpose of maintaining or adding to the equipment of the bacteriological division of the department of health.

SEC. 4. *Expenses, etc.*—The said board of health is hereby given authority to purchase any and all such apparatus and appliances as shall be necessary to carry out the provisions of this act: *Provided,* That the amount paid as salary to the bacteriologist and expended for apparatus and appliances in any one year shall not exceed the amount of the yearly appropriation provided for in this act: *Provided further,* That any part of the appropriation herein provided for, not expended for the salary of the bacteriologist or for purchasing apparatus, material, and appliances, may be used by the said board of health in compiling general information in regard to bacteriological examinations and for such other purposes in connection with the bacteriological work of the department of public health as shall be deemed advisable and necessary by the said board.

SEC. 5 (as amended by act 122, 1909). *Appropriation.*—There is hereby appropriated annually out of any moneys in the State treasury to the credit of the general fund, the sum of \$5,000 for the purpose of carrying out the provisions of this act, which amount shall be paid to the State board of health in the manner now provided in the general accounting laws of this State. The auditor general shall add to and incorporate in the State tax for the year 1909, and every year thereafter, the sum of \$5,000, which, when collected, shall be



used to reimburse the general fund in the State treasury for the amount appropriated by this act.

[Compiled Laws, 1897.]

SEC. 4410. *Township board of health.*—In every township the township board shall be the board of health. The supervisor shall be the president, and the township clerk shall be the clerk of said board. The clerk shall keep a record of the proceedings of the board in a book to be provided for that purpose at the expense of the township.

SEC. 4411 (as amended by act 101, 1903). *Township health officer.*—Every board of health shall appoint and constantly have a health officer, who shall be a well-educated physician, and act as the sanitary adviser and an executive officer of the board: *Provided*, That in townships where it is not practicable to secure the services of a well-educated and suitable physician, the board may appoint the supervisor or some other person as such health officer. The board of health shall establish his salary or other compensation and shall regulate and audit all fees and charges of persons employed by them in the execution of the health laws and of their own regulations, except as hereinafter provided in section 15 hereof (sec. 4460), with regard to dangerous communicable diseases. Within 30 days after the annual township meeting in each year the board of health shall meet for the transaction of business, and shall appoint or reappoint a health officer, and shall immediately cause to be transmitted to the secretary of the State board of health, at Lansing, the full name and post-office address of such health officer and a statement whether he is a physician, the supervisor, or some other person not a physician. A special meeting of the board may be called by the order of the president or of any two members of said board.

SEC. 4412. *Regulations and by-laws.*—The board of health shall make such regulations and by-laws respecting nuisances, sources of filth, and causes of sickness within their respective townships and on board of any vessels in their ports or harbors as they shall judge necessary for the public health and safety, and if any person shall violate any such regulations or by-laws he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding the sum of \$100, or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4413. The said board shall also make such regulations as they may deem necessary for the public health and safety respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into or conveyed from their township or into or from any vessel; and if any person shall violate any such regulation he shall forfeit a sum not exceeding \$100.

SEC. 4414. *Burying grounds.*—The said board shall also make all regulations which they may deem necessary for the interment of the dead, and respecting burying grounds, for their township; and it shall also be the duty of said board to purchase in each surveyed township so much land for burying grounds as shall be necessary for burying the dead of such township, provided suitable grounds therefor can be found and procured within the township; and if not, they shall then provide such grounds in the nearest adjoining township where such suitable grounds can be procured.

SEC. 4416. *Notice of regulations.*—Notice shall be given by the board of health of all regulations made by them by publishing the same in some newspaper of the township, if there be one published therein, and if not, then by posting them



up in five public places in such township; and such notice of said regulations shall be deemed legal notice to all persons.

SEC. 2343. *Township board of health.*—The supervisor, the two justices of the peace, whose term of office will soonest expire, and township clerk shall constitute the township board, any three of whom shall constitute a quorum for the transaction of business.

SEC. 2344. When, from any cause, there shall not be three of the officers constituting such board, competent or able to act, one of the remaining justices, on being notified by any member of said board, shall meet with any members of the board, and shall have the same authority as the other members of the board.

SEC. 2345 (as amended by act 149, 1905). The township board shall meet annually on the second Tuesday next preceding the annual township meeting to be held in such township, for the purpose of auditing and settling all claims against the township; and they shall state on each account the amount allowed by them; and the amounts allowed by them shall be paid by the treasurer, on the order of the board, signed by their clerk, and countersigned by the chairman of the board.

SEC. 2374 (as amended by act 260, 1911). *Compensation.*—The following township officers shall be entitled to compensation at the following rates, for each day actually and necessarily devoted by them to the service of the township, in the duties of their respective offices, to be verified by affidavit, whenever required by the township boards:

First. The officers composing the \* \* \* board of health, \* \* \* \$3 per day, and at the same rate for parts of days.

SEC. 4459. *Board of health in cities and villages.*—The mayor and aldermen of each incorporated city and the president and council or trustees of each incorporated village in this State in which no board of health is organized under its charter shall have and exercise all the powers and perform all the duties of a board of health as provided in this chapter (secs. 4410-4458) within the limits of the cities or villages, respectively, of which they are such officers. The provisions of this chapter, and the amendments thereto, shall, as far as applicable, apply to all cities and villages in this State; and all duties which are, by the provisions of this chapter, to be performed by the board of health of townships, or by the officers and inhabitants thereof, shall in like manner be performed by the board of health and the officers and inhabitants of such cities and villages, with a like penalty for the nonperformance of such duties, excepting in cases where the charters of such cities and villages contain provisions inconsistent herewith.

SEC. 4460. *Powers and duties of health officers.*—Whenever the health officer of any township, city, or village in this State shall receive reliable notice or shall otherwise have good reason to believe that there is within the township, city, or village of which he is the health officer, a case of smallpox, diphtheria, scarlet fever, or other communicable disease dangerous to the public health, it shall be the duty of said health officer, unless he is or shall have been instructed by the board of health, of which he is an executive officer, to do otherwise, immediately to investigate the subject, and in behalf of the board of health, of which he is an executive officer, to order the prompt and thorough isolation of those sick or infected with such disease, so long as there is danger of their communicating the disease to other persons; to order the prompt vaccination or isolation of persons who have been exposed to smallpox; to see that no person suffers for lack of nurses or other necessities because of isolation for the public good; to give public notice of infected places by placard on the premises, and otherwise if necessary; to promptly notify teachers or superintendents



of schools concerning families in which are contagious diseases; to supervise funerals of persons dead from scarlet fever, diphtheria, smallpox, or other communicable disease which endangers the public health; to disinfect rooms, clothing, and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation; to keep the president of his own board of health and the secretary of the State board of health constantly informed respecting every outbreak of a disease dangerous to the public health, and of the facts, so far as the same shall come to his knowledge, respecting sources of danger of any such diseased person or infected article being brought into or taken out of the township, city, or village of which he is the health officer.

SEC. 4461. *Regulations.*—In the absence of regulations conflicting therewith, made and published by the local board of health, and still remaining in force, the provisions of section one of this act (sec. 4460) shall have the force of regulations made and published by the local board of health; and whoever shall knowingly violate the provisions of section one of this act, or the orders of the health officer made in accordance therewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be punished by a fine not exceeding \$100 and the costs of prosecution, or in default of payment thereof, by imprisonment not exceeding 90 days in the county jail, in the discretion of the court.

SEC. 4462. *Compensation.*—In the fulfillment of the requirements of this act the health officer, unless other provision shall have been made in accordance with law, shall be entitled to receive from the township, city, or village of which he is health officer, compensation at the rate of not less than \$2 per day: *Provided*, That this section shall not be construed to conflict with any action by the local board of health, under section 1693 of the Compiled Laws of 1871, as amended by act No. 202 of the laws of 1881. (Sec. 4411.)

SEC. 4464. *Prosecutions.*—It shall be the duty of the health officer of each village and city in this State, whenever he shall know, or have good reason to believe, that any penalty or forfeiture has been incurred within his city or village, by reason of neglect to comply with section 1734 or section 1735 of the Compiled Laws of 1871 (secs. 4452, 4453), forthwith to give notice thereof, in writing, to the prosecuting attorney of his county, which notice shall state, as near as may be, the time of such neglect, the name of the person incurring the penalty or forfeiture, and, as near as can be ascertained, the name or names of persons sick with a disease dangerous to the public health and not reported as the law requires.

SEC. 4466. *Regulations.*—Boards of health in townships and villages are hereby empowered to make such rules and regulations in relation to the care and cleansing of privies and water-closets within such townships or villages as they may deem desirable for the preservation of the health of any of the inhabitants thereof, or such boards may declare any such privy or water-closet a nuisance, and the abatement thereof be by them ordered and enforced.

SEC. 4467. *Penalty.*—Any violation of any rule or requirement of such board under this act shall be deemed to be a misdemeanor, and shall be punished by a fine of not more than \$10 or imprisonment in the county jail not more than 10 days, or both such fine and imprisonment, in the discretion of the court.

SEC. 2769. *General powers, villages.*—Every village subject to the provisions of this act shall, in addition to such other powers as are [conferred] confirmed, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

Third. To abate nuisances and preserve the public health.

Thirteenth. To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the village.



Nineteenth. To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of the village.

SEC. 2815. The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the village or within 1 mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require.

SEC. 2820. The council may provide for the appointment of the necessary officers and employees for the management of the village hospital and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the village shall seem proper; and by direction of the council or board, persons having any malignant, infectious, or contagious disease may be removed to such hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 2821. The council shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

SEC. 2822. When the council shall deem it necessary, they may establish a board of health for the village and appoint officers therefor and make rules for its government and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

SEC. 3130. *General powers, cities.*—The council of any city incorporated under this act shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter 46 of the compiled laws of 1871, and all amendments thereto being chapter 39 of Howell's Annotated Statutes of the State of Michigan (secs. 4410–4459), so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

SEC. 3131. The council, when deemed necessary, may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officer thereof.

SEC. 3107. Every city incorporated under the provisions of this act (cities of fourth class) shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned, and the council may pass such ordinances in relation thereto, and for the exercise of the same as they may deem proper, namely:

Third. To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote



disease; to prevent and abate nuisances, and to punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;

Seventeenth. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Twentieth. To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;

Twenty-second. To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city;

Twenty-third. To provide for clearing the rivers, ponds, canals, and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive;

Twenty-fourth. To compel the owner or occupant of any grocery, tallow chandler shop, soap or candy factory, butcher shop or stall, slaughterhouse, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the city;

Twenty-sixth. To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies;

Thirty-third. To prohibit and punish the use of toy pistols, sling shots, and other dangerous toys or implements within the city;

Thirty-sixth. To provide for, establish, regulate, and preserve public fountains and reservoirs within the city, and such troughs and basins for watering animals as they may deem proper.

#### MINNESOTA.

[Revised laws of 1905.]

SEC. 2127. *State board of health.*—The State board of health shall consist of nine members, learned in sanitary science, who shall be appointed by the governor for such periods that the terms of three members will end on the first Monday of January in each year. Vacancies therein shall be filled by like appointment for the unexpired terms, and each member shall serve until his successor qualifies.

SEC. 2128. *Meetings—Officers—Quorum.*—The board shall hold an annual meeting at the capitol on the second Tuesday in January, at which it shall elect from its members a president. Regular meetings shall be held at the same place on the second Tuesdays in April, July, and October of each year. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint upon three days' notice to the members by mail. The board shall elect a secretary, to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum, and any meeting may be adjourned from time to time.

SEC. 2129. *General duties of officers.*—The president shall preside at the meetings, when present, and, in the absence or disability of the secretary, shall perform all the duties imposed upon the latter by law, and be paid therefor; but he may appoint a secretary pro tempore to keep the minutes of a meeting. The secretary shall be the executive officer of the board, and in addition to keeping a record of its proceedings, shall see that all lawful rules and orders of the board, and all duties laid upon it by law, are enforced and performed, and that every law enacted in the interests of human health is obeyed. And he shall be the custodian of the official records and documents of the board.



**SEC. 2130. General duties of board—Reports.**—The board shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value, and advise all State officials and boards in hygienic and medical matters—especially those involved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions. It shall report its doings and discoveries to the legislature at each regular session thereof, with such information and recommendations as it shall deem useful.

**SEC. 2131. General and special rules.**—The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the State, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general, and the due publication thereof, such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinances of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

1. The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter.
2. The business of scavengering and the disposal of sewage.
3. The location of mortuaries and cemeteries and the removal and burial of the dead.
4. The management of lying-in houses and boarding places for infants, and the treatment of infants therein.
5. The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use.
6. The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain.
7. The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, the disinfection and quarantine of persons and places in case of such diseases, and the reporting of sicknesses and deaths therefrom.
8. The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated. But no rule of the State board, or of any public board or officer, shall at any time compel the vaccination of a child, or shall exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated. Any person thus required to be vaccinated may select for said purpose any licensed physician, and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous.
9. The accumulation of filthy and unwholesome matter to the injury of the public health, and the removal thereof and

10. The collection, recording, and reporting of vital statistics by public officers, and the furnishing of information to such officers, by physicians, undertakers, and others of births, deaths, causes of deaths, and other pertinent facts.

**SEC. 2132. Publication—Penalties.**—Three weeks' published notice of such regulations, if of general application throughout the State, shall be given at the seat of government; if of local application only, as near such locality as practicable. Special rules, applicable to particular cases, shall be sufficiently



noticed when posted in a conspicuous place upon or near the premises affected. Every person violating any such regulation, or any lawful direction of a board of health or health officer, shall be guilty of a misdemeanor. Fines collected for violations of regulations adopted by the State board shall be paid into the State treasury; and of local boards and officers, into the county treasury.

SEC. 2150. *Salaries and expenses, employees.*—The secretary of the State board shall receive a salary of \$2,500 per year,<sup>1</sup> and such additional sum as the board may deem necessary; also all expenses necessarily incurred by him in the performance of his duties. The members of the board shall receive no compensation as such, but the necessary expenses of their attendance upon its meetings shall be reimbursed. The board may employ, and at pleasure dismiss, such agents, experts, and other assistants as it may deem necessary, and may fix their compensation, prescribe their duties, and allow their necessary expenses. All such salaries, compensation, and expenses shall be paid by the State upon vouchers approved by at least two members of the board; but the total for any year shall not exceed the appropriation of the year therefor.

SEC. 2151. *Annual appropriation.*—For paying the compensation and necessary expenses of the members, officers, and employees of the State board of health, and defraying all the expenses incurred by the board in the performance of its duties, the sum of \$9,500, or so much thereof as may be necessary, is hereby appropriated annually.

[Acts of 1911, chapter 265.]

SEC. 13. *State board of health:*

5. For expense in equipping and maintaining a laboratory, \$15,000.
6. For expense in equipping and maintaining branch laboratories, \$3,000.
7. Expense in maintaining Pasteur Institute, available for year ending July 31, 1912, \$5,000.
8. Expense in maintaining Pasteur Institute, available for year ending July 31, 1913, \$7,000.

*Provided,* That no part of the money in this section appropriated nor any of the money appropriated by section 2151, Revised Laws, 1905, and acts amendatory thereof and supplementary thereto, shall be used to pay the secretary of said board of health as a salary more than the sum of \$4,000 per year.

9. For expense in collection, recording, and filing of vital statistics, \$5,000.
10. For expense in control of contagious diseases and for investigation and prevention of tuberculosis, \$12,500.
11. For expense in carrying on necessary sanitary engineering work, to be available for the year ending July 31, 1912, \$5,000.
12. For expense in carrying out necessary sanitary engineering work, to be available for the year ending July 31, 1913, \$7,500.
13. For additional expense in dealing with general sanitary problems in addition to the annual appropriation, \$7,500.

[Revised laws, 1905.]

SEC. 2134. *Local boards—Health officers.*—Every town board shall be a board of health within and for the town, and shall have jurisdiction over every village within its boundaries wherein no organized board of health exists. Every village may, and every city shall, provide by ordinance for the establishment of a board of health therefor. In the absence of such provision in any city, the State board may appoint three or more persons to act as such until a

<sup>1</sup> See chapter 265, Acts of 1911.



local board is established and organized, and may fix their compensation, which the city shall pay. Two members of every county board, chosen by it yearly at its annual meeting, and one resident physician elected at the same time, shall constitute the county board of health, with jurisdiction over all unorganized towns therein, and with such other powers and duties with reference to the public health as the State board shall by its published regulations prescribe. All local health boards of each county shall cooperate so far as practicable, and the State board, by written order, may require any two or more local boards to act together for the prevention or suppression of epidemic diseases. At least one member of every local board shall be a physician, who shall be the local health officer and executive of the board. If no member of a town board is a physician it shall appoint a health officer for the town. The compensation of all local health officers shall be prescribed by the body appointing him or to which he belongs, and the same, together with his necessary expenses, shall be paid by the county or municipality in which he serves.

SEC. 2135. *Duties and penalties.*—All local boards of health and health officers shall make such investigations and reports and obey such directions concerning communicable diseases as the State board may require or give; and, under the general supervision of the State board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced. Every member or officer refusing or neglecting to perform any duty imposed upon him by or pursuant to this chapter, or by any statute, ordinance, or by-law relating to the public health, shall be guilty of a misdemeanor.

SEC. 2136. *Entry for inspection, etc.*—For the purpose of performing their official duties, all members, officers, and employees of the State and local boards of health and all health officers shall have the right to enter any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected. Every person who willfully prevents or hinders such entry or otherwise interferes with the performance of such duties shall be guilty of a misdemeanor.

SEC. 4990. *Obstructing health officer.*—Every person who shall willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws, in performing any legal duty, shall be guilty of a misdemeanor.

SEC. 2137 (as amended by ch. 327, acts of 1907). *Necessary help—To whom chargeable.*—Every local board of health shall employ at the cost of the town, county, or place in which it exists, all medical and other help required for the suppression of communicable diseases, or for carrying out within its jurisdiction the lawful regulations and directions of the State board and its officers and employees; and upon its failure so to do the State board may employ such assistance at the local charge. But all persons whose duty it is to care for another infected with a communicable disease, to isolate such patient, or to fumigate or otherwise disinfect any article or place, shall be liable for the reasonable cost thereof to anyone performing such duty, or to any county, town, or municipality paying such cost.

SEC. 2138. *Allowance and payment of expenses, etc.*—All claims arising under the preceding section against any town, village, or city, if not paid by the persons liable therefor, shall be presented to the town board or council for audit and allowance as in the case of other claims. If any such claim be deemed excessive, or the whole or any part of the services or expenses charged for unnecessary, the items or parts objected to shall not be allowed without the approval of two disinterested physicians, given in the presence of the board or council. Upon the allowance of any such claim, the amount thereof shall be paid, and



a certified statement shall be transmitted to the county auditor, embracing a copy of the claim as allowed, the date of such allowance, and showing for what purpose, and to whom the allowance was made. The auditor shall lay such statement before the county board at its meeting next following the receipt thereof. One-half the amount so allowed and paid shall be a claim against the county, and if deemed just and reasonable by the board, the same shall be allowed and paid.

SEC. 2139. *Appeal from disallowance—Costs.*—Within 10 days after written notice by the auditor to the clerk of the town, village, or city of the disallowance of the whole or any part of the half of any such claim chargeable upon the county, the claimant may appeal from such disallowance to the district court by giving notice of appeal as in other cases and without giving any bond or other security thereon. Such appeal shall be noticed, tried, and determined as in other appeals from the disallowance of claims by the county board. Unless the appellant shall recover more than the amount allowed by the county board, it shall be liable for costs and disbursements; otherwise the county shall be liable.

SEC. 4991. *Willful violation of health laws.*—Every person who shall willfully violate any provision of the health laws the punishment for which is not specifically provided for therein, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$2,000, or by both.

SEC. 5491. *Health officer to inspect.*—The health officer of every city and village having a lockup shall inspect the same once a year with reference to its sanitary condition, make a written report thereof to said board of control upon blanks prescribed by it, and deliver a copy of such report to the governing body of such city or village. Upon filing such report he shall receive from the treasurer of such municipality a fee of \$2.

SEC. 5492. *Board of control may condemn.*—Whenever said board of control shall become satisfied, from the report of a local health officer or from its own inspection, that any such lockup is unfit for use, it may condemn the same by its written order, and it shall not be further used while such order is in force.

SEC. 727. *Powers, village council.*—The village council shall be composed of five members, of whom three shall be a quorum, and shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

8. \* \* \* To establish and maintain drains, canals, and sewers, and to alter, widen, or straighten watercourses; \* \* \* to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and in default thereof to authorize such removal at the owner's expense. \* \* \*

9. \* \* \* To establish pounds, and regulate and protect the same; \* \* \* to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large. \* \* \*

10. To establish and regulate markets. \* \* \*

17. To establish a board of health, with all the powers of such boards under the general laws; to provide hospitals and regulate the burial of the dead; to define nuisances and prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous building or place to remove, abate, or cleanse the same; to direct the location and management of slaughterhouses, and to prevent the erection, use, or occupation of the same, except as authorized; to prevent the bringing, depositing, or leaving within the village of any putrid carcass or other unwholesome substance;



to require the owner or occupants of lands to remove dead animals, stagnant water, or other unwholesome matter therefrom; to provide for the cleaning and removal of obstructions from any river, stream, lake, slough, or water-course within the village; and to prevent the obstruction or retarding of the flow of waters therein or the fouling the same.

18. To provide and regulate the use of wells, cisterns, reservoirs, water-works, and other means of water supply.

22. To declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offense, and to prescribe penalties therefor: *Provided*, That no such penalty shall exceed a fine of \$100 or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period is exhausted.

#### MISSISSIPPI.

[Code of 1906.]

SEC. 2482. *State board of health created.*—The State board of health is created to consist of 13 physicians of skill, who hold license from the State board of health and who are regularly engaged in the practice of medicine, to be appointed as follows: One from each congressional district by the governor upon evidence of skill and fitness for the position as may be satisfactory to him; the remaining five to be appointed by the governor from the State at large upon the recommendation of the State Medical Association; and whenever a vacancy in the board shall occur the governor shall fill the same by appointment, and the term of each shall expire with that of the governor who appointed him.

SEC. 2483. *Oath and commission of members.*—Each person appointed as a member of the State board of health shall immediately take the oath prescribed by section 268 of the constitution and file a certificate thereof in the office of the secretary of state, and thereupon a commission shall be issued to him; and the commission to each member shall be made to expire at the same time.

SEC. 2484. *Organization.*—After being commissioned, the members of the board shall meet at the capital in pursuance of a call to be made by the governor and organize by electing a president and secretary from among themselves.

SEC. 2485. *Power to appoint executive committee.*—The State board of health may elect or appoint an executive committee, to be composed of three of its members, with a chairman to be designated by the board from the members appointed on said committee; and said executive committee shall have authority to execute all the powers herein vested in said board in the interim of the meetings of said board; and any action of said executive committee shall be legal and binding until modified or annulled by said State board of health, and all pains and penalties prescribed for violating the rules of the State board of health shall apply to any violation of the rules and regulations that may be prescribed by said executive committee. Any two members of the executive committee shall be a quorum for the transaction of business.

SEC. 2486. *Meetings.*—The State board of health shall meet, when necessary or advisable, at such times and places as it by rule or its president by call may designate.

SEC. 2487. *General duties.*—It is the duty of the State board of health to supervise the health interests of the people, to investigate the causes and means of prevention of endemic and epidemic diseases; the sources of mortality and the effect of localities, habits, employments, and conditions upon the public health; to investigate the sanitary condition of schools, prisons, public institu-



tions, railroad and street cars and all buildings and places of public resort, and to recommend such measures of sanitation for them as it may deem advisable, and to prescribe rules and regulations for the conduct of county health officers; to require of the county health officers, of municipal boards of health, of physicians, of the managers or keepers of schools, prisons, public institutions, and buildings, or places of public resort, such sanitary information as may be useful; to collect and preserve such information relating to diseases and deaths as may be useful in the discharge of its duties and to advise the State and all local governments in all hygienic matters. The board shall cause its secretary to keep a complete record of all its transactions and to preserve all books, papers, documents, reports, and correspondence and other matters pertaining to its business.

SEC. 2488. *Duty to make report.*—It is the duty of the State board of health to make a report, in writing, to the governor on or before the 1st day of October next preceding each regular and special session, not an extraordinary session, of the legislature upon the sanitary condition, prospect, and needs of the State, setting forth the action of said board, of its officers and agents, the names thereof, and all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease; and the report shall be laid before the legislature by the governor at its ensuing term.

SEC. 2489. *Power to make and publish rules.*—The State board of health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers to carry out the purposes and objects of its creation and reasonable sanitary rules and regulations to be enforced in the several counties by the county health officer under the supervision and control of the State board of health.

SEC. 2490. *Power to fill vacancies, etc.*—The State board of health may at any meeting remove any county health officer or its president or secretary from office and fill the vacancy thereby occasioned; or it may fill a vacancy in either of said offices whenever and however it occurs; and when a county health officer shall be removed, or his successor appointed, notice thereof shall be sent and certified to the board of supervisors of the county.

SEC. 2506. *Compensation of members.*—Each member of the State board of health shall be paid the actual necessary expenses incurred by him in attending the meetings of the board and a per diem of \$3 for each day actually spent in the discharge of his duties.

SEC. 2507. *Compensation of the secretary.*—The secretary of the State board of health shall receive as compensation \$500 a year, payable quarterly.

SEC. 2508. *Compensation and expenses; how paid.*—The compensation of the members of the State board of health and of the secretary, and all expenses incurred by the board in discharging its duties and enforcing its powers, are payable out of such appropriation of money in the State treasury as the legislature may from time to time make for the use of said board; but the auditor shall not issue a warrant therefor until the same shall be certified by the president and secretary of the board as correct and approved by the governor.

SEC. 2510. *Stationery, books, and forms supplied.*—The board of public contracts shall furnish to the State board of health all stationery, blank books, and printed blank forms necessary or useful in the discharge of its duties.

SEC. 2511. *Penalty for violating rules of the State board of health.*—Any person who shall knowingly violate any of the provisions of this chapter, or any rule or regulation of the State board of health, or any order or regulation of the board of supervisors of any county herein authorized to be made, shall



be guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding \$50 or imprisoned in the county jail not more than one month, or both.

SEC. 2513. *Disinfection of public buildings, etc.*—It shall be the duty of the State board of health and they are hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings, railroad depots, and all railway coaches and sleeping cars operating in the State of Mississippi.

[Acts of 1910, chapter 24.]

SECTION 1. The following sums of money, or so much thereof as may be necessary, be, and the same is hereby, appropriated \* \* \* to defray the expenses of the State board of health and as an emergency fund, to wit:

|                                       |         |
|---------------------------------------|---------|
| For the year 1910, as an expense fund | \$8,000 |
| For the year 1911, as an expense fund | 8,000   |

Restrictions on expenditure of emergency fund to be approved by the governor and board of public contracts.

SEC. 2. The amounts herein appropriated shall be used for the purpose specified in this act and no other, and the secretary shall receive no extra compensation for attending a board meeting, and no part of the appropriation for 1911 shall be available until the secretary shall file his report with the governor as provided in section 2508 of the law of public health and quarantine.

[Code of 1906.]

SEC. 1640. *State department of health; how constituted.*—The Mississippi State Medical Association, and all other State, district, and county medical societies and associations of the State in affiliation with the purposes of its organization, are hereby constituted the "Mississippi Department of Public Health," and any licensed practitioner of medicine in the State of Mississippi may, on application, have his name enrolled as a member of said department.

SEC. 1641. *Shall have seal.*—The department shall have a seal, having around the margin the words "Mississippi Department of Public Health," and in the center such device as said department may select. The acts of the department shall be authenticated by its seal.

SEC. 1642. *Meetings.*—The department shall meet at Jackson annually, and at such other times and places as its duties may require. The department shall elect a president and secretary from among its members, and the adoption of a constitution in accordance with the health laws of the State. A copy of the proceedings of organization shall be filed in the office of the secretary of state.

SEC. 1643. *Powers and duties.*—The department must, through its committee, exercise a general superintendence over the health interests of the State, the collection of vital statistics, and the development of medical literature; must prescribe rules and regulations, with a specification of duties, for the conduct and reports of said committees; must investigate and report upon the hospitals, asylums, and other like institutions in the State; must take cognizance of and make recommendations for the interest of health and life among the people generally; must investigate the cause, means of prevention, and treatment of endemic and epidemic diseases; must investigate the influences of localities and employment upon the public health; and must act as an advisory board to the State in all hygienic and medical matters.

SEC. 1644. *Bureau of public health.*—The State board of health shall be the bureau on public health of the department, and its duties shall be as now prescribed by law and the provisions of this chapter.



SEC. 1645. *Statistics.*—The duties of the bureau on vital statistics of the department shall be, (1) to appoint a county board of health in each county of the State, consisting of one physician of skill from each supervisor's district, for the purpose of collecting vital, mortuary, and sanitary statistics, of which board the county health officer shall be chairman; and said board may keep books of register for births, deaths, and infectious diseases, in which may be kept a register of all the births, deaths, and infectious diseases that may occur in the county.

(2) To carry out the rules and regulations as to the collection of vital, mortuary, and sanitary statistics in the State that shall be adopted by the State board of health.

(3) To obtain from time to time supplies of reliable vaccine, at the expense of the State board of health, which shall be furnished to the members of the county board of health free of charge, for the purpose of vaccinating without charge the public-school children of the county and such indigent persons as may apply for vaccination at the office of said members of the county board of health.

(4) To make an annual report to the department of all vital, mortuary, and sanitary statistical work done in the State during the preceding year, together with such other information and suggestions and recommendations in regard to the public health as the committee shall deem advisable or may be from time to time required to do by law.

SEC. 1646. *Executive committee; duties.*—The executive committee of the department shall be the bureau on State medicine of the department, and its duties shall be:

(1) To encourage the investigation of endemic and epidemic diseases in the State with reference to the proper prevention and treatment thereof.

(2) To compile, condense, and report for publication in the proceedings of the department such medical literature submitted by the resident and honorary members of the department as may be deemed of importance to the health interests of the State.

(3) To distribute health circulars in certain localities of the State to the heads of families at such times as may be expedient to prevent the spread or mortality of infectious and contagious diseases.

SEC. 1647. *Annual report.*—The department must, on the 1st day of October, make to the governor, through the State board of health, a report of its investigations, transactions, and procedures for the preceding year, and the governor may cause such numbers of copies of such reports to be printed for distribution by the State board of health as he may deem necessary; and in such report or reports the department may make such suggestions as to legislative action as is deemed advisable.

SEC. 2491. *County health officer; appointment.*—A competent physician shall be appointed county health officer for and from each county by the State board of health, whose term of office shall be for two years, and said board shall cause the appointment to be certified by its secretary to the board of supervisors of the county for which the appointment was made; but if the board of supervisors of an interior county remote from the railway, navigable stream, and the seacoast, shall indicate its desire not to have a county health officer for its county, the State board of health, if deemed prudent, need not appoint one for such county, or, having appointed one, may revoke the appointment.

SEC. 2509. *Compensation of county health officer.*—The county health officer shall receive for his services an annual salary, to be fixed in advance by the board of supervisors, which may be payable monthly out of the county treasury.



SEC. 2505. *Municipalities may create boards of health, pass sanitary laws.*—Any municipality may pass sanitary laws, establish a board of health, and enforce the collection and registration of birth, health, and mortuary statistics; but the same shall be subject to and not inconsistent with the rules and regulations of the State board of health touching the health interests of the county in which such city, town, or village is situated.

SEC. 1084. *Penalty.*—If two or more persons conspire \* \* \*

(6) To commit any act injurious to the public health, such persons, and each of them, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than \$25, or shall be imprisoned not less than one month nor more than six months, or both.

SEC. 3316. *General powers, municipalities.*—The mayor and board of aldermen of every city, town, and village shall have the care, management, and control of the city, town, or village, and its property and finances, and shall have power to enact ordinances for the purposes hereinafter named, and such as are not repugnant to the laws of the State, and such ordinances to alter, modify, and repeal; and they shall have power.

SEC. 3319. To make regulations to secure the general health of the municipality; to prevent, remove, and abate nuisances; to regulate or prohibit the construction of privy vaults and cesspools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with sewers and drains; to suppress hogpens, slaughterhouses, and stockyards, or to regulate the same and prescribe and enforce regulations for cleaning and keeping the same in order, and the cleaning and keeping in order of warehouses, stables, alleys, yards, private ways, outhouses, and other places where offensive matter is kept or permitted to accumulate; and to compel and regulate the removal of garbage and filth beyond the corporate limits.

SEC. 3326. To establish and maintain, and to provide for the government and regulation of markets, market houses and places, and meat shops.

SEC. 3327. To establish, alter, and change the channels of streams or water-courses, \* \* \* whenever so to do will promote the health, comfort, and convenience of the inhabitants of the municipality.

SEC. 3338. To exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; to open and lay out and construct the same; to repair, maintain, pave, \* \* \* the same.

SEC. 3339. To erect, purchase, maintain, and operate waterworks, and to regulate the same; \* \* \*

SEC. 3341. To make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for that purpose, and to enforce the same within 5 miles of the corporate limits; to establish pesthouses outside the corporate limits, and to provide for the support and government of the same.

SEC. 3348. To pass all ordinances, and to enforce the same by fine not exceeding \$100, or imprisonment not exceeding 30 days, or both.

SEC. 3354. The following additional powers are conferred on the mayor and board of aldermen of cities and towns, but not of villages, viz:

SEC. 3358. To erect, establish, and regulate hospitals, \* \* \* in the corporate limits, or within 3 miles thereof, and provide for the government and support of the same.

SEC. 3366. The following additional powers are conferred on the mayor and board of aldermen of cities and towns having more than 600 inhabitants, but not of other towns and villages.

SEC. 3370. To prevent or regulate the running at large of animals of all kinds and to cause such as may be running at large to be impounded and sold to



discharge the costs and penalties provided for the violation of such regulations and the expense of impounding and keeping and selling the same; and to provide for the taxing of owners and harborers of dogs, and to destroy dogs running at large; to provide for the erection of all needful pens, pounds, and buildings for the use of the city, within or without the city limits, and to appoint and confirm keepers thereof, and to establish and enforce rules governing the same.

# MISSOURI.

[Revised Statutes, 1909.]

SEC. 6651. *State board of health; how constituted.*—The governor, by and with the advice and consent of the senate, shall appoint seven persons, who shall constitute a board which shall be styled the State Board of Health of Missouri. The members so appointed shall hold their office for a term of four years. All vacancies occurring in the board shall be filled by the governor of the State, and when made when the senate is not in session will be subject to confirmation at the next ensuing session of the senate.

SEC. 6652. *Qualifications of members.*—At least five of said board shall be physicians in good standing, and of recognized professional and scientific knowledge, and graduates of reputable medical schools, and they shall have been residents of the State for at least five years next preceding their appointment: *Provided*, That in the appointments made there shall be no discrimination made against the different systems of medicine that are recognized as reputable by the laws of this State.

SEC. 6653. *Its powers and duties.*—The State board of health shall have general supervision over the health and sanitary interests of the citizens of the State. It shall be their duty to recommend to the general assembly of the State such laws as they may deem necessary to improve and advance the sanitary condition of the State; to recommend to the municipal authorities of any city, or to the county courts of any county, the adoption of any rules that they may deem wise or expedient for the protection and preservation of the health of the citizens thereof.

SEC. 6657. *Meetings of board.*—The meetings of the board shall be in January and July of each year and at such other time as the board shall deem expedient. The meeting in January of each year shall be held in the city of Jefferson, and four members shall constitute a quorum. They shall choose from their number a president, vice president, and secretary, and they may adopt rules and by-laws for their government, subject to the provisions of this chapter.

SEC. 6658. *Duties of secretary—Compensation of board.*—The secretary shall perform such duties as may be prescribed by the board and this chapter. He shall receive a salary, which shall be fixed by the board. He shall also receive his traveling and other expenses in the performance of his official duties. The other members of the board shall receive no compensation for their services, but their traveling and other expenses while employed on the business of the board shall be paid. The president of the board shall certify the amount to the secretary, and the traveling and other expenses of members, and on presentation of his certificate the auditor of the State shall draw his warrant on the State treasurer for the amount.

SEC. 6659. *Diseases of animals.*—The said board of health shall take cognizance of any fatal diseases which may be prevalent among the domestic animals of this State and ascertain the nature and the causes of such disease and shall from time to time publish the result of their investigations, with suggestions for the proper treatment of such animals as may be affected and the remedy or remedies therefor.



SEC. 6660. *Board to organize, etc.*—The State board of health shall organize within 30 days after the appointment of the members thereof. The president of the board shall have power to administer oaths, and the board to take testimony in all matters relating to their duties and powers. In selecting places to hold their meetings they shall, as far as is reasonable, accommodate the different sections of the State, and due notice shall be published of their stated meetings. All certificates issued by them shall be signed by at least five members of the board.

SEC. 6661. *Annual report, contents.*—It shall be the duty of the board of health to make annual report, through its secretary or otherwise, in writing, to the governor of this State on or before the 1st day of January of each year, and such report shall include so much of the proceedings of the board and such information concerning vital and mortuary statistics, such knowledge respecting diseases, and such instructions on the subject of hygiene as may be thought useful by the board for dissemination among the people, with such suggestions as to legislative action as it may deem necessary.

SEC. 6662. *Rules of board not binding, when.*—No rule or regulation adopted by this board shall be legal or binding which shall conflict with any law of the State or any ordinance of any municipality or town in the State.

[Acts of 1911, p. 4.]

SEC. 1. There is hereby appropriated out of the State treasury, chargeable to the State revenue fund, for the contingent expenses and other incidental expenses of the several departments of the State government for the years 1911 and 1912, commencing on the 1st day of January, 1911, and ending on the 31st day of December, 1912, as follows:

SEC. 31. There is hereby appropriated out of the general revenue fund of the State for the support of the State board of health, including the salary of the secretary of said board, clerk and stenographer hire, collecting and recording vital statistics, the salary of a bacteriologist and for such supplies as may be required for use in the bacteriological laboratory, for printing, postage, office rent, light, fuel, and water, and for controlling infectious diseases, and for the payment of general expenses of maintaining the State board of health, the sum of \$47,300: *Provided*, That the State board of health and bureau of vital statistics shall pay into the State treasury all moneys arising from fees as the State registrar of vital statistics may collect for issuing certified copies of births and deaths.

[Revised Statutes, 1909.]

SEC. 6663. *County boards of health.*—For the purpose of further carrying out the provisions of this chapter, there is hereby created a county board of health, to be composed of the judges of the county court of each county and a reputable physician appointed by them. Said county board of health shall have the same powers and authority as are given the State board of health by sections 6604, 6655, and 6656 of this chapter, within their respective counties, outside of incorporated cities and towns, respecting quarantine regulations and the prevention and spreading of malignant, contagious, and infectious diseases therein.

The judges of the county court shall draw such per diem as is now allowed them by law while holding court while attending the duties required by this act: provided that the judges of said court shall not receive any per diem for services rendered on days while the court is in session for the transaction of other business; they may pay the physician appointed a reasonable compensation, as well as all other reasonable expenses incurred thereby, out of the county



treasury. Said board of health shall report their proceedings to the State board of health and shall be a subsidiary board to said State board and shall enforce such regulations as the State board may prescribe: *Provided, however,* That said county board of health shall have no power to raise a quarantine established by the State board of health.

[Annotated Codes of 1906.]

SEC. 5070. It shall be the duty of \* \* \* health officers of said cities and counties to render said charity board, its officers or agents, such aid as may be requested by them, or either of them, whenever such aid requested shall reasonably come within the duties \* \* \* of the health officers aforesaid.

SEC. 5508. *Powers, cities.*—The mayor and common council (in cities with more than 30,000 and less than 100,000 inhabitants) shall have power within the city, by ordinance, not inconsistent with the constitution or any law of this State or of this article:

VIII. To establish, open, vacate, alter, widen, extend, pave, or otherwise improve and sprinkle all streets, alleys, wharves, and public grounds and squares, and provide for the payment of the costs and expenses thereof in the manner in this article prescribed; and also to provide for grading, lighting, cleaning, and repairing the same, and to condemn private property for public uses, as provided for in this article; to establish and maintain waterworks for fully supplying the city with wholesome water, and to distribute the same for public and private uses in such manner and upon such terms as shall be provided by ordinance; to establish and maintain a sanitary system and a fire department.

X. The mayor and common council shall have power to make regulations, by ordinance, to secure the general health of the inhabitants of the city by any measure to regulate, suppress, or abate, within the limits of the city, slaughterhouses, slaughtering animals, soap factories, stockyards, pigpens, cow stables and dairies, coal oil and vitriol factories, and to remove the same; and to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacture or vending of articles obnoxious to the health of the inhabitants; to define what shall be deemed nuisances; to prevent, abate, and remove nuisances on public or private property in a summary manner, at the cost of the occupant or owner of the premises where the nuisance or cause thereof may be: *Provided, That* the same was caused by the occupant or owner of the premises or his or their agent, and all cost and expenses incurred by the city in removing or abating any nuisance on any private property within the city limits shall be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed as a special tax bill against such private property, which shall be a special lien against such property in same manner and with same effect that special tax bills are for paving, etc.: *Provided, however,* That same is caused by the owner of the property or his consent is given thereto, and may punish any person or persons who create, maintain, or refuse to abate a nuisance by fine and imprisonment; and to create a board of health, to consist of three members, who shall hold office for one year and perform such duties and have such powers as may be prescribed by ordinance; such board may be composed of members of common council, same as committees of council; to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and to enforce them within the city and within 2 miles thereof; to prevent, abate, and remove nuisances within 1 mile of the city limits.



XI. To provide the city with water; to make, regulate, and establish public wells, pumps, and cisterns, hydrants, and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent unnecessary waste of water.

XII. To have exclusive control and power over the streets, sidewalks, alleys, landings, public grounds, and highways of the city; to open, alter, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair the same; to prevent and remove all encroachments thereon or obstructions thereof; to put drains and sewers in the same; and to regulate the building of vaults under sidewalks.

XV. To provide for the erection of market houses and all needful buildings for the use of the city; to provide for the government and regulation of markets, market places, and meat shops, and the amount of license to be paid therefor.

XVI. To establish, erect, and maintain hospitals and make regulations for the government thereof.

XXII. To regulate the inspection and vending of flesh, meats, poultry, and vegetables, of butter, lard, and other provisions, and the place and manner of selling fish and inspecting the same.

XXVII. To regulate the weight and quality of bread to be sold or used in the city.

XXXII. To tax, regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

XXXVII. In addition to the powers specially enumerated and conferred in the foregoing provisions of this section, the common council shall have further power to pass, publish, and amend and repeal all ordinances, all rules, and police regulations not in harmony with the constitution and laws of the United States and the constitution of this State, and necessary for the good government, peace, and order of the city and trade and commerce thereof, or that may be necessary and proper for carrying into effect the provisions of this article, and the powers vested thereby in the corporation or any department or office thereof; to enforce the observance of all such rules, ordinances, and police regulations and to publish violations thereof by fines, penalties, and imprisonment in the city prison or workhouse, or both, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed \$500, nor imprisonment to exceed six months, for any violation of any ordinance of such city; and such fine and penalty may be recovered, with costs, by suit in the name and for the use of said city before any court of competent jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same, with costs, and, on default thereof, may be imprisoned in the city prison or workhouse, or may be required to work on the streets or public works of the city for such time and in such manner as may be prescribed by ordinance: *Provided*, Nothing in this article shall be construed as interfering with or changing the metropolitan police system as now established by law in any city of the second class; and such system shall be maintained until changed by law.

SEC. 5834. The mayor and council of each city governed by this article (cities with more than 3,000 and less than 30,000 inhabitants) shall have \* \* \* the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this State, and such as they shall deem expedient for the \* \* \* preservation of \* \* \* the health of the inhabitants thereof, and such other ordinances, rules, and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify, or repeal the same.



SEC. 5838. The council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the city, and for the abatement of the same, and may make quarantine laws and enforce the same within 5 miles of the city. The council may purchase or condemn and hold for the city, within or without the city limits, within 10 miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish, and regulate hospitals, workhouses, poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances: *Provided, however,* That the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law: *And provided further,* That the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries, as provided in this article.

SEC. 5839. The council may establish, alter, and change the channel of water courses, and wall them and cover them over, and prevent obstructions thereon, and may establish, make, and regulate public wells, cisterns, and reservoirs of water, and provide for filling the same. The council may purchase grounds and erect and establish market houses and market places, and regulate and govern the same; and also contract with any person or persons, association, or corporation for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the council may prescribe. The council may also provide for the erection, purchase, or renting of a city hall, workhouses, houses of correction, prisons, engine houses, and any and all other necessary buildings for the city; and may sell, lease, abolish, or otherwise dispose of the same and may inclose, improve, regulate, purchase, or sell all public parks or other public grounds belonging to the city and may purchase and hold grounds for public parks within the city, or within 3 miles thereof.

SEC. 5842. The council shall have power, by ordinance, to secure the general health of the inhabitants of the city by any measure to regulate, suppress, or abate slaughterhouses, slaughtering animals, stockyards, soap and other factories, pigpens, cow stables, and other stables and dairies, coal-oil tanks, and factories, and to remove the same; and to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or vending of articles obnoxious to the health of the inhabitants; to prevent, abate, and remove nuisances in a summary manner at the cost of the occupant or owner of the premises where the nuisance or the cause thereof may be: *Provided,* That the same was caused by the occupant or owner of the premises or his agent; and all costs and expenses incurred by the city in removing or abating any nuisance on private property within the city limits may be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed by the council as a special tax bill against such private property, which shall be a special lien against such property in the same manner and with the same effect that special tax bills are for paving; or the cost of removing or abating such nuisance may be made a part of the judgment by the police judge; in addition to the fine imposed, in case of conviction in the police judge's court of the person causing or maintaining any such nuisance; and the power is hereby given the city council to provide punishments for persons causing or maintaining nuisances in the city, or within 1 mile thereof. The council may also provide for a health commissioner and board of health to perform such duties and such powers as may be prescribed by ordinance; and may provide for the condemnation of goods, merchandise, clothing, furniture, and other personal property containing the germs of contagious or infectious dangerous disease,



whenever the same is necessary for the health of the city; but in every case where private property is so condemned and destroyed, due compensation shall be made to the owner thereof, upon the appraisalment of five disinterested commissioners appointed by the mayor.

SEC. 5961. The board of aldermen (in cities with more than 500 and less than 3,000 inhabitants) may make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within 5 miles of the city. They may purchase or condemn and hold for the city, within or without the city limits, within 5 miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish, and regulate hospitals, workhouses, poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances: *Provided, however,* That the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law: *And provided further,* That the police jurisdiction of the city shall extend over such land and property to the same extent as over public cemeteries, as provided in this article.

SEC. 5962. The board of aldermen may establish, alter, and change the channel of water courses, and wall them and cover them over, and prevent obstructions thereon, and may establish, make, and regulate public wells, cisterns and reservoirs of water, and provide for filling the same. The board of aldermen may purchase grounds and erect and establish market houses and market places, and regulate and govern the same, and also contract with any person or persons, association, or corporation, for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the board of aldermen may prescribe. \* \* \*

SEC. 5964. The board of aldermen shall have power, by ordinance, to secure the general health of the inhabitants of the city by any measure to regulate, suppress, and abate slaughterhouses, slaughtering animals, stockyards, soap and other factories, pigpens, cow stables, and other stables and dairies, and to remove the same, and to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or rendering of articles obnoxious to the health of the inhabitants; and to pass ordinances for the prevention of nuisances and their abatement.

SEC. 6010. Such board of trustees (in villages) shall have power to pass by-laws and ordinances to prevent and remove nuisances; \* \* \* to erect and maintain \* \* \* hospitals; to prevent the introduction and spreading of contagious diseases; \* \* \* to establish and provide for wells, cisterns, and pumps; \* \* \* to establish and regulate markets; \* \* \* to regulate and prohibit the running at large of dogs in the streets and alleys of such town, and to impose and collect tax on dogs not exceeding \$1 each; to impose and appropriate fines for forfeitures and penalties for breaking or violating their ordinances; to levy and collect taxes; \* \* \* and to pass such other by-laws and ordinances for the regulation and police of such town and commons thereto appertaining as they shall deem necessary, not repugnant to and contrary to the laws of the State.

#### MONTANA.

[Revised codes, 1907.]

SEC. 1474. *Creation of State board of health.*—A board is hereby established which will be known under the name and style of the "State Board of Health of Montana;" It shall consist of seven members, as follows: Three members,



all of whom shall be experienced physicians legally authorized to practice medicine and surgery in the State of Montana, to be appointed by the governor, with the advice and consent of the senate, and a secretary as provided for in section 5 of this act (1478); these four, together with the governor, attorney general, and the State veterinarian, who shall be ex officio members, shall constitute the State Board of Health of Montana.

The persons so appointed by the governor shall hold office for four years, provided that those first appointed shall be so classed by the governor that the term of two shall expire on the 1st day of January in every second year; thereafter the governor, with the advice and consent of the senate, shall biennially appoint two members in the place of those two whose term shall so expire, who shall hold office for four years, provided that all vacancies shall be likewise filled by appointment by the governor, by the advice and consent of the senate; appointment made when the senate is not in session shall take effect immediately and shall be presented for confirmation at the next ensuing session.

SEC. 1475. *Powers and duties of board.*—The State board of health shall have general supervision of the interests and health and life of the citizens of the State. They shall study the vital statistics of the State and endeavor to make intelligent use of the records of deaths and sickness among the people; they shall make sanitary investigations and inquiries regarding the causes of disease and especially communicable diseases and epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits, and circumstances of the health of the people; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall make an inspection once in each year, and at such other times as they may be directed to do so by the governor, of all public institutions and make a report as to their sanitary conditions, with suggestions and recommendations to their respective boards of directors or trustees; and it shall be the duty of the official in the immediate charge of such institutions to furnish all the facilities necessary for a thorough investigation; they shall, when requested or when they shall deem it best, advise officers of the government or other boards within the State in regard to location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of the health and the prevention of the spread of communicable diseases; they shall have general supervision of the work of local and county boards of health, hereinafter defined, and they shall, at each session of the legislature, submit through the governor a full report of their investigations and such suggestions and recommendations as they may deem proper.

SEC. 1476. *Meetings of board.*—The State board of health shall meet semi-annually at Helena, and at such other times and places as they may deem expedient. Suitable accommodations for the meetings of said board and office room for the secretary shall be provided at the State capitol. A majority shall be a quorum for the transaction of business. They shall choose one of their members to be president and may adopt all necessary rules and by-laws subject to the provisions of this act. Special meetings of the board may be called at any time by the president through the secretary, upon five days' notice in writing.

SEC. 1477. *Power to make and enforce rules and regulations.*—The State board of health shall have power to promulgate and enforce such rules and regulations for the better preservation of the public health in contagious and epidemic diseases as it shall deem necessary, and also regarding the causes



and prevention of diseases and their development and spread; and if any person or corporation refuses, after notice in writing from the secretary of the State board of health, or from any local or county board of health, of such rules and regulations to comply therewith within a reasonable time he shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than \$10 nor more than \$100 with costs of prosecution; and it shall be the duty of the secretary of the State board of health to prepare and distribute to local boards of health, physicians, and other persons requesting them, such printed circulars as the board may direct, and such rules and regulations as the board may promulgate as aforesaid.

SEC. 1478. *Officers of board.*—At the first meeting of the State board of health, or as soon thereafter as a suitable and competent person can be secured, the board shall elect a secretary, who shall be an educated physician, experienced in sanitary science, and qualified to practice medicine in the State of Montana, and who by virtue of such election shall be a member of the board and its executive officer and the State health officer.

The board may elect one of their own number such secretary, in which case the governor shall appoint another member to complete the full number of the said board, as hereinbefore provided.

SEC. 1479. *Duties and compensation of secretary.*—The secretary shall hold office for four years, but he may be removed for cause at any duly organized meeting of the board upon a majority vote of the members present; he shall perform all the duties required by law or by the rules and regulations of the board; he shall keep a record of the transactions of the board, shall have custody of the books, records, documents, and other property belonging to the board; he shall, as far as practical, communicate with other State boards of health and with local and county boards of health within the State; he shall keep on file all reports received from such local and county boards of health and all correspondence of the office appertaining to the business of the board. He shall prepare blank forms of return and such instructions as shall be necessary, and forward them to the local and county boards of health throughout the State; he shall supervise the work of all local and county health officers, and when any local or county health officer shall fail to properly perform the duties required of him, the secretary of the State board of health shall notify such local or county board of health, and he may file complaint against such delinquent health officer with a justice of the peace, as the exigencies of the case may demand; he shall inspect the records of each local and county health officer at least once in each year; he shall, whenever requested by any local or county health officer, or when he may deem it necessary, visit any district to investigate the cause of any existing disease or sanitary condition; he shall, through an annual report, and otherwise, as the board may direct, disseminate such information as he may collect and general instructions regarding sanitary measures and means of preventing the spread of communicable diseases; he shall receive from the State of Montana, in monthly payments, an annual salary of \$3,000, to be paid out of the general fund of the State.

SEC. 1480. *Compensation of members of board.*—Each member of the State board of health, except the secretary and ex officio members, shall receive the sum of \$5 per day for each day's attendance at the meetings of the board, and his necessary traveling expenses. The claims of the members for such per diem and traveling expenses shall be presented to and audited and allowed by the State board of examiners, in the manner now provided by law for the allowance of similar claims of other State officers, provided such expenses in the aggregate shall not exceed the annual sum of \$2,000.



SEC. 1481. *Corporations to furnish information when requested by board.*—In order to afford better advantage for obtaining knowledge to be incorporated with that collected through special investigations and other sources, all officers of the State, the physician of all incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, as far as it is practical, shall furnish to the State board of health any information bearing upon public health which may be requested by said board, for the purpose of enabling it better to perform its duties of collecting and distributing useful information on this subject.

SEC. 1510. *Secretary authorized to act for State board in emergency cases.*—In case of imminent danger from infectious or contagious disease, where the health of the people would be endangered from the delay of action necessary to call a meeting of the State board of health, the secretary of the State board of health shall have the full power of the State board of health to act in such matter until such time as a meeting of the State board of health may be duly called.

[Acts of 1911, chapter 81.]

SEC. 1. The annual compensation allowed to the following-named deputy State officers, clerks, stenographers, and employees at the State capitol is as follows:

State board of health: Secretary, \$3,000; stenographer, \$1,200.

[Revised Codes—1907.]

SEC. 1484. *Local boards of health.*—Each incorporated city or town in the State shall have a local board of health, the same being designated in this act as the "local board." Said local board shall consist of three members to be appointed by the municipal authorities of the town or city, and removable at their pleasure, one of whom shall be a physician, legally qualified to practice medicine and surgery in the State; the board shall elect one of its members as secretary: *Provided*, That any incorporated town of less than 5,000 inhabitants, may, by written notice to the State board of health, and to the county board of health of the county in which said town is located, place itself under the care of the county board of health, in which case the county health officer, as hereinafter provided for, shall have the same authority within the incorporate limits of such town as he has in the county outside of corporate limits: *Provided*, That such incorporated town shall pay all expenses incurred in enforcing sanitary measures and quarantines within its corporate limits. If the municipal authorities of any incorporated city or town shall fail to appoint a board of health as required above within 30 days after having been notified of such requirement by the secretary of the State board of health, then the State board of health may appoint a health officer for such town or city, and the health officer thus appointed by the State board of health shall have all the powers, receive all the emoluments, and perform all the duties required of a local health officer appointed by the municipal authorities.

SEC. 1485. *Salaries of local health officers.*—The salary of each local health officer shall be determined by the municipal authorities of the respective city or town: *Provided*, That such salaries shall not exceed, in counties of the first, second, and third classes, \$2,000 per annum, and in counties of the fourth and fifth classes, \$1,200 per annum, and in counties of the sixth, seventh, and eighth, not to exceed \$600 per annum: *And provided further*, That in all cases the State board of health shall have supervisory control over the action of all local, county, city, or district health officers, who shall in all respects be subject to the direction of the State board.



**SEC. 1486. Meetings of local board of health.**—Each local board of health shall hold regular quarterly meetings and such other meetings as may be deemed expedient.

The secretary shall keep accurate record, in a book provided therefor, of the proceedings of such meetings.

He shall keep accurate records of all communicable diseases reported to him, and for this purpose each local board of health shall provide, at the expense of the city or town, a book printed in proper blank form for the notation of such facts and data as may be prescribed by the regulations of the State board of health.

These records shall be the property of the city or town and must be turned over by the secretary to his successor in office.

**SEC. 1487. Duties of local health officer.**—The local health officer shall make sanitary inspection whenever and wherever he has reason to suspect that anything exists that may be detrimental to the public health. He shall, as secretary of the local board of health, by a written instrument under his hand, order the destruction, prevention, and removal, within a specified time, of all nuisances, sources of filth, or causes of sickness as directed by the local board of health, or order all public buildings, such as schoolhouses, churches, theaters, or other places where people congregate in considerable numbers, to be closed in time of epidemic or in the face of serious or unusual sickness, which in his judgment and approval in writing by the secretary of the State board of health and safety may require the same, and may forbid and prevent the assembling of the people in any place when the public health and safety demands the same.

**SEC. 1488. Penalties for failure to comply with orders of board.**—If any person or corporation shall neglect or refuse to comply with any written order of a local, county, or State health officer, made and promulgated by any of them under this act, within a reasonable time, to be designated in the notice, such person or corporation shall be guilty of a misdemeanor.

In case of such neglect or refusal to comply with such order, the local, county, or State board of health may cause it to be complied with at the expense of the town, city, or county, and such expenses shall be recovered from the person or corporation whose legal duty it was to comply with such order by a civil action brought in the name of such town, city, or county.

**SEC. 1489. Powers of local boards of health.**—The local or county board of health shall have power to abate all nuisances affecting the public health, to destroy, prevent, and remove all sources of filth and causes of sickness or disease; to guard against the introduction of communicable diseases by the exercise of proper and vigilant medical inspection, and control of all persons and things in their respective districts, which for any reason are liable to communicate contagious diseases. They shall also have authority to establish and maintain, at the expense of their respective city, town, or county, isolation hospitals, where patients suffering from smallpox or other very dangerous, contagious, or infectious disease may be properly quarantined and cared for when in their judgment they can not be properly quarantined and cared for elsewhere. Towns, cities, and counties must establish and maintain such isolation hospitals when directed so to do by the State board of health, and for this purpose they may secure, by purchase or otherwise, suitable building sites, and cities, towns, and counties may combine for the purpose of building, equipping, and maintaining such hospitals.

The local or county boards of health shall also have power and authority to require the isolation of persons or things infected with or exposed to infectious



or contagious diseases, provide suitable places for the reception thereof, and, if necessary, furnish medical treatment and care for such sick persons at the expense of the city, town, or county; to prohibit and prevent all intercourse or communication with, or use of infected premises, places, or things, and require and provide means for the thorough fumigation, purification, disinfection, and cleansing of the same before intercourse therewith or use thereof shall be allowed.

When any contagious or infectious disease exists or is believed to exist on any premises within his jurisdiction the local or county health officer shall immediately place such premises under quarantine, in accordance with the rules and regulations of the State board of health, and shall maintain such quarantine in accordance with such rules and regulations. At the expiration of the period of quarantine the local or county health officer shall personally supervise the disinfection, fumigation, and cleansing of all persons or things which have been exposed to the contagion, and all disinfecting, fumigating, and cleansing shall be done in accordance with the rules and regulations of the State board of health, and at the expense of the city, town, or county.

SEC. 1490. *Police officer must assist health officer when requested.*—Any local, county, or State health officer may call upon all sheriffs, constables, or other police officers, to assist them in the discharge of their duties; and if any such officer when so called upon, shall neglect or refuse to render such service, he shall be guilty of a misdemeanor, and subject to removal from office.

SEC. 1491. *Interference with health officer; penalty.*—Any person who shall attempt to hinder, or who shall hinder the work of a local, county, or State health officer, or who shall remove, deface, or obscure any placard or notice posted under the authority or by the direction of such officer, or who shall violate any quarantine regulation is guilty of a misdemeanor.

SEC. 1492. *County boards of health.*—There is hereby established in each county a board of health which is designated in this act as the "county board of health," which shall consist of the board of county commissioners and one physician legally authorized to practice medicine and surgery in this State, who must be appointed by the board of county commissioners. Said physician, when so appointed shall be ex officio secretary of the county board of health and the county health officer, and shall hold office at the pleasure of the board.

The county health officer shall have the same powers and perform the same duties in the county of his appointment, outside of the limits of incorporated towns or cities, as are hereinabove provided for a local health officer within the corporate limits of a town or city, and his salary shall be fixed by the board of county commissioners, at an amount commensurate to the work devolving upon him, and when such county health officer, when in the actual discharge of his official duties, is required to travel greater than 2 miles from the county seat of the county he represents he shall receive his actual traveling expenses.

SEC. 1493. *Appointment of county health officer.*—Should any board of county commissioners fail, neglect, or refuse to appoint a county health officer, as herein provided, for a period of 30 days after having been notified in writing by the secretary of the State board of health so to do, then, and in that event, the State board of health may appoint such health officer, and he shall have the same powers and perform the same duties and receive the same emoluments as though appointed by the action of the board of county commissioners.

SEC. 1494. *Duties of county boards of health.*—Each county board of health shall hold regular quarterly meetings, immediately after the adjournment of each regular quarterly meeting of the board of county commissioners, and at such other times as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the



provisions of this act; they shall establish such sanitary rules and regulations for their county for the prevention of the spread of disease as they may deem necessary, provided that no such rule shall conflict with the rules and regulations of the State board of health, and any person who shall fail, neglect, or refuse to comply with such rules and regulations shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than \$10 and not more than \$50 for such offense.

SEC. 1495. *Duty of health officer.*—It shall be the duty of each local and county health officer, immediately upon appointment, to transmit to the secretary of the State board of health his name, date of appointment, post-office address, together with the name and post-office addresses of the members of the board of health of which he is secretary. He shall on or before the 5th day of each month, transmit to the secretary of the State board of health, on blanks provided therefor, a complete report of all communicable diseases reported to him during the previous month, giving all the details regarding each case as indicated by the blank forms provided by the State board of health.

He shall on or before the 1st day of December of each year make a report to the local or county board of health of which he is secretary, setting forth the general sanitary conditions within his district during the year ending the last day of November, and such other information as the State board of health may call for; and a copy of this report must be transferred immediately to the secretary of the State board of health.

Any local or county health officer who shall fail, neglect, or refuse to make either the above-mentioned monthly or annual reports within the time specified in this section shall forfeit the sum of \$2 for each day he is delinquent, which amount shall be deducted from his salary; and the secretary of the State board of health shall notify the chairman of the local or county board of health of the number of days its secretary is delinquent.

SEC. 1496. *Failure of health officer to perform duty; penalty.*—Any local or county health officer who shall fail, neglect, or refuse to comply with any of the requirements of this act, or of the rules and regulations of the State board of health, shall be subject to a fine of not more than \$200.

SEC. 1497 (as amended by ch. 117, acts of 1909). *Expenses and salary of health officer.*—All necessary expenses incurred by any local board of health and the salary of each local health officer shall be paid from the treasury of the respective city or town on presentation of an itemized and verified account; and all expenses incurred by a county board of health in the enforcement of the provisions of this act shall be paid from the general fund of the respective counties on presentation of an itemized and verified account. The city or town shall be liable for all expenses incurred with reference to residents of such city or town, except paupers, and the county shall be liable for all expenses incurred with reference to persons who are not residents of such city or town; provided, that persons who are merely sojourning in such city or town, or delayed by the authorities, or transients therein, or temporarily stopping therein without employment, shall not be deemed residents of such city or town. The county shall be liable for all expenses necessarily incurred by any local board of health with respect to any person not a resident of the city or town, and the city shall be liable for all expenses necessarily incurred by any county board of health with reference to any person, except paupers, who is a resident of such city or town. No county, city, or town shall escape any such liability for such expenses by transporting any person infected with, or known to have been exposed to, any communicable disease to any other county, city, or town, by persuading or inducing such person to go to such other city or town or county.



SEC. 1511. *Penalties.*—Whoever shall knowingly violate any of the provisions of this act or any rule or regulation of any county, city, or State board of health made in accordance with the provisions of this act, the penalty for which is not herein specifically provided, shall be guilty of a misdemeanor.

SEC. 8485. Every person who willfully violates any of the laws of this State relating to the preservation of the public health is, unless a different punishment is prescribed by this code, punishable by imprisonment in the county jail not exceeding one year or by fine not exceeding \$1,000, or both.

SEC. 8486. Every person charged with the performance of any duty under the laws of this State, relating to the preservation of the public health, who willfully neglects or refuses to perform the same, is guilty of a misdemeanor.

#### NEBRASKA.

[Compiled statutes of 1881, fourteenth edition, 1909.]

SEC. 4315. *State board of health, how constituted.*—There shall be established in the State of Nebraska a board to be styled the State board of health. Said board shall consist of the governor, attorney general, and superintendent of public instruction, and the governor shall be ex officio chairman of said board.

SEC. 4316. *Meetings.*—Said board shall meet upon the call of the governor and within 30 days after the approval of this act, and shall meet thereafter as often and at such times as the governor may from time to time designate.

SEC. 4317. *Secretaries.*—The governor, during the month of July, 1909, shall appoint four secretaries, who shall be graduated physicians of at least seven years' consecutive practice, who shall be at the time of their appointment actually engaged in practice in the State of Nebraska, one of whom shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and thereafter it shall be the duty of the governor to appoint or reappoint one secretary every year as the term theretofore appointed shall expire, but each secretary shall continue in office until his successor shall have been appointed. Such appointments shall be made so that of said secretaries two shall be physicians of the so-called regular school, one of the so-called eclectic school, and one of the so-called homeopathic school.

SEC. 4318. *Powers and duties of secretaries.*—Said secretaries shall have power, and it shall be their duty, to assist and advise said board in the performance of its duties as prescribed by this act, to summon witnesses and take testimony in the same manner as witnesses are summoned and depositions taken under the Code of Civil Procedure, and to report said testimony to the board, together with their findings of fact and recommendations, on all matters coming before said board requiring evidence for their determination except as hereinafter provided.

SEC. 4319. *Enforcement of health laws.*—It shall be the duty of said board to see that all the provisions of this act are strictly enforced \* \* \* and to cause to be prosecuted all violations of this act. Said board shall have and use a common seal and may make and adopt all necessary rules, regulations, and by-laws not inconsistent with the constitution and law of this State or of the United States to enable it to perform its duties and transact its business under the provisions of this act.

SEC. 4320. A majority of said board shall constitute a quorum for the transaction of business.

SEC. 4402. *Supervision and control by State board.*—The State board of health shall have supervision and control of all matters relating to the protection of the people of this State from contagious, infectious, and epidemic



diseases; and it shall be the duty of said board to formulate, adopt, and publish such proper and reasonable general rules and regulations as will best prevent the introduction or spread of any such disease. In addition to such general and standing rules and regulations, in cases of emergency, wherein the health of the people of the entire State or of any locality therein shall be menaced by or exposed to any such contagious, infectious, or epidemic disease, or when a local board of health having jurisdiction in a particular locality shall fail or refuse to act with sufficient promptitude and efficiency in any such emergency, or in localities wherein no local board of health shall have been established as provided by law, it shall be the duty of the board to adopt and enforce such special quarantine and sanitary regulations as the occasion and the proper protection of the public health may require; and all necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village, or county for and within which the same shall have been incurred. It shall be the duty of all local, municipal, and county boards of health, health authorities, and officials, officers of State institutions, police officers, sheriffs, constables, and all other officers and employees of the State, or of any county, city, village, or township thereof, and of every person to obey and enforce such quarantine and sanitary rules and regulations as may be adopted by the State board of health; and each and every person or officer specified in this section who shall fail, neglect, or refuse to obey or enforce such rules or regulations shall, upon conviction for each and every such offense, be subject to a fine of not less than \$15 nor more than \$100.

SEC. 4403. *Investigations.*—The State board of health shall make careful inquiry into the cause of the various contagious, infectious, and endemic diseases, and shall take prompt action to suppress and control the same. The reports of births and deaths, the sanitary conditions of localities and of employments, the personal and business habits of the people, and the relation of the diseases of beast and man shall be the subject of careful study by the board; and it shall make and enforce orders necessary to protect the people against diseases of lower animals. It shall collect and preserve such information as may be useful in the discharge of its duties and for dissemination among the people.

SEC. 4405. *State health inspector, how appointed.*—It shall be the duty of the secretaries of the State board of health to advise, assist, and act under the direction of the board in the performance of the duties prescribed by this act; and said State board of health shall appoint a State health inspector,<sup>1</sup> who shall be one of three nominated in writing by not less than three of the secretaries of said State board, and such inspector shall be a graduate physician of practical skill and experience, whose term of office shall be one year, subject to removal for cause after hearing and trial by said State board. Said State health inspector shall perform such duties as may be prescribed by the rules and regulations made by said State board of health not inconsistent with the terms of this act. Said State health inspector shall draw a salary of \$1,800 per annum, payable quarterly by the State treasurer out of any funds not otherwise appropriated, upon warrants which shall be drawn by the State auditor on the filing of proper vouchers attested by the superintendent of public instruction as secretary of the State board of health.

SEC. 4406. *State health inspector.*—During the month of July, 1909, and every two years thereafter, the governor shall appoint a proper person for State health inspector.

<sup>1</sup> See sec. 4406.



[Acts of 1911, chapter 219.]

SECTION 1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated, out of any money in the treasury belonging to the general fund and other funds herein specified and not otherwise appropriated as hereinbefore specified, for the payment of expenses of State government for the biennium beginning April 1, 1911, and ending March 31, 1913, and miscellaneous items:

State board of health (p. 635): Office and traveling expenses and other necessary expenses for the gathering of vital statistics and carrying out the intent of the law in behalf of the health inspector and bureau of vital statistics, \$8,200; for use in case of epidemics only and when authorized by unanimous vote of the State board of health, \$5,000; total for the biennium, \$13,200.

[Acts of 1911, chapter 218.]

SECTION 1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the payment of salaries of officers and employees, as follows, and additional legislative expenses for the biennium ending March 31, 1913:

State board of health (p. 624): Salary of health inspector, \$1,800; for the biennium, \$3,600. Salary of stenographer, \$840; for the biennium, \$1,680.

[Compiled Statutes.]

SEC. 4401. *County boards to make regulations.*—The county boards of supervisors or commissioners of the several counties shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases in their respective counties; and to that end shall make and enforce quarantine rules and shall establish in each county a board of health, one member of which shall be a legally registered physician, which board shall have jurisdiction throughout all the territory comprising said county, except incorporated cities and villages having the power to establish boards of health and quarantine regulations.

SEC. 9866 (as amended by chapter 79, acts of 1911). *County regulations.*—The county board of supervisors or commissioners of the several counties shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases in their respective counties; and to that end shall make and enforce quarantine rules, and shall establish in each county a board of health, one member of which shall be a legally registered physician, which board shall have jurisdiction throughout all the territory comprising said county, except incorporated cities and villages having the power to establish boards of health and quarantine regulations. When quarantine rules and regulations have not been made and a board has not been appointed as above specified and provided for, then the county board of supervisors or commissioners are hereby charged with and it shall be their duty to enforce the quarantine rules and regulations of the State board of health. Whereas an emergency exists, this act shall have full force and effect on and after its passage and approval.

SEC. 1209. \* \* \*. *Powers, cities.*—Cities governed under the provisions of this act (cities between 40,000 and 100,000 inhabitants) shall have power by ordinance:

XXXVII. To make regulations to prevent the introduction or spreading of contagious, infectious, or malignant diseases in the city, and to create a board



of health, to make quarantine laws for that purpose, and to enforce the same within 5 miles of the city. To purchase, hold, lease, or construct hospitals for the care of persons so infected with such diseases, and to establish rules and regulations with respect to government, control, and management of such hospitals.

SEC. 1536. \* \* \* Cities governed under the provisions of this act (cities having between 5,000 and 25,000 inhabitants) shall have power by ordinance:

44. To make regulations to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to create a board of health to make quarantine laws for that purpose and enforce the same within 5 miles of the city.

SEC. 1702. Cities of the second class (cities of less than 5,000 inhabitants), in their corporate capacities, are authorized and empowered to enact ordinances for the following purposes in addition to the other powers granted by this act:

II. To make regulations to prevent the introduction of contagious or infectious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within 5 miles of the city; to create and establish a board of health, to consist of the mayor, who shall be chairman; the city physician, who shall be secretary; the president of the city council, and marshal of such city. A majority of said board shall constitute a quorum to enact ordinances for the enforcement of all rules, regulations, and orders of said board and provide fines and punishment for the violation thereof. Said board of health shall have power to make all needful rules and regulations relating to matters of health and sanitation of such city, including the removal of dead animals, the sanitary conditions of the streets and alleys and vacant grounds, and of stockyards, cattle and hogpens, wells, cisterns, privies, water-closets, cesspools, and stables, and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate; to regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the city relating to the same or to matters of health or sanitation of such city. Said board shall also have control of all contagious or infectious diseases and the care, treatment, regulation, and prevention thereof, of hospitals, dispensaries, and places for treatment of sick and of matters relating to the same under such restrictions and provisions as may be provided by ordinance of such city.

SEC. 8888 (as amended by ch. 20, acts of 1911). *Village boards.*—Such village board of trustees may appoint \* \* \* a board of health, consisting of three members, one of whom shall be a competent physician. Said board of health shall enforce all quarantine laws and ordinances in said village and shall have jurisdiction to enforce same within 3 miles of the village limits. When a board of health has not been constituted as provided by this act, the village board of trustees are hereby vested with all the powers and duties of a board of health and are charged with the enforcement of the quarantine regulations and rules of the State board of health. The board of health shall receive no compensation. Said appointees shall hold office for one year, unless sooner removed by the president of the board, with the advice and consent of the trustees. Whereas an emergency exists, this act shall have full force and effect on and after its passage and approval.

SEC. 1399. \* \* \* Cities governed under the provisions of this act (cities between 25,000 and 40,000 inhabitants) shall have power by ordinance:

LV. To provide all needful rules and regulations for the protection and preservation of health within the city; to prescribe rules for the prevention, abatement, and removal of nuisances; to make and prescribe regulations for the



construction, location, and keeping in order of all slaughterhouses, stockyards, warehouses, stables, or other places where offensive matter is kept or is likely to accumulate within the corporate limits or within 3 miles thereof.

SEC. 8347 (as amended by ch. 12, p. 115, acts of 1911). The mayor and council (in cities 25,000-40,000) shall have power \* \* \*:

SEC. 8381 (as amended by ch. 12, p. 121, acts of 1911). To provide all needful rules and regulations for the protection and preservation of health within the city; to prescribe rules for the prevention, abatement, and removal of nuisances; to make and prescribe regulations for the construction, location, and keeping in order of all slaughterhouses, stockyards, warehouses, stables, or other places where offensive matter is kept or is likely to accumulate within the corporate limits or within 3 miles thereof; and to levy and assess a special tax on property to pay the cost of removing ashes, manure, night soil, garbage, or other nuisance by the city garbage contractor whenever such nuisance is maintained in violation of such rules and regulations and the owner or occupancy of such property has failed, neglected, and refused to remove such nuisance within 72 hours after service of written notice by the sanitary inspector. Such tax shall constitute a fund upon which the mayor and council shall issue warrants to defray the cost.

SEC. 8413 (as amended by ch. 12, p. 124, acts of 1911). The mayor and council shall, by ordinance, have power to abate and remove any and all nuisances within the city and to compel the proprietors or owners, agents, occupants, or tenants of a lot or property, house, or building, or other places in or on which any nuisance may be, to remove and abate the same, and may, by ordinance, provide for the punishment of any person creating or maintaining any nuisance and refusal to abate any nuisance after the required notice.

SEC. 1748. Such board of trustees (of villages) shall have power to pass by-laws and ordinances to prevent and remove nuisances, \* \* \* to provide pesthouses, to prevent the introduction and spread of contagious diseases, \* \* \* and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for the violation thereof not exceeding \$100 for any one offense, recoverable, with costs, together with judgment of imprisonment until the amount of said judgment and costs shall be paid.

#### NEVADA.

[Acts of 1911, chapter 199.]

SEC. 1. *State board of health; officers.*—A State board of health is hereby created, consisting of a president, secretary, and one other member.

The president and secretary shall be appointed by the governor for a term of four years; said appointee shall have been engaged in the regular practice of medicine in the State of Nevada for a period of at least five years before being eligible to appointment on said board of health; the third member of the board shall be appointed by the governor and the president and secretary; the requirement as to the five years' practice shall not apply in his case.

SEC. 2. *Meetings.*—The State board of health shall meet at Carson City on the first Tuesday in January and the first Tuesday in July in each year, and at such other times as the president may deem advisable.

SEC. 3. *Duties, president.*—The duties of the president are to preside over all meetings of the board and to perform such other acts as may be fixed and determined by the State board of health. He shall receive the sum of \$20 per day for each day's session of the board of health together with necessary traveling expenses.



SEC. 4. *Duties, secretary.*—The secretary shall keep a record of all vital statistics, tabulate and issue semiannual bulletins, and make out and file with the governor a biennial report, showing in detail the work of the board. He shall carefully compile the reports of the various health officers of this State as hereinafter provided, keep the minutes of all meetings of the board and attend to all correspondence in carrying out the provisions of this act. He shall, when called upon by the local health officer in case of any epidemic, proceed immediately to such locality and render such assistance in his power to eradicate and prevent a recurrence of such epidemic, and shall investigate any epidemic when called upon so to do by the State board of health.

SEC. 5. The third member of the board shall attend all the semiannual meetings of the board and such other meetings as may be called by the president, and consult and advise with the board whenever called upon so to do. He shall receive for each day's attendance at a meeting of the board the sum of \$20 and necessary traveling expenses.

SEC. 6. *Collection of vital statistics.*—The local health officer in each county shall act as a collector of vital statistics, and is empowered to appoint such deputy or deputies as may be necessary, with the approval of the board of county commissioners. For collecting and compiling the vital statistics of the county he shall receive from the county a sum not less than \$25 per month, and the board of county commissioners are directed to allow a claim for this or for such greater sum as they may deem proper for the work performed; the deputies appointed by the local health officer, with the approval of the county commissioners, shall be paid in the same manner a sum not to exceed \$25 per month for registering and compiling the data prescribed by the State board of health and by this act. The deputy health officers shall file with the local health officer monthly reports not later than the fifth day of each month, which said reports shall be compiled by the local health officer and forwarded to the secretary of the State board of health not later than the 10th day of each month. He shall file a copy of said report with the county recorder.

SEC. 18. *Communicable diseases.*—\* \* \* He (the secretary of the State board of health) shall inform all health officers what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the State board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

SEC. 23. *Supervision over local health officers.*—\* \* \* The State board of health is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local health officers, to the end that all of its requirements shall be uniformly complied with. \* \* \*

SEC. 26. *Compensation, secretary.*—The secretary shall receive for his services a salary of \$1,500 per year, payable in equal monthly payments, and when necessary he shall be allowed the sum of \$300 a year for a stenographer; he shall also be allowed a sum not to exceed \$100 a year to provide a suitable office for the conduct of the affairs of the State board of health.

SEC. 27. *Appropriation.*—For the purpose of carrying out the provisions of this act the sum of \$5,000 is hereby appropriated out of any money in the general fund not otherwise appropriated, and the State comptroller is hereby authorized to draw his warrant on the State treasury for the amount of these claims or other necessary expenditures when approved by the State board of health, and the State treasurer is hereby directed to pay the same.

SEC. 28. *Removals, health officers.*—The State board of health is hereby declared to be supreme in all health matters, and they are empowered to remove



any deputy or local health officer for any violation of any of the provisions of this act.

[Compiled Laws, 1899.]

SEC. 1534. *Powers, State board.*—The said State board of health shall take cognizance of the interest of life and health among the inhabitants of the State; shall make or cause to be made sanitary investigations in inquiries respecting causes of disease, especially of epidemics and contagious diseases, and the means of prevention; the sources of mortality and the effect of localities, employment, habits, and circumstances of life on the public health. Said board shall also, when requested or when in its opinion the sanitary interest of localities require it, advise with municipal, county, and township officers with regard to the location, drainage, water supply, heating, and ventilation of public buildings, and the drainage and sewerage of towns and cities. It shall be the further duty of the said State board of health, upon the application of any owner, agent, manager, or transporter of any sheep, cattle, or horses to at once examine and take necessary proofs concerning the health and recent exposure to danger and present condition of such sheep, cattle, or horses, and if thereupon the board be satisfied that any or all of such sheep, cattle, or horses are entirely free from all contagious or infectious diseases, said board shall issue to the person soliciting the same a certificate or bill of health certifying to such fact concerning such sheep, cattle, or horses as said board shall determine to be free from such disease or danger.

SEC. 1535. *Regulations.*—The board of health shall have authority to promulgate and enforce such regulations for the better preservation of the public health in contagious and epidemic diseases as they shall judge necessary, and any person, firm, association, or corporation, or the managing agent of any person, firm, association, or corporation refusing or neglecting, within five days after having been duly notified in writing, to comply with the requirements of such regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100 nor more than \$500 or by imprisonment in the county jail for a period not less than 50 days nor more than 250 days.

SEC. 1536. *Meetings.*—Regular meetings of the board shall be held annually, commencing with the date of first meeting ordered by the governor. Called meetings shall be held at date and place ordered by the president of the board of health.

SEC. 1538. *Peace officers to assist board.*—It is hereby made the duty of sheriffs, their deputies, constables, their deputies, and all peace officers to assist the board of health in their efforts to carry out and enforce the provisions of this act and the rules, regulations, and requirements promulgated by the board of health.

[Acts of 1911, chapter 75.]

SEC. 1. The following sums of money are hereby appropriated for the purpose hereinafter expressed, and for the support of the government of the State of Nevada for the years 1911 and 1912:

(P. 83.)

SEC. 100. For support of hygienic laboratory, two years, \$10,000.

[Acts of 1905, chapter 42.]

SEC. 1. *County boards of health.*—Each of the several counties of the State of Nevada shall establish a county board of health to consist of the county physician, the sheriff, and board of county commissioners of said county, and the county physician to act as chairman of said board.



SEC. 2. *Duties.*—It shall be the duty of the said county board of health to oversee all sanitary conditions of the respective county in which the board is created, and to supervise, control, and enforce such health regulations as will best subserve the health and cleanliness of their respective counties. Said board shall act in conjunction with, and under the supervision of, the State board of health: *Provided, however,* That in cases of emergency, possible contagion, or those demanding speedy and immediate attention the said board may act independently and shall report at once to the State board of health. And any person, firm, association, or corporation refusing or neglecting, within five days after having been duly notified in writing, to comply with the requirements of such regulations, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$50 nor more than \$200 or by imprisonment in the county jail for a period not less than 25 days nor more than 100 days, or by both such fine and imprisonment.

[Acts of 1907, chapter 125.]

SEC. 28. *Powers, cities.*—The city council (of any incorporated city) shall have the following powers:

11. To fix, impose, and collect an annual per capita tax on all dogs and to provide for the capture and destruction of all dogs on which said tax shall not be paid. \* \* \*

20. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in and to prevent injury or obstruction to any street, avenue, alley, park, or public ground.

39. To construct or authorize the construction of waterworks without the city limits for the supply of said city, and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works and over all reservoirs, streams, canals, ditches, pipes, flumes, and drains used in or necessary for the construction, maintenance, and operation of the same, and over the stream or source from which the water is taken, above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

40. To regulate and control the water and water courses, ditches, and flumes within or leading to the city and to regulate and control mill privileges within the city.

41. To construct, purchase, or lease and maintain canals, ditches, flumes, artesian wells and reservoirs; and to purchase or lease springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic, or other public purposes; and to prevent all waste of water flowing from artesian wells; and, if necessary, to secure said sources of water supply, to purchase or lease the land from or upon which said water has been appropriated or applied; also to purchase, acquire, or lease stock in ditch, canal, reservoir, or water companies for the purpose of providing water for such city and the inhabitants thereof.

42. To fix the rate to be paid for the use of water furnished by the city.

43. To purchase, construct, lease, rent, manage, and maintain any system or part of any system of waterworks, hydrants, and supplies of water, telegraphic fire signals, or fire apparatus, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management, and control of the property so leased, purchased, or constructed.

44. To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters, and plumbing, and to provide for a board of



examiners to examine into the fitness and qualifications of persons following the plumbing trade, and to prescribe what qualifications shall be had by persons following said trade.

46. To establish markets and market houses and to provide for the regulation and use thereof.

47. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

48. To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

49. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

53. To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

54. To provide for and regulate the location, management, and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughter-houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, and blacksmith shops in or within 1 mile of the limits of the corporation.

55. To prohibit any offensive or unwholesome business or establishment in or within 1 mile of the limits of the corporation; to compel the owner of any pigsty, privy, barn, corral, sewer, or other unwholesome or nauseous house or place to cleanse, abate, or remove the same, and to regulate the location thereof.

56. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and regulations and enforce the same within the corporate limits, and within 12 miles thereof. To create a board of health and prescribe the powers and duties of the same.

58. To regulate the burial of the dead and the registration of births and deaths; to direct the return and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for default therein.

59. To provide for the burial of the indigent dead and to pay the expenses thereof.

63. To prescribe the manner of constructing stone, brick, and other buildings, and the construction of fire escapes; and to cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire, to prevent the overcrowding thereof and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein.

67. To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitroglycerin, petroleum, or any of the products thereof, and other combustibles or explosive material, and the use of lights in stables and other places, and the building of bonfires.

83. To create any office that may be deemed necessary to the good government of the city. \* \* \*

SEC. 83. In all cases where the board of health, or other officials of the city, or the city council, are authorized to do, or cause to be done, certain things, the whole or any part of the cost of which may be properly defrayed by a special assessment, and where special provisions for making the levy are not herein made, the council may cause sworn statements of the cost and location thereof to be made as provided in section 86 hereof, and may refer the same to the city assessor and have the same assessed against such property.



## NEW HAMPSHIRE.

[Public Statutes, 1891, chapter 107.]

SEC. 1. *State board of health, how constituted.*—The State board of health \* \* \* shall consist of the governor, the attorney general, three physicians, and a civil engineer. The four last named shall be appointed by the governor, with advice of the council. Two of the appointees shall be appointed biennially, to take the places of members whose terms then expire, and they shall hold office four years. Vacancies in the board shall be filled in like manner for the unexpired part of any term.

SEC. 2. *Officers.*—They shall choose one of their number president of the board. They shall appoint a secretary, who shall hold office during their pleasure; shall make a fair and correct record of their proceedings, and shall be executive officer of the board; he shall be a physician, and may be a member of the board. Three members of the board shall constitute a quorum. The board shall meet as often as once in three months at least.

SEC. 3. *Powers and duties.*—They shall take cognizance of the interests of health and life among the people; shall make sanitary investigations and inquiries concerning the causes of epidemics and other diseases, the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health; shall advise and assist town health officers in making investigations into sanitary matters in their towns; and shall take measures to diffuse among the people such information on the subjects above named as may be useful. They shall make such additions to or modifications of the rules and regulations established by town health officers as the public good requires.

SEC. 4. *Food and drug inspection.*—The State board of health shall take cognizance of the interests of the public health, relating to the sale of drugs and foods and the adulterations of the same, and shall make all necessary investigations and inquiries in reference thereto, and for these purposes may appoint inspectors, analysts, and chemists, who shall be subject to its supervision and removal; and said board may expend annually an amount not exceeding \$800 for the purpose of carrying out the provisions of this section and of the chapter relating to the adulteration and the sale of unwholesome foods and of poisons.

SEC. 5. *Inspection of public buildings.*—They shall take cognizance of the sanitary condition of all public buildings, hospitals, penal institutions, reformatory institutions, and almshouses, whether State or county.

SEC. 6. *Lunacy commission.*—They shall act as a commission of lunacy, and have the powers and perform the duties pertaining to that commission as provided by law.

SEC. 7. *Registration of vital statistics.*—They shall have charge of the vital statistics of the State, and shall enforce the provisions of law in relation to them. The secretary of the board shall be the registrar of vital statistics for the State, and shall have the powers and perform the duties pertaining to that office as provided by law.

SEC. 8. *Office.*—The governor and council shall assign to the board a room in the statehouse, to be used for meetings and for the office of the secretary. It shall be kept open as other public offices are, and information shall be furnished there to town, county, and State authorities and to citizens of the State without charge concerning the sanitary condition of the State, the means of guarding against epidemic and contagious diseases, and other matters within the cognizance of the board.



**SEC. 9. *Annual report.***—The board shall file with the secretary of state, on or before the 1st day of November in each year, a report to the governor and council of their doings during the year, of such sanitary matters as they shall deem to be of public utility, and of the expenses of the board since the last report, stated in detail. They shall also make such recommendations therein relating to sanitary matters as they think the public good requires.

**SEC. 10. *Compensation.***—The members of the board shall receive no compensation for services; but their actual expenses, incurred in the performance of their duties, shall be paid from the State treasury.

**SEC. 11. *Secretary's salary.***—The board shall fix the salary of the secretary, which shall be paid quarterly from the State treasury.

[Acts of 1895, chapter 116, as amended by chapter 91, acts of 1897.]

**SEC. 9. *Service on State board of charities.***—The secretary of the State board of health shall be, ex officio, member of the State board of charities and correction; and shall, when requested by the board, give advice and perform service without additional compensation except expenses incurred.

[Laws of 1901, chapter 23.]

**SEC. 1. *Laboratory of hygiene.***—The State board of health is authorized to establish and equip a laboratory with the proper and necessary apparatus, utensils, and instruments for the chemical and bacteriological examination of water supplies, milk, food products, drugs, etc., and the investigation of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, pneumonia, malaria, glanders, and other infectious and contagious diseases.

**SEC. 2. *Board to employ chemist.***—The said board shall employ a chemist, and shall, as far as practicable, make investigations and analyses of public water supplies, and of foods and drinks offered for sale in our markets, and shall conduct investigations along these lines, with a view to discovering adulterated and fraudulent products, and shall enforce the law relative to the same, as provided for in chapter 269 of the public statutes.

**SEC. 3. *Examination.***—The board shall also provide for the bacteriological examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, glanders, and such other diseases as it may deem necessary, including any diseased condition that may be found in slaughtered animals, and in cases of infectious diseases shall report its findings immediately, by telegraph or telephone, to the physician requesting the same.

**SEC. 4. *Quarterly bulletin.***—The State board of health may publish quarterly in a bulletin the results of the analytical work done in said laboratory, naming fraudulent and adulterated articles of food found on sale in this State, together with such other information relating to sanitary matters as it may deem advisable, and the said board shall conduct its investigations along such lines as it may deem to be for the greatest public utility. It shall make special investigations into the character and quality of the water supplies of any locality in the State when requested by any board of water commissioners, board of health, or by consumers.

**SEC. 5. *Laboratory investigations free.***—All investigations conducted in the said laboratory shall be free to the people of this State.

[Acts of 1909, chapter 163.]

**SEC. 1. *Sanitary inspectors.***—The State board of health is hereby authorized to employ, from time to time, one or more persons as inspectors, for such period of service as the said board may require, and who shall be paid a reasonable



per diem and actual expenses, legally incurred when engaged in the performance of the duties prescribed by law.

SEC. 4. *Inspections.*—The said inspector shall, under the direction of the State board of health, investigate local sanitary conditions in conjunction with and upon request of local boards of health in cases where such expert advice is deemed necessary by the State board of health.

SEC. 5. *Penalty.*—In addition to the specific duties herein prescribed, the said inspector shall perform such other duties in connection with public health matters as the State board of health shall direct, and whoever hinders, obstructs, or in any other way interferes with said inspector in the performance of his duties shall be fined not exceeding \$50 for the first offense, and \$100 for each subsequent offense.

[Acts of 1911, chapter 197, p. 266.]

SEC. 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the State, for the purposes specified for the fiscal year ending on the 31st day of August, 1913, to wit:

For State board of health department, \$13,000, as follows: For salary of secretary, \$2,500; for salary of clerk, \$500; for incidentals, \$450; for printing blanks, \$300; for printing report, \$1,250; for epidemic fund (ch. 30, laws of 1903), \$5,000; for sanitary inspections (ch. 163, laws of 1909), \$2,500; for tuberculosis dispensaries (ch. 152, laws of 1909), \$500. For laboratory of hygiene department, \$6,300, as follows: For salaries of two chemists, \$3,000; for salaries of two bacteriologists, \$1,800; for incidentals, \$1,100; for printing blanks and sanitary bulletins, \$400. For vital statistics department, \$2,800, as follows: For clerical expenses, incidentals, and printing blanks, \$1,600; for printing report, \$1,200.

[Laws of 1897, chapter 45.]

SEC. 1 (as amended by ch. 65, acts of 1899). *Selectmen to appoint boards of health.*—The selectmen of each town shall, within 30 days after the passage of this act, appoint a board of health, which shall consist of three persons, selected with reference to their fitness for the office, and they shall be so appointed that the term of office of one member shall expire each year, and the members thereafter appointed shall hold office three years, and until their successors are appointed and qualified. In case a vacancy occurs in the board the selectmen shall appoint a person to fill the unexpired term. Whenever practicable at least one member of the board so appointed shall be a physician who is a graduate of some legally incorporated medical college and in active practice in said town.

SEC. 3. *Where act does not apply.*—\* \* \* This act shall not apply to cities or to precincts in which health officers are provided for by special act of the legislature.

[Public statutes, 1891, chapter 108.]

SEC. 19. *Public health information.*—Health officers of towns shall furnish the State board of health such information concerning their work as may be called for from time to time, and shall forward to the State board of health copies of all rules and regulations issued by them immediately after the issue.

SEC. 20. *Compensation of health officers.*—They shall be paid by the town a reasonable compensation for their services and all expenses incurred by them in the performance of their duty; and the selectmen are required to advance them such sums as may be necessary, of which and of all their receipts and disbursements they shall, before each annual town meeting, render an account to the selectmen, to be laid before the town.



[Public statutes, 1891, chapter 40.]

SEC. 7. Towns may make by-laws for the care, protection, preservation, and use of the public cemeteries; \* \* \* for the prevention of the going at large of horses and other domestic animals in any public place in town; \* \* \* and may enforce their observance by suitable penalties not exceeding \$10 for any offense. \* \* \*

[Public statutes, 1891, chapter 50.]

SEC. 8. *Powers, cities.*—The city councils shall have power to construct drains and common sewers through highways, streets, or private lands, paying the owners such damages as they shall sustain thereby. \* \* \*

SEC. 9. All the powers vested in the boards of health of towns shall be vested in the city councils, and shall be carried into execution in such manner, by such officers, and with such powers as the city councils shall determine.

SEC. 10. The city councils \* \* \* may make, establish, publish, alter, modify, amend, and repeal ordinances, rules, regulations, and by-laws for the following purposes:

I. To carry into effect all the powers by law vested in the city.

IV. To establish regulations for groceries, stores, restaurants, \* \* \* to authorize the entry of proper officers into all such places to inspect the same. \* \* \*

VII. To regulate all streets and public ways \* \* \* and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom. \* \* \*

X. To regulate the keeping of dogs and their running at large, impose a tax upon them, require them to be licensed, and authorize the destruction of those kept or running at large contrary to the ordinance.

XI. To establish markets and market places; regulate the place and manner of selling \* \* \* pickled and other fish and salted and fresh provisions; \* \* \*

XIII. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow chandlers' shops, soap factories, tanneries, stables, barns, privies, sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal, or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having in the city any dead carcass or other unwholesome substance; to provide for the removal or destruction by any person who shall have the same upon or near his premises of any such substance or any putrid or unsound beef, pork, fish, hides, or skins, and on his default to authorize the removal or destruction thereof by some officer of the city.

XIV. \* \* \* in relation to cemeteries, public burial grounds, the burial of the dead, and the returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons, and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; \* \* \*

## NEW JERSEY.

[General statutes, 1895, p. 1634.]

1 (as amended by ch. 299, acts of 1908). *State board of health; how composed.*—There shall be in this State a State board of health, to be known as the "Board of Health of the State of New Jersey," which will be composed of six suitable persons, citizens and residents of this State, to be appointed by the governor, by and with the advice and consent of the senate, from time to time



as hereinafter directed; one of whom shall be a physician of at least five years' practice in this State, who shall be the secretary of the said board and shall also be superintendent of vital statistics. The governor shall, at the time of appointment, indicate one member of said board who shall be the president thereof. Each of the members shall hold office for a term of six years, and their respective terms of office shall be so arranged that the term of office of not more than one member shall expire in any one year. The president and medical secretary of the said board shall in each instance, upon the occasion of vacancy and reappointment, be designated by the governor. If the office of any member shall for any cause become vacant before the expiration of the term for which such member was appointed, the same shall be filled by the governor for the unexpired term only. The compensation of each of such members shall be \$1,500 per year, payable monthly, except the secretary, whose compensation shall be \$2,500 per year, payable monthly.

2. *Powers and duties of the board.*—The said State board shall take cognizance of all matters affecting health and life among the citizens of this State, shall make sanitary investigations and inquiries in respect of the people, the causes of diseases, and especially of epidemics and the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health; they shall also make investigations and inquiries into the sanitary condition of any State, county, city, or township almshouse, asylum, prison, penitentiary, jail, reform school, schoolhouse, or other public building, and of tenements, manufactories, and workshops; the said State board shall also constitute a State bureau of vital statistics, who shall, as such board, cause to be made such tabular classification and such index and transcription of the vital facts shown by the certificates of marriages, births, and deaths now by law returned to the secretary of state as may be useful to the said board or to the officers thereof in preparing for diffusion among the people of the State such facts as may bear upon public health; the said board shall fix and determine the amounts to be paid for the classification, index, and transcription above required, which amounts shall not exceed the sum of 4 cents for each certificate returned to the secretary of state, and shall be paid out of the annual appropriations made to said State board as hereinafter provided.

3 (as amended by ch. 299, acts of 1908). *Meetings—Duties of secretary—Annual report.*—The president shall call meetings as often as once in three months, and also whenever in his judgment it shall be necessary and whenever requested so to do by two members of the board. The secretary of the board shall superintend the performance of the duties prescribed by law in relation to the State board of health and the classification, index, and transcription of vital facts hereinbefore required to be made. The said State board of health shall in the month of December in each year make a report to the governor of their investigations and inquiries for the year, with such communications and suggestions concerning the public health as they may deem proper.

4. *Sanitary inspections of chattels and persons, etc.*—The State board of health shall have a right to cause a sanitary inspection to be made of all chattels and persons in transportation through the State, and of the cars, boats, and other vehicles in which such chattels or persons may be transported; and the said board shall have the same right of inspection, procedure, and control in this respect as is or may be conferred by law upon the local board of health or local authorities in any township or city or other local municipal government in this State, and when in the judgment of said board it may be necessary the said board may require or cause an examination of vessels, cars, boats, or other vehicles, and of all baggage and persons to be made, and may



enforce such detention or disinfection as they may deem necessary for the public safety.

5. *Board may appoint inspectors.*—The said State board may appoint inspectors and assign them to such duties as the interests of the public health in any part of the State may require and to aid in the execution of the laws relating thereto; and they may require the said inspectors to investigate the local epidemics, nuisances, needs for drainage, neglect of sanitary law, the condition of schoolhouses, tenements, manufactories and workshops, of public buildings belonging to the State or to any county or city therein, and of the persons confined or employed therein; and the State board, its agents and appointees shall have the same right of inspection in regard to all matters affecting the public health as has been or may be conferred upon local boards of health; the inspectors appointed by the State board of health shall be paid by the board out of the moneys appropriated therefor such sum as may be fixed and determined by the board.

6. Every physician in this State making official reports to the State board of health through the bureau of vital statistics shall be entitled to receive by mail from the treasurer of the State a copy of the annual report of the State board of health and of the bureau of vital statistics.

7. *Annual appropriation.*—The annual appropriation of the State board of health, for the purpose of making sanitary investigations and inquiries in respect to the people, the causes of disease, epidemics, and the sources of sickness and mortality, the effect of locality, employments, conditions, and circumstances on the public health, and for the purpose of making inquiry and investigation into the sanitary condition of any State, county, city, or township almshouse, asylum, prison, penitentiary, jail, or reform school, and for such other expenses as the said board are by this act authorized to incur, shall be the sum of \$6,000 in addition to such appropriations as are authorized by law to be made for the purpose of preventing contagious and infectious disease among animals and the adulteration of foods and drugs; all moneys appropriated for the use of said board shall be paid by the treasurer of the State on the order of the comptroller upon requisition made by the board, signed by the president and secretary thereof and approved by the governor.

8. *Additional appropriation.*—In case any emergency of epidemic or of peril to the public health shall, in the judgment of the State board of health, require the expenditure of a larger amount of money than is herein appropriated, the facts that warrant such expenditure, in the judgment of the board, shall be presented by it to the governor, comptroller, and treasurer of the State, and if, in their judgment, additional expenditure is needed to enable the State board of health to meet such emergency they are hereby authorized to add to the appropriation made by virtue of the authority hereby given, such sum as in their judgment may be necessary therefor.

[General Statutes, p. 1643.]

1. *Clerical assistance.*—If in the judgment of the State board of health it is found that clerical aid is needed by the secretary of the said board in dealing with the investigations and inquiries authorized by the act to which this is a supplement and in the general necessary work of his office it shall be lawful for the board to employ for this purpose so much of the appropriation of said board not exceeding \$800, as it may deem necessary.

[Acts of 1906, chapter 131.]

1. *Annual conference.*—The board of health of the State of New Jersey is hereby authorized to appoint a time and place for a conference, once in each



year, between the members of said board and delegates from the various local boards of health in this State for the consideration of questions relating to the prevention of the spread of dangerous communicable diseases and the promotion of the public health.

2. Each local board of health is hereby authorized to appoint one of its members or officers or employees as a delegate from such board to attend every such annual conference, and the actual traveling and hotel expenses of each delegate so appointed shall be paid by the treasurer or other disbursing officer of the township or municipality within which such local board has jurisdiction upon presentation by the delegate of a certificate of his appointment and a bill of his expenses duly verified by affidavit.

[Acts of 1911, chapter 382.]

The following sums, or so much thereof as may be necessary, be, and they are, appropriated out of the State fund for the respective public officers and for the several purposes herein specified for the fiscal year ending on the 31st day of October, in the year 1912, namely:

[P. 795.]

#### STATE BOARD OF HEALTH.

For salaries of members of the State board of health, pursuant to chapter 299, laws of 1908, \$7,500.

For the State board of health, pursuant to the provisions of chapter 68, laws of 1887, and the amendments and supplements thereto, \$20,300.

For compensation to the secretary of said board, pursuant to said chapter, \$2,500.

For expenses to be incurred pursuant to chapter 225, laws of 1886, \$2,000.

For blanks and stationery for use in the office of State board of health, \$2,500.

For maintenance of the bacteriological laboratory, \$7,000.

For postage required in sending to the physicians of this State the annual report of the State board of health and of the bureau of vital statistics \$600.

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs, and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of 1907, and amendments and supplements, and "An act to prevent deception in the sale of oleomargarine, butterine, or any imitation of dairy products, and to preserve the public health," pursuant to chapter 84 of the laws of 1886, and amendments and supplements, \$23,700.

For the purpose of carrying into effect the provisions of chapter 139, laws of 1906, \$8,450.

For the purpose of carrying into effect the provisions of chapter 72, laws of 1900, and the amendments and supplements thereto, \$26,540.

For the purpose of carrying into effect the provisions of chapter 12 of the laws of 1910, \$10,000.

For the purpose of carrying into effect the provisions of a bill pending, entitled "An act relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein," \$3,500: *Provided* said bill becomes a law.

[General Statutes, p. 1636.]

9. *Local boards of health, how appointed and constituted.*—There shall be a local board of health in every city, borough, town, and other local municipal government, in this State, which shall be composed of not less than five nor



more than seven members, who shall be appointed in such manner and hold their respective offices for such terms, not exceeding four years, as the board or aldermen, common council, or other governing body may by ordinance provide: *Provided, however,* That in cities containing a population of over 100,000 inhabitants such boards may consist of not less than five nor more than nine members; the terms of office of the members of said local boards shall be so arranged that the terms of not more than three members shall expire in any one year; if any vacancy shall occur in any of said local boards, it shall be filled in the same manner in which the original appointments were made, but for the unexpired term only.

10. *Composition.*—There shall be a local board of health in every township of this State, which shall be composed of the members of the township committee, the township assessor, and one physician to be appointed by the township committee; such physician shall hold office for the term of three years from the time of his appointment and until his successor shall be appointed; if any township committee shall not appoint a physician as aforesaid on or before the 1st day of June, 1887, or if they shall neglect or fail to make such appointment within 10 days after the death, removal, or resignation of any physician, or after the expiration of his term of three years aforesaid, it shall be lawful, in any of said cases, for the State board of health, at any time after the expiration of either of the periods above limited for appointment by the township committee, and before the township committee shall have made an appointment, to appoint a physician as a member of said local board of health, who shall hold his office for the term of three years from the time of his appointment by said State board and until his successor shall be appointed; if, however, in any township, no physician shall be appointed, as hereinabove required, either by the township committee or by the State board of health, then and in such case the members of the township committee and the assessors shall constitute the local board of health of such township, and shall continue to constitute such board until such appointment as aforesaid shall be made; in case of the death, removal, or resignation of any assessor before the time of electing his successor, the township clerk shall succeed such assessor as a member of such local board, and shall continue as such member until an assessor shall be duly elected or appointed, and such township clerk shall take charge of and make all returns of marriages, births, and deaths as required by law of assessors; in any township within whose limits a city, borough, town, or other form of local municipal government now exists, or hereafter shall exist, the jurisdiction of the local board of the township shall extend only to such parts of the township as are, or shall be, outside of the territorial limits of such city, borough, town, or other local municipal government, but in every other case the jurisdiction of the township board shall be coextensive with the limits of the township.

11. Every local board of health now existing in any city, borough, town, or other local municipal government in this State, which is, in fact, constituted and organized in the manner required by the ninth section of this act, and every local board of health now existing in any township which is in fact constituted and organized in the manner required by the tenth section of this act, shall be deemed, held, and taken to be a local board of health, created under the provisions of this act, and every such board is hereby perpetuated and continued, and is hereby authorized, without reorganization to exercise all the powers and required to perform all the duties applicable to local boards mentioned in this act; the members of every such board shall continue in office until the expiration of the terms for which they were originally appointed; every ordinance which has heretofore been passed by any common council, or other gov-



erning municipal body, creating, establishing, or organizing, or providing for the creation, establishment, or organization of any such local board of health as aforesaid, shall be deemed, held, and taken to be of the same force and validity as if it had been passed under the provisions and authority of this act; and all ordinances, rules, and regulations heretofore adopted or passed by any such local board of health as aforesaid, which might be adopted or passed under the authority of this act, shall continue to be the ordinances, rules, and regulations of such local board, and shall be of the same force and validity as if they had actually been adopted or passed under the provisions and authority of this act.

12. *Powers of local boards to pass ordinances.*—The said local boards of health shall have power to pass, alter, or amend ordinances, and make rules and regulations in regard to the public health within their several jurisdictions, for the following purposes, but such ordinance shall have three readings before its final passage, and at least one week shall intervene between the second and third readings of said ordinance, and a notice stating the title of said ordinance and the date when it passed its second reading, shall be published at least one week prior to its final passage in at least one newspaper published in the township, city, town, borough, or other local municipal government, if any newspaper is published therein, and if there be no newspaper published therein, then in some newspaper of the county circulating in such township, city, town, borough, or other local municipal government:

I. To aid in the enforcement of the law as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any kind of meat or vegetable that is unwholesome or unfit for food;

II. To define and declare what shall constitute nuisances in lots, streets, docks, wharves, vessels, and piers and all public or private places;

III. To prevent the spreading of dangerous epidemics or contagious diseases, and to declare that the same has become epidemic, and to maintain and enforce proper and sufficient quarantine whenever deemed necessary;

IV. To regulate, control, and prohibit the keeping or slaughtering of all kinds of animals;

V. To regulate, control, and prohibit the accumulation of offal and all decaying or vegetable substances;

VI. To prohibit and remove any offensive matter or abate any nuisance in any public highway, road, street, avenue, alley or other place, public or private, and to cause the removal at the expense of the owner;

VII. To compel the return of all births, deaths, and marriages, by physicians, midwives, nurses, clergymen, magistrates, and other persons professionally officiating at such death, birth, or marriage;

VIII. To secure the sanitary condition of tenement houses, jails, prisons, and all public buildings;

IX. To regulate, control, or prohibit the cleaning of sewers, the dumping of garbage, the filling of sunken lots or marsh lands, and to provide for the filling up of such lots or lands;

X. To regulate and control the method of construction, the location, the method or manner of emptying or cleaning, and the frequency of cleaning cesspools and privies;

XI. To regulate and control the mode of connection of house drainage and plumbing with outside sewers, cesspools, or other receptacles;

XII. To protect the public water supply and prevent the pollution of any stream of water or well, the water of which is used for domestic purposes, and to order not to be used or closed any well, the water of which is polluted or detrimental to the public health;



XIII. To remove persons infected to a suitable place, in case of contagious or infectious disease, where, in the judgment of the board, such removal is necessary and can be accomplished without any undue risk to the person or persons diseased, and to disinfect the premises when deemed necessary;

XIV. To regulate the burial and disinterment of human bodies.

16. *Code.*—In the making of ordinances any local board of health may adopt and ordain the same in the form of a code, or each ordinance may be separate and apart in itself, and in all cases said board shall cause such code, ordinance, or ordinances to be published for at least two weeks, once in each week, in one or more newspapers printed and circulating in the city, township, borough, town, or other local municipal government in which such code, ordinance or ordinances shall take effect; and in case no newspaper shall be printed in such township, or in such city, borough, town, or other local municipal government, then the said code or ordinances shall be posted in five public places therein and published for the said period of time in some newspaper published in the county and circulating in such township, or in such city, borough, town, or other local municipal government.

17. *Amendment or repeal.*—Such boards of health may amend or repeal any part or section of such code or ordinances as they may see fit, such amendments to be passed and amended as aforesaid, and every code, ordinance, amendment, or repealer shall take effect in 30 days after the date of the first publication.

18. *Proceedings in case of violations of code and ordinances.*—Any such board of health may prescribe a penalty for the violation of any of their ordinances or sections of any code they make and ordain as aforesaid, not to exceed \$100 and not less than \$10; and every district court in any city, and every justice of the peace in any county, and any police justice or recorder in any city, is hereby empowered, on oath or affirmation made according to the law that any person or persons has or may have violated any section of the code, or any of the ordinances of any such board as aforesaid, to issue process at the suit of any such board as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons shall be returnable in not less than 1 nor more than 10 entire days; such process shall state what section of the code or ordinance of any such board is alleged to have been violated by the defendant or defendants; and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice, or recorder shall proceed to hear the testimony and to determine and give judgment in the matter, without the filing of any pleadings, and a copy of the ordinance or section of the code alleged to have been violated, certified to under the hand of the clerk or president of the board, and under the seal of such board, if it have a seal, shall be taken as full and legal proof of the existence of such ordinance or code, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same legal and binding, have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice, or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and persons of the defendant or defendants, and said court, justice of the peace, police justice, or recorder is further empowered to cause such defendant who may refuse or neglect to pay the amount of the judgment rendered against him, and all costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding 90 days; and said court, justice of the peace, police justice, or recorder is further empowered in case any such



defendant shall have been twice convicted, within the space of six months, of the violation of the same ordinance, and due proof of the same is made, in addition to the payment of the appropriate penalty, to cause said defendant to be imprisoned in the county jail or county workhouse, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty.

19. *Jurisdiction of court.*—No district court of any city, justice of the peace, police justice, or recorder, shall have jurisdiction of any offenses against any code or ordinances of any board of health, which offenses shall take place outside of the territorial jurisdiction of such district court, justice of the peace, police justice, or recorder, as such territorial jurisdiction is now or may hereafter be established by law.

20. The officers to serve and execute any process issued out of any court under this act shall be the officers authorized by law to serve and execute process in said courts and before such magistrates and officers as aforesaid, including constables and police officers.

[General Statutes, p. 1640.]

31. *Officers and agents and compensation, etc.*—Such local boards of health shall have power and authority to appoint such subordinate officers and agents to carry into effect the powers hereby conferred as they may deem necessary, to fix the term of such appointments and the compensation of such appointees; and in every city, town, borough or other local municipal government, containing a population of 2,000 inhabitants or more, there shall be at least one inspector appointed by such boards; the duties of the officers and appointees of the said board shall be prescribed and defined by rules, regulations, or ordinances made for that purpose.

32. *Inspectors.*—Where, in any township, sufficient sanitary inspection is not secured, the State board of health may, on notice to the local board, require the appointment by the local board of a health inspector for such township, who shall be paid by the local board of the township a sum not less than \$50 a year for his services as inspector.

33. Such local boards of health shall take cognizance of any neglect or failure to make return on the part of any person charged with this duty under the laws of this State, and such boards are authorized to pass ordinances in relation thereto, and prescribe penalties therefor, and to enforce the same in any lawful manner.

34. *Estimate of appropriations.*—The local board of health of every city, borough, town, or other local municipal government shall each year, before the budget of municipal taxes to be levied for such year shall be determined, present to the common council or other governing body of such city, borough, town, or other local municipal government an estimate of appropriations which it shall believe to be needed for health purposes, and if said estimate is not beyond a pro rata of 5 cents for each inhabitant as returned by the last preceding census, the same shall be allowed, and as much in addition thereto as such common council or other governing body shall approve; the appropriation so allowed shall be paid by the treasurer or other custodian of the municipal funds to the board of health, at such times after the budget of municipal taxes shall be determined, and in such sums as the board shall require by their written order drawn upon the treasurer or other custodian of the municipal fund, signed by the president of the board and attested by its secretary; and all fines, fees, and penalties imposed and collected under the ordinances of any such board shall also be paid to said board.



35. *Amount to be expended.*—The local board of health of each township in this State may expend annually the sum of \$100 in the care of the public health, and in addition thereto \$50 for each 1,000 of the inhabitants thereof over 2,000, as returned by the last preceding census, if in its judgment such expenditure shall be required for the purpose, and itemized bills for such expenditure, having been approved by the president and secretary of such board, shall be paid by the usual disbursing officer of the township, and if in case of any emergency or of any special need for the protection of the public health such board shall consider the expenditure of a greater sum necessary, the board shall so certify to the township committee, and with their consent and approval may incur such further expense as said committee may authorize, and if the funds at the disposal of the township committee are not sufficient to cover such expenditure, said committee is hereby authorized to borrow money for the purpose on the credit of the township, and is directed to place the amount in the next annual tax levy, and with the money so raised to pay the debts so incurred.

36. *Removal of agents, officers, etc.*—The appointees, agents, and officers of the said boards, except those merely temporary, shall hold offices during the term for which they were severally appointed, and shall not be removed therefrom except for cause and after an opportunity has been given them for a hearing.

37 (as amended by ch. 79, acts of 1901). *Annual report.*—The local board of health of every township, city, borough, town, and other municipality shall, on or before the 1st day of October in each year, in addition to other reports required, prepare an annual report of the condition of the public health within the limits of its jurisdiction, stating therein any special cause for the deterioration of health or of hazard thereto, and shall therein answer any inquiries which may have been addressed to such local board by the State board of health, and such local board shall forward a copy of such report to the State board of health on or before the 15th day of October in each year; the clerical duty required in the preparation of such annual report shall be done by the secretary or clerk of the local board, who, upon receiving a certificate from the secretary of the State board of health that such annual report has been duly prepared and received by said State board on or before the said 15th day of October, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, or other municipality for which the report is made the sum of \$2 for such clerical service.

[Acts of 1911, chapter 81.]

1. *Medical conventions.*—Boards of health in all cities of the second class of this State may have the power to appoint and send its health officer to any medical convention meeting for the purpose of discussing the improvement of the health and sanitary condition of municipalities, and to pay the expenses of said health officer while attending said convention.

[General Statutes, p. 1642.]

1. *Additional powers.*—Local boards of health, except township boards, shall, in addition to the powers enumerated in the act to which this is a supplement, have power to pass, alter, or amend ordinances and make rules or regulations within their respective jurisdictions:

I. To compel, prescribe, regulate, and control the plumbing, ventilation, and drainage of all buildings, public and private, and the connection thereof with outside sewers, cesspools, or other receptacles, and to require plans for the same,



with necessary drawings or descriptions, to be submitted to said boards for inspection and approval, and to require all master and foreman plumbers and all building contractors to register their names and addresses at the office of said board;

II. To secure the sanitary condition of all buildings, public and private.

2. Any such board of health may, by resolution, delegate any portion of its power to any member of the board or to any officer thereof, to be exercised only when the board is not in session, and any notice by any member of the board, or by any officer thereof, shall be notice by the board, and the person served therewith shall be bound thereby.

\* \* \* \* \*

[General Statutes, p. 1643.]

1. *Plumbing, drainage, etc.*—Local boards of health in densely populated townships in which there is a public water supply shall, in addition to the powers enumerated in the act to which this is a supplement, have power to pass, alter, or amend ordinances and make rules or regulations within their respective jurisdictions:

I. To compel, prescribe, regulate, and control the plumbing, ventilation, and draining of all buildings, public and private, and the connection thereof with outside sewers, cesspools, or other receptacles, and to require plans for the same, with necessary drawings or descriptions, to be submitted to said boards for inspection and approval, and to require all master and foreman plumbers and building contractors to register their names and addresses at the office of said board;

II. To secure the sanitary condition of all buildings, public and private.

2. Any such board of health may, by resolution, delegate any portion of its powers to any member of the board, or to any officer thereof, to be exercised only when the board is not in session, and any notice by any member of the board, or by any officer thereof, shall be notice by the board, and the person served therewith shall be bound thereby.

1. *Additional powers.*—All local boards of health shall, in addition to the powers now vested in them, have power to pass, alter, or amend ordinances and rules within their respective jurisdictions; to license and regulate persons to engage in the business of cleaning cesspools and privies; to fix the fees that shall be charged for each license granted, not exceeding \$20 for each vehicle or conveyance; to prohibit unlicensed persons from engaging in said business, and to require all vehicles and conveyances used in said business to be approved by the local board of health of the jurisdiction in which the same may be used.

2. Each license granted under the provisions of the foregoing section shall continue for the term of one year from the date of granting the same: *Provided*, That if any person licensed as aforesaid, or any of his employees, servants, or agents, shall violate any ordinance or rule of said board in cleaning any cesspool or privy, or in removing the contents thereof, such license may, in the discretion of the board which granted the same, be revoked by said board.

3. All local boards of health except township boards of health which now have or may hereafter pass an ordinance or ordinances under the power now conferred by law, requiring that the plan of the plumbing or drainage system to be constructed in any building within their respective jurisdictions shall be filed in the office of the board of health, shall have the power to charge a fee not exceeding \$2, to be paid by the owner or other person filing said plan to the said board of health on filing said plan.



[General Statutes, p. 1645.]

2. *Regular meetings.*—It shall be the duty of township boards of health to appoint, on the day of their organization, a place, day, and hour for a regular meeting for the hearing of complaints, reports, and general business, and to cause to be published in the township newspaper, or a paper circulating in the township, notice of the same: *Provided*, That at least one regular meeting shall be held in each year: *And provided further*, That special meetings may be called at any time by the president of said township board or by the State board of health, and for attendance on meetings of said boards of health the members shall receive the sum of \$2 for each meeting, to be paid in the same manner as members of township committees are paid for their services.

[General Statutes, p. 1646.]

1. *Penalty.*—Any local board of health may prescribe a penalty for the violation of any ordinance, section of code, or amendment thereof heretofore or hereafter passed by such board, not to exceed \$100 and not less than \$2.

2. Such board shall not be required to provide a penalty specific in amount for the violations referred to in section 1 hereof, but they may provide that the penalty shall not be less than one given sum nor greater than another given sum, the amount of such penalty between the maximum and the minimum, inclusive, shall be left to the discretion of the court or magistrate before whom complaint may be made: *Provided, however*, That this act shall not be construed so as to invalidate any ordinances now in force.

[Acts of 1906, chapter 129.]

1. *Joint health officer.*—One or more adjacent townships or municipalities may join in employing a health officer and one or more sanitary inspectors: *Provided*, That such health officer or sanitary inspectors shall have obtained a license as required by the act to which this is a supplement.

2. *Salary and duties.*—When one or more adjacent townships or municipalities shall join in the employment of a health officer or sanitary inspector the boards of health of the said townships or municipalities so joined are hereby authorized to fix the salary to be paid to said health officer or sanitary inspector, to arrange the duties of said health officer or sanitary inspector, and to apportion the sums to be paid by each of the said townships or municipalities so joining on account of the salaries to be paid said health officer or sanitary inspector, and said sums shall be paid from the sums appropriated to such boards of health.

3. *Additional inspectors.*—In municipalities where a licensed health officer or sanitary inspector has been appointed and employed, additional sanitary inspectors may be appointed by the local board of health for temporary or special service, and such appointees shall not be required to hold a license as provided for in the act to which this is a supplement.

[Acts of 1904, chapter 127.]

1. *Ordinances.*—The recorder or police justice of any town shall have jurisdiction over all actions brought to enforce ordinances passed by the board of health of such town, in the same manner and to the same extent as other actions brought to enforce ordinances passed by the town council of such town.

2. The police officers of all towns are authorized and empowered to serve all papers, processes, and orders in actions to enforce ordinances passed by the



board of health of said town, in the same manner and to the same extent as they are authorized now to serve papers, processes, and orders in actions to enforce ordinances of the town council.

3. All fees, costs, fines, and sums of money in all actions to enforce ordinances of the board of health shall be paid over to the town authorities, in the same manner and to the same extent as the same are paid over in actions to enforce ordinances of the town council.

[Acts of 1904, chapter 145.]

1. Whenever any board or body of any city shall have power and authority to pass ordinances on any subject and prescribe a penalty or penalties for the violation thereof, it shall and may be lawful for such board or body, in passing any ordinance, to prescribe a maximum penalty to be enforced, either by fine or imprisonment or both, not exceeding the limit set in the act which authorizes such ordinance; and any police justice before whom a proceeding on account of such violation may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance.

2. Whenever ordinances have already been passed by any such board or body fixing a definite penalty for the violation thereof, it shall be lawful for such board or body to pass a general ordinance allowing any police justice before whom a proceeding on account of the violation of any such ordinance already passed may be cognizable, to impose any penalty in its or his discretion not to exceed the amount prescribed in such ordinance or ordinances already passed, which amount shall be the maximum penalty.

[Acts of 1898, chapter 221.]

"SECTION 1. All judgments or other judicial proceedings of any city judge, police court, or other inferior court, had for or on account of any alleged violation of city ordinances or ordinances of city boards of health, whether had with or without a trial by jury, shall be reviewable by writ of certiorari, in accordance with the rules and practice of the supreme court, or on application for that purpose, made by the defendant, within 30 days after such judgment has been rendered, the court of common pleas of the county in which such judgment was rendered may order such judgment and all the proceedings had in the case to be certified to said court, by the court in which such judgment was had, and upon return being made to said order, said court of common pleas may review said judgment and all the proceedings had in the case, and set the same aside if said court shall find the same to be illegal."

[Acts of 1903, chapter 168.]

SEC. 13. *Powers, cities.*—The city council of such city (any city in the State adopting the provisions of the act) shall have power to make, establish, publish, modify, amend, or repeal ordinances for the following purposes:

XV. To prohibit and regulate the construction and use of wells, pumps, aqueducts, and cisterns in public streets and places.

XVIII. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large; and to impose taxes on the owners of dogs.

XIX. To locate, regulate, and remove slaughterhouses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meat, fish, fruits, and vegetables, and to prohibit persons from selling such articles without license; to provide for the collection and disposition of



offal, garbage, wastes, and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make collection and disposition thereof or to provide therefor, and in case such board is given such power and authority it is hereby authorized to accept the same and given power to collect and dispose of all such refuse matter.

XXIII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city.

XXV. To abate and remove nuisances of every kind and to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hogpen, sewer, or other offensive or unwholesome house or place, lot, or inclosure, to cleanse, remove, or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof.

XXVI. To regulate the burial of the dead, prohibit interment within such limits as may be prescribed, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of such city as the health, quiet, and good order of the city may, in the opinion of the city council, require.

XXXVIII. To provide a supply of water for the city and its inhabitants.

XLII. To provide for the purchase, construction, operation, and maintenance of a sewerage system or systems for the disposal of wastes and storm water, separately or combined.

SEC. 15. In all cases where, by the provisions of this act, the city council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail, not exceeding 90 days, or by a fine, not exceeding \$200, and imprisonment in the workhouse, city or county jail, not exceeding 90 days, in default of the payment of such fine. \* \* \*

#### NEW MEXICO.

[Acts of 1907, chapter 34, as amended by chapter 99, acts of 1909.]

SECTION 1. *Board of health, how constituted.*—A board is hereby established to be called the New Mexico Board of Health and Medical Examiners, which shall be composed of seven reputable physicians of known ability, who are graduates of medical colleges in good standing, as hereinafter defined, and have been registered practitioners in and bona fide residents of the Territory of New Mexico for a period of five years next preceding the date of their appointment. The governor of New Mexico shall appoint the members of said board as other Territorial officers are appointed and shall fill any vacancies occurring in said board and may remove any member of said board who fails to perform his duties as hereinafter defined. Three of the members of said board so appointed shall hold their offices for a period of two years and the remaining four members shall hold their offices for a period of four years, and thereafter the members of said board, upon the expiration of the terms aforesaid, shall hold their offices for a period of four years and until their successors are elected and qualified. All members of said board shall qualify as now required of the board of regents of the University of New Mexico.

SEC. 2. *Meetings.*— \* \* \* The members of said board shall meet in the capitol building, in the city of Santa Fe, N. Mex., and organize by electing one of their number as president, one as vice president, one as secretary, and one as treasurer, and thereafter regular meeting of said board shall be held in the said capital building on the second Mondays of January, April, July, and Octo-



ber in each year, and there shall be not less than a two days' session at each meeting. Special meetings may be held at any time upon call of the president upon written notice to all of the members of said board, in which notice the object of the meeting shall be fully stated. A majority of the members shall constitute a quorum for the transaction of business, but a less number may meet and adjourn to some fixed date.

SEC. 10. *Expenses.*— \* \* \* All the expenses of the members of said board necessarily and properly incurred in attending the sessions of said board and for necessary supplies shall be paid out of the funds of said board upon the order of the president, countersigned by the secretary of said board. The treasurer of the board shall keep a correct and itemized account of all moneys received and disbursed, and shall make a report to the board at each meeting. The secretary of said board is required to report the doings and proceedings of said board, together with the amount of all moneys by it received and disbursed and on what account, with items, on the 1st day of December in each year, to the governor of New Mexico.

SEC. 11. *Rules.*—Said board is hereby authorized and empowered to make all necessary rules and regulations for carrying out the provisions of this act.

[Acts of 1909, chapter 99.]

SEC. 5. The New Mexico Board of Health and Medical Examiners created by chapter 34 of the acts of the thirty-seventh legislative assembly, be (is hereby) vested with the powers and charged with the duties prescribed by chapter 103 of the acts of the thirty-fifth legislative assembly, and any acts that may have been or may hereafter be passed, in amendment thereof. \* \* \*

[Acts of 1903, chapter 103.]

SECTION 1. *Duties board of health.*—The New Mexico Board of Health, created by chapter 18 of the acts of the thirty-fourth legislative assembly, be (is) vested with the powers, and charged with the duties prescribed by said chapter and any acts that have been or may hereafter be passed in amendment thereof.

SEC. 2. *Nuisances.*—The board of health shall make such regulations respecting nuisances, sources of filth, and causes of sickness applicable to any county, city, town, or village, in the territory, or any part of such county, city, town, or village, as the peculiar conditions in such county, city, town, or village may in the judgment of said board of health at any time require.

SEC. 3. *Railways, etc.*—Said board may also make such regulations as the public health may require, in their judgment, for railway cars and trains of cars, being operated from place to place within the Territory: *Provided, however,* That regulations applicable to cars or trains of cars shall in no wise conflict with the laws and Constitution of the United States; and the enactment of such regulations so in conflict, shall not be held to make such regulations not so in conflict void.

SEC. 4. *Regulations, etc.*—The said board of health shall also make such regulations as they may deem necessary for the public health and safety respecting any articles of personal property or real estate, which may be capable of containing, conveying, or communicating any infection or contagion or of creating any sickness. This section shall extend to and include all such articles of personal property as may be brought into or conveyed from any part of the Territory to any other part of the Territory and to all such articles as may be brought into the Territory from without the Territory.

SEC. 5. *Investigations, etc.*—The board of health shall examine into all nuisances, sources of filth, or causes of sickness, that may in their opinion be



injurious to the health of the inhabitants of the Territory or of any county, city, town, or village in the Territory or any part of the Territory or of any part of any county, town, city, or village of the Territory. This section shall extend to and include the examination of such nuisances, sources of filth, or causes of sickness as may be found in any railway car or train of cars, and the board may make specific regulations for the control and abatement of the same.

SEC. 6. *Removal of nuisances.*—Whenever such nuisance, source of filth, or cause of sickness shall be found on private property, the board of health shall order the owner or occupant or the person or persons that have caused or committed such nuisance, at his own expense, to remove the same within 24 hours, and in default thereof he, she, or they shall forfeit the sum of not less than \$25 nor to exceed \$100. Each 24 hours' failure to obey such order, after the first, shall constitute a separate offense.

SEC. 7. *Expenses of removal of nuisances.*—If the owner or occupant shall not comply with such order of the board, the board may cause such nuisance, source of filth, or cause of sickness to be removed, and the expense incurred thereby shall be paid by said owner, or by such other persons as shall have caused or committed the same. The remedy provided by this section and that provided by section 6 shall be deemed cumulative.

SEC. 23. *Rules.*—The said board is hereby authorized to make all proper rules and regulations for the proper enforcement of this act not in conflict with the laws of the Territory or laws of the United States, and all such rules and regulations when so made shall be published in the public press of the Territory and shall be duly recorded as a part of the proceedings of said board and filed with the secretary of the Territory.

SEC. 24. *Penalties.*—Any person violating any of the provisions of this act or any of the rules and regulations adopted by said board, if punishment for the same is not herein otherwise provided for, shall be guilty of a misdemeanor, and after conviction shall be punished by a fine of not less than \$25 and not more than \$100, and may be prosecuted either by indictment or information or before any justice of the peace in the county in which such offense is committed.

SEC. 27. *Salaries and expenses.*—The members of the Territorial board of health for each day's service in attendance upon board meetings or in the actual discharge of their duties as members of such board shall receive the sum of \$5, together with their actual and necessary expenses, while absent from their homes, to be audited and paid in the same manner as the expenses of the members of the Territorial board of equalization are now by law required to be audited and paid.

SEC. 25. *Joint health officer.*—The county health officer provided for by section 22 of this act, if there is any incorporated city, town, or village in the county for which he is appointed, shall be a resident of and be appointed from the principal incorporated city, town, or village in the county, and may be the same physician appointed health officer for such city, town, or village by the municipal governing body thereof. [NOTE.—Sec. 22 repealed by ch. 99, acts of 1909.]

SEC. 26. *Expenses, etc.*—The costs of carrying out the provisions of this act except as herein otherwise provided, when the same are incurred in any city, town, or village, shall be paid by the board of county commissioners of the county in which the same are incurred as a part of the current expenses of such county, and it shall be the duty of the board of county commissioners to make proper provision therefor.

SEC. 28. *Local authorities to aid.*—The mayor and council and trustees of incorporated cities, towns, and villages of the Territory and the marshals and



police officers of such municipal incorporations shall aid in the enforcement of the provisions of this act; and nothing herein contained shall be construed to prohibit the enactment and enforcement of any ordinance by such municipal incorporation as supplementary to this act for the protection of the public health within the limits of such municipality: *Provided*, Such ordinance does not conflict with the provisions of this act, and no power which may now be exercised by such municipal incorporation shall be held to be abridged or repealed, except as far as the same may be in conflict with this act.

[Acts of 1909, chapter 99.]

SEC. 4. *County health officers, how appointed.*—The several boards of county commissioners of the counties of this Territory shall annually, at the January term of said several boards of county commissioners, contract in writing with some reputable physician, who shall be the county health officer of such county, and such contract shall specify the compensation of such health officer, and such physician so appointed by said board shall be a resident of the county and he shall be subject to the orders of the board of county commissioners, and shall be their chief officer in the county for the purpose of carrying out any health regulations. He may, with the consent of the county commissioners, appoint as many assistant health officers in any county as the public health and safety may require. Such county health officer and his assistants, for the purpose of enforcing the provisions of this act, shall be vested with all the powers vested by law in a constable of the county. The assistant health officer need not be a physician, but shall at all times act under the direction of the health officer.

SEC. 5. \* \* \* *Provided*, That the provisions of this act shall not apply to incorporated cities or towns having a board of health or health officers.

#### NEW YORK.

[Chapter 45, Consolidated Laws, Public Health Law.]

SEC. 1. *Short title.*—This chapter shall be known as the public health law.

SEC. 2. *State department of health.*—The State department of health and the office of commissioner of health are continued. The commissioner of health shall be the head of such department. Such commissioner shall be appointed by the governor, by and with the advice and consent of the senate, and shall be a physician, a graduate of an incorporated medical college, of at least 10 years' experience in the actual practice of his profession, and of skill and experience in public health duties and sanitary science. The term of office of the commissioner shall be four years, beginning on the 1st day of January of the year in which he is appointed.

SEC. 3. *Compensation of officers and employees.*<sup>1</sup>—The commissioner of health shall receive an annual salary of \$3,500, and his expenses actually and necessarily incurred in the performance of his official duties to be paid monthly on the audit of the comptroller. He may employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department and fix their compensation within the amount appropriated therefor by the legislature. He shall designate, in writing, one of his assistants, who shall possess the powers and perform the duties of commissioner of health during his absence or inability to act, or during a vacancy in the office.

SEC. 4. *General powers and duties of commissioner.*—The commissioner of health shall take cognizance of the interests of health and life of the people of the State, and of all matters pertaining thereto. He shall make inquiries in

<sup>1</sup> See ch. 810, acts of 1911 (p. 2164).



respect to the cause of disease, especially epidemics, and investigate the source of mortality, and the effect of localities, employments, and other conditions upon the public health. He shall obtain, collect, and preserve such information relating to mortality, disease, and health as may be useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the State. He may issue subpoenas, compel the attendance of witnesses, and compel them to testify in any matter or proceeding before him, and a witness may be required to attend and give testimony in a county where he resides or has a place of business without the payment of any fees. The commissioner of health may reverse or modify an order, regulation, by-law, or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board has jurisdiction; and may exercise exclusive jurisdiction over all lands acquired by the State for sanitary purposes. The commissioner of health and any person authorized by him so to do may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places.

SEC. 5 (as amended by ch. 557, acts of 1909). *Duties with respect to vital statistics.*—There shall be in the State department of health a bureau of vital statistics for the registration of births, marriages, deaths, and prevalent diseases, which shall be under the general charge and supervision of the commissioner of health. He shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and to insure the prompt and faithful registration of the same in the several municipalities and in the State bureau. He shall from time to time recommend such forms and such amendments of law as shall be deemed necessary for the thorough organization and efficiency of registration of vital statistics throughout the State, as supervised by him. The clerical duties and safe-keeping of the State bureau shall be provided for by the commissioner of health. The comptroller shall provide and furnish such stationery as the commissioner may require in the discharge of his duties. If defects exist in any registration under the supervision of a local board of health, the commissioner shall notify the local board that such defects must be amended and prevented within 10 days from the date of the notice. If such defects are not so amended or prevented, the commissioner shall take control of such registration and the record thereof and enforce the rules and regulations in regard thereto, and secure a complete registration in such municipality, and such control shall continue until the local board satisfies the commissioner that it will make such record and registry complete, as required by law, and the expenses incurred by the commissioner or his representative while in control of the registration shall be a charge upon the municipality. A copy of any record or registry in the office of the State department of health, duly certified by the commissioner to be a true copy thereof, shall be presumptive evidence in all courts and places of the facts therein stated. The commissioner of health shall prescribe and prepare the necessary methods, forms, and rules regulating the issue of transfer permits, by local boards of health, for the transportation of corpses for burial outside of the county where death occurred and the use of such permits. He shall require a coupon to be attached to every such permit to be detached and preserved by every common carrier or person in charge of any vessel, car, or vehicle to whom any such corpse shall be delivered for transportation.

SEC. 12. *Annual report.*—The commissioner of health shall annually, on or before the first Monday in February, make a written report to the governor upon the vital statistics and sanitary conditions and prospects of the State. Such reports shall set forth the action of the department and of its officers and agents and the names thereof during the past year, a detailed statement of all moneys



paid out by or on account of the department, and the manner of its expenditure during the year, and other useful information, and shall suggest any further legislative action or precaution deemed necessary for the better protection of life and health.

SEC. 11. *Power of commissioner where municipality fails to establish board of health.*—If any municipal corporation authorized by law to establish a local board of health shall omit to do so, the commissioner of health may in such municipality exercise the powers of a local board of health and appoint a health officer thereof and fix his duties and compensation. The compensation of such health officer and the expenses lawfully incurred by him and by the commissioner of health in such municipality shall be a charge upon and paid by such municipality until such time as a local board of health shall be established therein, whereupon the jurisdiction of such health officer and of the commissioner of health conferred by this section shall cease.

SEC. 14 (as amended by ch. 92, acts of 1910). *Approval of plans, etc.*—In all buildings and institutions owned, maintained, or controlled by the State the plans for all water supply, sewerage, sewage-disposal and garbage-disposal works shall be subject to the approval of the State commissioner of health before being adopted or constructed. Whenever required by the fiscal supervisor of State charities, the State commissioner of health shall make an examination and inspection of the sanitary conditions of such institutions as report to the fiscal supervisor of State charities and transmit copies of his report and recommendations thereon to the president of the board of managers or trustees of such institution and to the fiscal supervisor of State charities. It shall be the duty of the superintendents of said institutions to immediately report an outbreak of a contagious or infectious disease to the State commissioner of health, and upon receipt of such report the State commissioner of health shall advise the superintendent of said institution as to the best means to effectually control said disease. It shall be the duty of the State commissioner of health to make regular analyses of the water supplies of said institutions at least twice in each year, and furnish copies of his reports thereon to the president of the board of managers or trustees of the institutions and to the fiscal supervisor of State charities.

SEC. 15. *State board of health to mean department of health.*—Whenever the term "State board of health" occurs or any reference is made thereto in any law, it shall be deemed to mean or refer to the department of health as created by this act. The commissioner of health shall have all the powers conferred and perform all the duties imposed by law upon the State board of health, or any member, committee, or officer thereof, including the secretary.

SEC. 16. *Pending actions and proceedings not affected.*—This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the State board of health, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the commissioner of health as if this act had not taken effect. Nor shall any provision hereof affect in any manner any order or recommendation made by or any other matters or proceedings before such State board of health, and all such matters and proceedings pending before such board when this act takes effect shall be continued before the commissioner of health.

SEC. 37. *Mandamus.*—The performance of any duty or the doing of any act enjoined, prescribed, or required by this article may be enforced by mandamus at the instance of the State department of health or its president or secretary, or of the local board of health, or of any citizen of full age resident of the municipality where the duty should be performed or the act done.



[Acts of 1911, chapter 810.]

SEC. 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the 1st day of October, in the year 1911, namely:

[P. 2164.]

## HEALTH DEPARTMENT.

For salaries of the—

|   |         |
|---|---------|
| Commissioner of health  | \$5,000 |
| For his actual and necessary traveling expenses in the performance of his official duties, \$1,200 or so much thereof as may be necessary | 1,200   |
| Deputy commissioner of health   | 3,500   |
| For his actual and necessary traveling expenses in the performance of his official duties, \$500, or so much thereof as may be necessary  | 500     |
| Secretary   | 3,500   |
| Chief clerk and director of the division of vital statistics  | 2,700   |
| Employees according to grade—   |         |
| Ninth grade, one employee   | 2,100   |
| Sixth grade, one employee   | 1,200   |
| Third grade, one employee   | 600     |
| Second grade, one employee  | 480     |

*Division of sanitary engineering.*

For salaries of the—

|  |       |
|--|-------|
| Consulting engineers   | 4,500 |
| Assistant consulting engineer  | 2,700 |
| Two assistant sanitary engineers   | 3,600 |
| Employees according to grade—  |       |
| Sixth grade, one employee  | 1,080 |
| Fourth grade, one employee   | 720   |
| For the purchase of instruments, maps, and for necessary and incidental office expenses, \$1,000, or so much thereof as may be necessary | 1,000 |

*Division of vital statistics.*

For salaries of the employees according to grade:

|   |       |
|---|-------|
| Eighth grade, one employee  | 1,800 |
| Seventh grade, two employees  | 3,000 |
| Sixth grade, one employee   | 1,200 |
| Fifth grade, four employees   | 3,600 |
| Third grade, two employees, \$1,200, or so much thereof as may be necessary | 1,200 |
| Laborer   | 720   |

*Division of publicity and education.*

|                            |       |
|----------------------------|-------|
| For salary of the director | 1,200 |
|----------------------------|-------|

*Division of communicable diseases.*

For salaries of the—

|                                       |       |
|---------------------------------------|-------|
| Medical expert on contagious diseases | 2,400 |
| Employees according to grade—         |       |
| Fifth grade, two employees            | 1,800 |



*Antitoxin laboratory.*

For actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus, and diphtheria antitoxin, for the proper distribution of the same in antiseptic tubes, and for further investigation of serum therapy in tuberculosis, typhoid fever, and kindred diseases, \$15,000, or so much thereof as may be necessary-----\$15,000

*Hygienic laboratory.*

For actual and necessary expenses of equipment and maintenance of the State hygienic laboratory and for the services of the Bender laboratory and elsewhere, \$14,000, or so much thereof as may be necessary----- 14,000

For actual and necessary traveling expenses of subordinates of the department of health in the performance of their official duties pursuant to the written direction of the commissioner, \$6,500, or so much thereof as may be necessary----- 6,500

For services and expenses of experts and stenographers in examinations and investigations, for the expenses of the annual conference of health officers, \$7,500, or so much thereof as may be necessary----- 7,500

For furniture, books, blanks, binding, printing, messages, and other necessary and incidental office expenses, \$10,000, or so much thereof as may be necessary ----- 10,000

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, \$5,000, or so much thereof as may be necessary----- 5,000

*State Institute for the Study of Malignant Disease at Buffalo.*

For maintenance and equipment of the State Institute for the Study of Malignant Disease at Buffalo, \$35,000, or so much thereof as may be necessary, to be expended under the supervision and control of the State health department----- 35,000

[Acts of 1911, chapter 811.]

SEC. 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons and for the purposes indicated in this act, the amounts named, or so much thereof as shall be sufficient to accomplish in full the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrants shall be issued, except in the case of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same upon vouchers presented as required by section 12 of the State finance law. Whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

## HEALTH DEPARTMENT.

Four hundred and forty-eight dollars and thirty-four cents, being the unexpended balance of appropriations made by chapter 432 and chapter 433, laws of 1909, and \$846.64, being the unexpended balance of appropriations made by chapter 512, laws of 1910, for services of employees, are hereby reappropriated for additional or temporary services in said office, and the further sum of \$437.50 is hereby appropriated for the same purpose----- \$437.50



|  |               |
|--|---------------|
| For suppressing epidemics of smallpox and the control and prevention of other infectious and contagious diseases in the several municipalities of the State, \$12,500, or so much thereof as may be necessary-----   | \$12, 500. 00 |
| For the control and prevention of ophthalmia neonatorum and the prevention of blindness, \$2,500, or so much thereof as may be necessary-----  | 2, 500. 00    |
| For the printing of the marriage licenses and record books for town, city, and county clerks, and express charges for distribution of same, ordered pursuant to chapter 742, laws of 1907, and article 3, chapter 19, laws of 1909, being the domestic-relations law, \$2,000, or so much thereof as may be necessary-----   | 2, 000. 00    |
| * * * * *  |               |
| For enforcing the provisions of chapter 335 of the laws of 1911, relative to cold storage, the following sums are hereby appropriated:   |               |
| For salaries of inspectors, any necessary legal services, and traveling expenses-----  | 30, 000. 00   |
| For clerks, stenographers, printing of books and forms, etc-----   | 10, 000. 00   |
| * * * * *  |               |
| Ten thousand twenty-three dollars and six cents, being the unexpended balance of an appropriation made by chapter 512 of the laws of 1910, for the maintenance and equipment of the cancer laboratory, and \$2,000, being the unexpended balance made by the same chapter for repairs to building, is hereby reappropriated for the maintenance and equipment of State Institute for the Study of Malignant Disease. |               |

[Chapter 45, Consolidated Laws.]

SEC. 20 (as amended by ch. 165, acts of 1909). *Local boards of health.*—There shall continue to be local boards of health and health officers in the several cities, villages, and towns of the State. In the cities, except cities of the first and second class, the board shall consist of the mayor of the city, who shall be its president, and at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council upon the nomination of the mayor and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. In the cities, except cities of the first and second class, and such other cities whose charters otherwise provide, the board shall appoint for a term of four years a competent physician, not one of its members, to be the health officer of the city, and shall fill any vacancy that now exists or may hereafter exist from expiration of term or otherwise in the office of health officer of the city. In villages the board shall consist of not less than three nor more than seven persons, not trustees of the village, who shall be appointed by the board of trustees at the first meeting of the board of trustees of such village, after the next annual election of the village; the members of said board of health shall at their first meeting divide themselves by lot into three classes, whose terms of office shall expire respectively in one, two, and three years from the annual election held prior to their appointment; and in case of an increase in the membership of such board, as hereinafter provided, there shall be a like apportionment by lot of the added members in respect to their terms of office at the first meeting of said board after such increase occurs, whereby the whole number of terms expiring annually shall be as nearly equal



as possible. From and after the appointment of said board as above provided, the appointment of the successors of said members shall be made immediately after the annual elections of said village and shall continue in office until their successors are appointed unless removed therefrom: *Provided, however,* That upon failure to appoint such board of health at such first meeting such appointment may be made at any subsequent meeting, in the event of no appointment having been made by the proper authorities as hereinafter provided. The board of trustees of such village may, in its discretion, at the first meeting of such board held after any annual election of the village, increase the number of members of the board of health of such village, and appoint such additional members and thereafter appoint their successors, providing the number of members of such board of health as increased shall not exceed seven. Every such village board shall elect a president and secretary, the president to be elected from among the members of said board. In towns the board of health shall consist of the town board and another citizen of the town, of full age, biennially appointed by the town board at a meeting thereof after each biennial town meeting for the term of two years from and after such town meeting and until his successor is appointed. The local board of health shall appoint a competent physician, not a member of the local board of health, to be the health officer of the municipality. The term of office of the health officer shall be four years, and he shall hold office until the appointment of his successor. He may be removed for just cause by the local board of health or the State commissioner of health after a hearing; such removal by the local board of health must be approved by the State commissioner of health. The health officer need not reside within the village or town for which he shall be chosen, but unless he shall he must reside in an adjoining town. If the proper authorities shall not fill any vacancies occurring in the membership of any local board within 30 days after the happening of such vacancy, the mayor of the city, president of the village, or supervisor of the town shall appoint a competent person to fill the vacancy for the unexpired term, which appointment shall be immediately filed in the office of the county clerk, and a duplicate thereof filed with the clerk of the municipality for which such appointment is made. Notice of the membership and organization of every local board of health shall be forthwith given by such board to the State department of health. The term "municipality" when used in this article means the city, village, or town for which any such local board may be or is appointed. The provisions herein contained for the appointment and number of members of boards of health, and for the appointment of health officers, shall apply to all towns and villages whether such villages are organized under general or special laws. [NOTE.—In cities of the first class the health organization is governed by provisions in charters; in cities of the second class by provisions of secs. 145-154, ch. 53, Cons. Laws.]

SEC. 21 (as amended by ch. 480, acts of 1909). *General powers and duties of local boards of health.*—Every such local board of health shall meet at stated intervals to be fixed by it in the municipality. The presiding officer of every such board may call special meetings thereof when in his judgment the protection of the public health of the municipality requires it, and he shall call such meeting upon the petition of at least 25 residents thereof, of full age, setting forth the necessity of such meeting. Every such local board shall prescribe the duties and powers of the local health officer, who shall be its chief executive officer, and direct him in the performance of his duties, and fix his compensation. In addition to his compensation so fixed, the board of health must allow the actual and reasonable expenses of said health officer in going to, attending, and returning from the annual sanitary conference of health officers, or equivalent meeting, held yearly within the State, and whenever the



services rendered by its health officer shall include the care of smallpox, the board of health shall allow, or whenever such services are extraordinary, by reason of infectious diseases, or otherwise, they may in their discretion, allow to him such further sum in addition to said fixed compensation as shall be adequate for such services, audited by the town board of a town, by the board of trustees of a village, or by the proper auditing board of a city of the third class, which said expenses and said additional compensation shall be a charge upon and paid by the municipality as provided in section 35 of this chapter.

Every such local board shall make and publish from time to time all such orders and regulations as they may deem necessary and proper for the preservation of life and health, and the execution and enforcement of this chapter in the municipality. It shall make without publication thereof, such orders and regulations for the suppression of nuisances, and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon. It may employ such persons as shall be necessary to enable it to carry into effect its orders and regulations and fix their compensation. It may issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses, and compel them to testify, and for such purposes it shall have the same powers as a justice of the peace of the State in a civil action of which he has jurisdiction. It may designate by resolution one of its members to sign and issue such subpoenas. No subpoena shall be served outside the jurisdiction of the board issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health. It may issue warrants to any constable or policeman of the municipality to apprehend and remove such persons as can not otherwise be subjected to its orders or regulations, and a warrant to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so. Every warrant shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof as if it had been duly issued out of a court of record of the State. Every such local board may prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, not exceeding \$100 for a single violation or failure, to be sued for and recovered by it in the name and for the benefit of the municipality; and may maintain actions in any court of competent jurisdiction to restrain by injunction such violations, or otherwise to enforce such orders and regulations. Whenever such local board of health in any incorporated village shall deem the sewers of such village insufficient to properly and safely sewer such village, and protect the public health, it shall certify such fact in writing to the board of trustees of such village, stating and recommending what additions or alterations should in the judgment of such board of health be made, with its reasons therefor, and thereupon such board of trustees shall immediately convene and consider such recommendations, and if approved by such board of trustees, the same shall be certified to the State commissioner of health for his approval, and if such recommendations shall be approved by the State commissioner of health, it shall be the duty of the board of trustees or other board of such village having jurisdiction of the construction of sewers therein, if there be such a board, whether sufficient funds shall be on hand for such purpose or not, to forthwith make such additions to or alterations in the sewers of such village and execute such recommendations, and the expenses thereof shall be paid for wholly by said village in the same manner as other village expenses are paid or by an assessment of the whole amount



against the property benefited or partly by the village and partly by an assessment against the property benefited, as the board of trustees of such village shall by resolution determine. If the board of trustees shall determine that such expenses shall be paid partly by the village and partly by an assessment against the property benefited, as authorized by this section, it shall in the resolution making such determination fix the proportion of such expense to be borne by each, and the proportion thereof to be raised by an assessment against the property benefited shall be assessed and collected in the manner provided by the village law for the assessment and collection of sewer assessments. Said village is hereby authorized to raise such sum as may be necessary for the payment of the expenses incurred, which are a village charge, if any, as herein provided, in addition to the amount such village is now authorized to raise by law for corporation purposes, and such board shall have the right to acquire such lands, rights of way, or other easements, by gift or purchase or, in case the same can not be acquired by purchase, may acquire the same by condemnation in the manner provided by law.

SEC. 34. *Jurisdiction of town and village boards.*—A town board of health shall not have jurisdiction over any city or incorporated village or part of such city or village in such town if such city or village has an organized board of health. The boards of health of any town and the incorporated villages therein, or any two or more towns and the incorporated villages therein, may unite, with the written approval of the State department of health, in a combined sanitary and registration district and appoint for such district one health officer and registering officer, whose authority in all matters of general application shall be derived from the boards of health appointing him and in special cases, not of general application, arising within the jurisdiction of but one board, shall be derived from such board alone. When one or more towns and the incorporated villages therein unite in one registration district, the registrar of vital statistics of such combined district will be required to make separate returns to the State department of health of village and town certificates of births, marriages, and deaths.

SEC. 35. *Expenses, how paid.*—All expenses incurred by any local board of health in the performance of the duties imposed upon it or its members by law shall be a charge upon the municipality and shall be audited, levied, collected, and paid in the same manner as the other charges of or upon the municipality are audited, levied, collected, and paid. The taxable property of any village maintaining its own board of health shall not be subject to taxation for maintaining any town board of health or for any expenditure authorized by the town board of health, but the costs and expenditures of the town board shall be assessed and collected exclusively on the property of the town outside of any such village.

[Consolidated laws, 1909, chapter 40.]

SEC. 1740. *Willful violation of health laws.*—1. A person who willfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer is guilty of a misdemeanor.

2. A person who willfully violates any provision of the health laws or any regulation lawfully made or established by any public officer or board under authority of the health laws the punishment for violating which is not otherwise prescribed by those laws or by this code is punished by imprisonment not exceeding one year or by a fine not exceeding \$2,000, or by both.

SEC. 1741. A person who willfully opposes or obstructs a health officer or physician charged with the enforcement of the health laws in performing any legal duty is guilty of a misdemeanor.



[Consolidated laws, 1909, chapter 11.]

SEC. 43. *County laboratories.*—The board of supervisors of any county shall have the power, by the vote of a majority of said board, to establish a county laboratory and to appoint a thoroughly trained and competent county bacteriologist to have charge of such laboratory and such assistants as may be required.

SEC. 44. *Bacteriologist.*—Such board of supervisors shall have, by like vote, power to fix the compensation of such county bacteriologist and to remove him from office; fix the compensation of such assistants and remove them from office; also to provide any necessary supplies, equipments, and samples not otherwise provided. Such board of supervisors may, from time to time, make such rules and regulations concerning the duties and liabilities of such officers as said board may deem for the best interests of the county: *Provided*, That the board of supervisors of any county having no county bacteriologist may, and such board is hereby authorized and empowered to, make a contract with a county having such county bacteriologist and county laboratory or with a city having a city bacteriologist and city laboratory, for the performance of such services as said board may deem necessary in the interests of public health.

[Consolidated laws, 1909, chapter 64.]

SEC. 43. *Village boards of health.*— \* \* \* There shall be a board of health in each village, consisting of not less than three nor more than seven persons appointed by the board of trustees of such village in the manner provided by article 3 of the public-health law. \* \* \*

SEC. 85. *Powers.*—The board of health of each village shall have all the powers and be subject to all the duties provided by the public-health law.

SEC. 89. The board of trustees of a village:

12. *Public pound.*—May establish and maintain a public pound and employ a keeper thereof and fix his compensation and the fees to be charged by him.

15. *Drains.*—May construct drains and culverts and regulate water courses, ponds, and watering places within the village. \* \* \*

16. *Water supply.*—May establish, regulate, and repair public reservoirs, aqueducts, pumps, wells, fountains, and watering and drinking places.

23. *Dumping grounds.*—May, whenever in its judgment the interests of the village require it, purchase or acquire by condemnation proceedings lands for the establishment of a public dump or dumping ground in any such village and may prohibit the use of any other lands within the village for such purpose.

#### NORTH CAROLINA.

[Acts of 1911, chapter 62.]

SECTION 1. *State board of health; how constituted.*—The Medical Society of the State of North Carolina shall choose from its members by ballot four members and the governor of the State shall appoint five other persons (one of whom shall be a sanitary engineer), and they shall constitute the North Carolina Board of Health.

SEC. 2. *Term of office; vacancies; how filled.*—The members of the board of health elected by the State medical society shall be chosen to serve for six years. Their term of office shall begin immediately upon the expiration of the meeting at which they were elected. Those appointed by the governor shall serve for six years, their term of office beginning with the first regular meeting of the board after their appointment. In case of death or resignation the board shall elect new members to fill the unexpired terms: *Provided*, The governor shall fill such vacancies as may occur where he has made appointments.



**SEC. 3. Duties.**—The board of health shall take cognizance of the health interests of the people of the State; shall make sanitary investigations and inquiries in respect to the people, employing experts when necessary; shall investigate the causes of disease dangerous to the public health, especially epidemics, the sources of mortality, the effect of locations, employments, and conditions upon the public health. They shall gather such information upon all these matters for distribution among the people, with the especial purpose of informing them about preventable diseases. They shall be the medical advisers of the State, and are herein specially provided and shall advise the government in regard to the location, sanitary construction, and management of all State institutions, and shall direct the attention of the State to such sanitary matters as in their judgment affect the industries, prosperity, health, and lives of the people of the State. They shall make an inspection once in each year, and at such other times as they may be requested to do so by the State board of charities, of all public institutions, including all convict camps under the control of the State's prison, and make a report as to their sanitary condition, with suggestions and recommendations to their respective boards of directors or trustees; and it shall be the duty of the officials in immediate charge of said institutions to furnish all facilities necessary for a thorough inspection. The secretary of the board shall make biennially to the general assembly, through the governor, a report of their work.

**SEC. 4. May make regulations for certain towns, when.**—In times of epidemics of smallpox, yellow fever, typhoid fever, scarlet fever, diphtheria, typhus fever, bubonic plague, and cholera, the State board of health shall have sanitary jurisdiction in all cities and towns not having regularly organized local boards of health, and are hereby empowered to make all such regulations as they may deem necessary to protect the public health and to enforce them by suitable penalties.

**SEC. 5. Bulletins of disease issued; rules made to check disease; investigations made; pay of members for.**—Bulletins of the outbreak of disease dangerous to the public health shall be issued by the State board, whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the State. It shall also be the duty of the board to inquire into any outbreak of disease by personal visits or by any method the board shall direct. The compensation of members on such duty shall be \$4 a day and all necessary traveling and hotel expenses.

**SEC. 6. Officers of; salary of secretary; pay of members.**—The State board of health shall have a president, a secretary (who shall also be treasurer), and an executive committee, said executive committee to have such powers and duties as may be assigned it by the board of health. The president shall be elected from the members of the board and shall serve six years; the secretary-treasurer shall be elected from the registered physicians of the State and shall serve six years. The executive committee shall be composed of the president, the engineer member of the board, ex officio, and one other member of the board to be elected from those composing it. The executive office of the board shall be in the city of Raleigh, and the secretary shall reside there. The secretary shall be the executive officer of the board and shall, under its direction, devote his entire time to public-health work and shall be known as the "State health officer." He shall receive for his services such yearly compensation as shall be fixed by the board, not to exceed \$3,000, and his actual traveling and hotel expenses when engaged in the work of the board. The board may in its discretion elect as a special assistant to the State health officer for the anti-tuberculosis work the secretary of the State Association for the Prevention of Tuberculosis at an annual salary not to exceed \$600. The members of the



board shall receive no pay, except that each member shall receive \$4 a day and necessary traveling and hotel expenses when on actual duty in attending the meetings of the board or of the executive committee or in pursuing special investigations in the State, excepted further, that the board in its discretion may employ the engineer member of the board as a consulting engineer for such compensation as may be agreed upon; but when attending important meetings beyond the limits of the State, the number of delegates thereto being limited to one, in addition to the secretary, only actual traveling and hotel expenses shall be allowed. These sums shall be paid by the treasurer on authenticated requisition, approved and signed by the president.

SEC. 7. *Time of meeting to elect officers.*—The meeting of the State board of health for the election of officers shall be on the second day of the annual meeting of the Medical Society of the State of North Carolina in the year 1901, and every six years thereafter.

SEC. 8. *Meetings, time of.*—Special meetings of the State board of health may be called by the president through the secretary. The regular annual meetings shall be held at the same time and place as the State medical society, at which time the secretary shall submit his annual report. The executive committee shall meet at such times as the president of the board may deem necessary, and he shall call such meetings through the secretary.

SEC. 36. *State laboratory of hygiene, etc.*—For the better protection of the public and to prevent the spread of communicable diseases, there shall be established a State laboratory of hygiene, the same to be under the control and management of the State board of health, and it shall be the duty of the State board of health to have made in such laboratory monthly examinations of samples from all public water supplies of the State of all waters sold in bottle or other package, and of all spring waters that are maintained and treated as an adjunct to any hotel, park, or resort for the accommodation or entertainment of the public. The board shall likewise have made in this laboratory examinations of sputum in cases of suspected tuberculosis, or throat exudates in cases of suspected diphtheria, of blood in cases of suspected typhoid and malarial fever, of feces in cases of suspected hookworm disease, and such other examinations as the public health may require. For the support of the said laboratory the sum of \$4,000 annually is hereby appropriated, and an annual tax of \$64, payable quarterly, by each and every water company, municipal, corporate, and private selling water to the people \* \* \*.

SEC. 38. *Annual appropriation.*—For carrying out the provisions of this act as to the duties of the board of health \$18,000, or so much thereof as may be necessary, is hereby annually appropriated, to be paid by the State auditor on requisition to be signed by the secretary and president of the State board of health, and the printing and stationery necessary for the board to be furnished upon requisition upon the State printer: *Provided*, That \$1,000 of this appropriation be used annually by the State board of health to arrange for a supply of diphtheria antitoxin, which shall be available to the citizens of this State at contract prices. A yearly statement shall be made to the governor of all moneys received and expended in pursuance of this act.

SEC. 39. *Contingent fund.*—A contingent fund of \$5,000 is appropriated, subject to the auditor's warrant, upon the recommendation of the governor, to be expended in pursuance of the provisions of this act, when rendered necessary by the visitation of cholera or any other pestilential disease.

SEC. 9. *County board of health, who constitutes; election county superintendents of health.*—The chairman of the board of county commissioners, the mayor of the county town, and in county towns where there is no mayor the clerk of the superior court, and the county superintendent of schools shall meet together



on the first Monday in April, 1911, and thereafter on the first Monday of January in the odd years of the calendar, and elect from the regularly registered physicians of the county two physicians, who, with themselves, shall constitute the county board of health. The chairman of the board of county commissioners shall be the chairman of the county board of health, and the presence of three members at any regular or called meeting shall constitute a quorum. The term of office of members of the county board of health shall terminate on the first Monday in January in the odd years of the calendar, and while on duty they shall receive \$4 per diem, to be paid by the county. The county board of health shall have the immediate care and responsibility of the health interests of their county. They shall meet annually in the county town, and three members of the board are authorized to call a meeting of the board whenever in their opinion the public-health interest of the county requires it. They shall make such rules and regulations, pay such fees and salary, and impose such penalties as in their judgment may be necessary to protect and advance the public health: *Provided*, That all expenditures shall be approved by the board of county commissioners before being paid. At their first annual meeting on the second Monday of May, 1911, and thereafter on the second Monday of January in the odd years of the calendar, they shall elect the county superintendent of health, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, That if the county board of health of any county shall fail to elect a county superintendent of health within two calendar months of the time set in this section the secretary of the State board of health shall appoint a registered physician of good standing in the said county, who shall serve the remainder of the two years, and shall fix his compensation, to be paid by the said county, in proportion to the salaries paid by other counties for the same service, having in view the amount of taxes collected by said county.

SEC. 10. *Rules of county board of health.*—If any person shall violate the rules and regulations made by the county board of health he shall be guilty of a misdemeanor and fined not exceeding \$50 or imprisoned not exceeding 30 days.

SEC. 11. *Duties of county superintendent of health; penalty for nonperformance.*—The duties of the county superintendents of health shall be to make the medicolegal post-mortem examinations for the coroners' inquests, to make examination of lunatics for commitment, to render professional service to the sick inmates of the convict camp, jail, and county home, upon request of the superintendent or the keeper of these institutions, and to determine the nature of any particular disease, upon the request of the quarantine or deputy quarantine officer; to make monthly inspections of the aforesaid institutions, and to report, upon blank forms supplied and in accordance with directions furnished therewith by the State board of health, the result of these monthly inspections to the chairman of the board of county commissioners and to the secretary of the State board of health not later than the fifth day of the following month: *Provided*, That the county superintendent of health shall have the right to employ and to fix the compensation of any other regularly registered physician of his county, to perform any or all of the duties pertaining to the jail, county home, or convict camp when, in his judgment, it is desirable to do so: *Provided, however*, That the county superintendent of health shall still be liable for any failure on the part of the physician contracted with to carry out the provisions: *Provided further*, That if a county superintendent of health shall be employed to devote his entire time to the county public-health work he shall perform, in addition to the aforesaid duties, the duties of quarantine officer and the following additional duties: He shall make a sanitary examination during the summer months of every public-school building and grounds in the county, and no



school committee or teacher shall make use of any school building or grounds until the county superintendent of health shall certify in writing that said building and grounds have been inspected and found to be in a satisfactory sanitary condition within four months of the date of the certificate. He shall examine every school child that has previously been examined by the teacher according to methods furnished said teacher by the county superintendent of schools, and reported to said county superintendent of schools as probably defective in the condition of its eyes, ears, nose, or throat, and he shall further endeavor to have examined the feces of every child whom he suspects of having hookworm disease. He shall notify on blank forms and in accordance with instructions furnished by the State department of public instruction every parent or guardian of a child having any defect of the aforesaid organs, or hookworm disease, and he shall suggest to said parent or guardian the proper course of treatment and urge that such treatment be procured. He shall cooperate fully with the county board of education, the county superintendent of schools, and the teachers in the public schools, to the end that children may be better informed in regard to the importance of health and the methods of preventing disease. He shall, through the county press, public addresses, and in every available way, endeavor to educate the people of his county to set a higher value on health, and to adopt such public and private measures as will tend to a greater conservation of life. Any violation of this section shall constitute a misdemeanor, and shall subject the defendant to a fine of not less than \$10 nor more than \$50.

SEC. 12. *Nuisances abated under the supervision of.*—Whenever and wherever a nuisance shall exist which in the opinion of the county superintendent of health is dangerous to the public health, it shall be his duty to notify in writing the parties responsible for its continuance of the character of the nuisance and the means of abating it. \* \* \*

SEC. 14. *Election of municipal health officer; provision for municipal health.*—The authorities of any city or town not already authorized in its charter are hereby authorized to elect a municipal health officer when, in their judgment, municipal health would be improved thereby, and to make such regulations, pay such fees and salaries, and impose such penalties as in their judgment may be necessary for the protection and the advancement of the public health.

SEC. 15. *Duties of the municipal health officer; penalty for nonperformance.*—The duties of the municipal health officer, within the jurisdiction of the town or city for which he is elected, shall be identical with those of the county superintendent of health for the county, with the exception of the duties of the county superintendent of health pertaining to the jail, convict camp, and county home. The authorities of any city or town shall have the power to assign the duties of quarantine officer to the municipal health officer, and in such cases the municipal health officer shall faithfully perform the duties of the quarantine officer as prescribed in sections 20 and 21 of this act, and shall be subject to the penalties of the aforesaid sections for refusal or nonperformance of duty. If the municipal health officer shall be employed to devote his entire time to the public-health interests of his town or city, he shall also discharge all the duties pertaining to the public schools of his town or city which were assigned in section 12 to the county superintendent of health. Anyone violating any of the provisions of this section shall be guilty of a misdemeanor and subject to a fine of not less than \$10 nor more than \$50.

SEC. 16. *Quarantine; quarantine officers.*—All laws pertaining to the reporting, recording, and quarantine of the diseases mentioned in section 18 (smallpox, diphtheria, measles, whooping cough, scarlet fever, typhus fever, yellow fever, cholera, and bubonic plague), and all laws pertaining to disinfection,



shall be faithfully enforced by the quarantine officer. The county superintendent of health, the municipal health officer, or any other citizen shall be eligible to this office after presenting satisfactory evidence to the State board of health of his ability to discharge the duties of quarantine officer and after being approved by said board. After such approval the chairman of the board of county commissioners on the first Monday in May, 1911, and thereafter on the second Monday of January in the odd years of the calendar, shall appoint a quarantine officer for his county, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, That if the chairman of the board of county commissioners of any county shall fail to appoint a quarantine officer within one calendar month of the time set in this section, the State board of health shall appoint said officer, who shall serve the remainder of two years.

SEC. 19. *Reporting of infectious diseases by quarantine officer.*—The quarantine officer shall record, on duplicate forms supplied by the State board of health and in accordance with instructions furnished therewith, all diseases reported in pursuance of sections 18 and 19. \* \* \* *Provided*, That the quarantine officers are hereby empowered to appoint, if they desire, one deputy quarantine officer in each township of the county; the tenure of office of such deputy shall be terminable at the pleasure of the quarantine officer. The deputy quarantine officer, upon receiving notice of the existence of any of the diseases mentioned in sections 18 and 19, shall at once notify the quarantine officer, upon suitable blank forms supplied him for this purpose, and he shall enforce the rules and regulations governing quarantine and disinfection as prescribed by the State board of health. The compensation of the deputy quarantine officer shall be such as is agreed upon between himself and the quarantine officer, who shall be responsible for the compensation of the deputy. The quarantine officer shall be liable for the neglect or refusal of his deputy to carry out the provisions of this act. Any householder, physician, quarantine officer, or any other person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than \$10 nor more than \$50, or imprisonment for not less than 10 nor more than 30 days, and shall be liable to a penalty of \$25 in favor of any person who shall sue for the same. The chairman of the board of county commissioners shall be responsible for the enforcement of sections 18, 19, and 20 of this act in his jurisdiction. Failure on his part to enforce its provisions shall be a misdemeanor, and he shall be liable to a fine of not less than \$10 nor more than \$50, and it shall be the duty of the solicitor of the judicial district in which he resides, upon complaint of the secretary of the State board of health, to institute criminal action for the enforcement of said fine.

SEC. 20. *Rules and regulations for quarantine and disinfection; penalty.*—Inland quarantine and disinfection shall be under the control of the quarantine officer, who shall faithfully enforce the rules and regulations governing quarantine and disinfection as prescribed by the State board of health: *Provided*, That the quarantine of ports shall not be interfered with, but the officers of the local and State board shall render all aid in their power to quarantine officers in the discharge of their duties, upon the request of the latter: *Provided further*, That any child or other person may remain in custody and care of parents or family. The failure on the part of the quarantine officer to perform the duties imposed in this section shall be a misdemeanor, and he shall be punished for each offense by a fine of not less than \$10 nor more than \$50.

SEC. 21. *Compensation.*—The county, town, or city treasurer, as the case may be, shall pay 25 cents each, or more if necessary, for the execution of this act, to the quarantine officer upon presentation of a certified statement from the



secretary of the State board of health of the number of cases of the diseases mentioned in section 19 reported to the said secretary for the preceding month. He shall also be paid \$1, or more if necessary, for the execution of this act for every premises quarantined by him during the preceding month. He shall further be paid at the rate of \$1.50, or more if necessary, for the execution of this act for each single room disinfected and \$1 for every additional room disinfected. All expense of quarantine and disinfection shall be borne by the town or county employing a quarantine officer: *Provided*, That if the chairman of the board of county commissioners can secure the execution of the provisions of this act for less than the aforesaid fees, he is hereby empowered to do so.

[Revisal of 1905.]

SEC. 4455. *County commissioners may levy special tax to protect, when.*—The board of county commissioners of each county is hereby authorized at any time to levy a special tax, to be expended under the direction of a committee composed of the chairman of the board of county commissioners and the county superintendent of health for the preservation of the public health.

SEC. 4458. *Powers of local boards not affected.*—Nothing in this chapter shall operate as a repeal or abridgement of powers conferred by any special act on any local board of health.

#### NORTH DAKOTA.

[Revised codes, 1905.]

SEC. 252. *State board of health, how composed.*—There is hereby established a State board of health, composed of a president, vice president, and superintendent of public health. The attorney general shall be president of such board. The governor shall appoint some suitable person, a resident of this State, vice president, and he shall also appoint by and with the advice and consent of the senate a superintendent of public health, who shall be learned in medicine, a graduate of some reputable medical college authorized by law to grant diplomas, and hold license to practice medicine and surgery within the State, and be a resident of this State. The several persons thus appointed shall hold their offices for two years from the first Tuesday in April succeeding their appointment and until their successors are elected and qualified.

SEC. 253. *Duties of officers.*—The president of the board shall preside at the meetings thereof, and the vice president shall perform the duties thereof in his absence. The superintendent of public health shall be secretary of said board. He shall keep a record of all the proceedings of the State board of health and of his own acts as such superintendent, and he shall perform such other duties as are prescribed by this article or which may be prescribed by the State board of health. The records kept by the superintendent shall be at all times open to the inspection of the public.

SEC. 254. *Meetings.*—The several persons composing the State board of health shall meet as often as once in every six months at such place in the State as they may appoint.

SEC. 255. *Powers and duties.*—The board shall have power and it shall be its duty:

1. To fix the time and place of the meetings of the board, subject to the provisions of the last section.
2. To make rules and regulations for the government of the board, its officers, and its meetings.



3. To make and enforce all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious, or malarial diseases among persons and domestic animals.

4. To establish quarantine and isolate any person affected with contagious or infectious disease.

5. To isolate, kill, or remove any animal affected with contagious or infectious disease.

6. To remove or cause to be removed any dead, decayed, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals.

7. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale.

8. To superintend the several boards of health in cities, villages, or towns and the county boards of health of the several counties.

9. To empower and direct the superintendent of public health to do or cause to be done any or all of the things mentioned in subdivisions 4, 5, 6, 7, and 8 of this section.

10. To make such rules and regulations as it may deem necessary to govern the preparation of dead bodies for transportation and to govern what classes of dead bodies may be transported and the manner thereof.

SEC. 256. *Compensation of officers.*—The president and vice president of the board shall receive no compensation, but they shall be paid 5 cents for every mile actually and necessarily traveled by them in the performance of their official duties, and other necessary expenses incurred by them. The superintendent of public health shall be paid an annual salary of \$1,200 in equal installments at the end of every three months. He shall also be paid 5 cents per mile actually and necessarily traveled in the performance of his official duties, and such other sum or sums as he may necessarily pay or become liable to pay (hotel or other incidental expenses), for the official books, clerk hire, records, and papers kept by him, and for the printing of his reports and such circulars and blanks as may be required for the proper conduct of the business of his office, not to exceed in the aggregate the sum of \$1,500 per annum. The accounts of the superintendent for his mileage and said other expenses of his office shall be audited by said board of health, and the same, together with his salary, shall be paid out of the State treasury.

SEC. 257. *Reports.*—The superintendent of public health shall on the 1st day of December of each even-numbered year make a full report to the governor, which report shall show all that has been done by the State board of health and by such superintendent during the two years preceding the making of such report, the number of cases treated by him and in each county by the county superintendent, the character and extent during such time of all contagious or infectious diseases that have been reported to him, all expenditures by the State board, and in each of the organized counties by the county board and such recommendations as he may deem advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases of persons and of domestic animals.

SEC. 258. *Vacancies.*—In case a vacancy shall occur in the office of vice president or superintendent, such vacancy shall be filled by appointment by the governor, and the person so appointed shall hold the office for the unexpired term. In case a vacancy occurs in the office of vice president or superintendent of health in any county board of health, the president of such county board shall appoint some suitable person to fill such vacancy, and the person so appointed shall hold office until a successor to such officer has been appointed by the board of county commissioners.



**SECTION 1. *Public health laboratory.***—There is hereby established a public health laboratory. Such laboratory shall be established at the State University and School of Mines. It shall be under the control and regulation of the trustees of the university and the professor of bacteriology and pathology at the same university shall be the director of said laboratory.

**SEC. 2. *Duties of director.***—It shall be the duty of the director of said laboratory to make bacteriological examinations of bodily secretions and excretions, waters and foods, and make preparations and examinations of pathological tissues submitted by the State superintendent of public health, or by any county (superintendent) of public health, or by any regularly licensed physician of North Dakota. These analyses and preparations shall be made and the results furnished as expeditiously and promptly as the nature of the work and the equipment of the laboratory permits.

**SEC. 3. *Sanitary statistics.***—The board of trustees shall cause to be collected and tabulated such sanitary statistics, and shall cause to be ascertained by research work such methods as will lead to the improvement of the sanitation of the various parts of the State.

**SEC. 4. *Specimens preserved.***—It shall be the duty of the said board to cause proper specimens of bacteriological and pathological material discovered or examined in the work of said laboratory to be skillfully prepared, secured, labeled, and preserved for public inspection free of cost in the university of North Dakota in rooms convenient of access and properly furnished and in charge of a proper scientific curator.

**SEC. 5. *Bulletins.***—The director of said laboratory shall cause to be issued from time to time, bulletins and reports setting forth the results of the sanitary and pathological work done in such laboratory. The substance of these bulletins and reports, embodying all useful and important information resulting from the work carried on in such laboratory each year, shall be incorporated in an annual report to the governor, who shall lay the same before the legislative assembly.

**SEC. 6.** The professor of bacteriology and pathology in the medical college of the State university shall be the director of the public health laboratory and shall be ex officio the State bacteriologist.

[Revised Codes, 1905.]

**SEC. 259. *County boards of health, how composed.***—There are hereby established county boards of health composed of a president, vice president, and superintendent. The State's attorney in each county shall be president of the county board. The board of county commissioners shall appoint some suitable person who is a resident of the county vice president, and it shall also appoint a superintendent of public health for the county who shall be learned in medicine and hold a license to practice medicine and surgery within the State, and the several persons thus appointed shall hold their offices for one year and until their successors are elected and qualified.

**SEC. 260. *Duties of officers.***—The president of each county board of health shall preside at the meetings thereof and in his absence the vice president shall perform the duties of president. The county superintendent of health shall be secretary of the board of health of his county. The county superintendent of health shall keep a record of all the proceedings of the board and of his official acts, and he shall at the end of every month make a full report in writing to the superintendent of public health of the proceedings of the county board of health and of his official acts, and shall, whenever the health of persons or



domestic animals is endangered, or when any contagious or infectious disease occurs in his county, either among persons or domestic animals, immediately report the same to the superintendent of public health.

SEC. 261. *Meetings.*—The several county boards of health shall meet at the county seat in their respective counties at such time within 30 days after the appointment of the county superintendent of health as he may designate. Notice of the time and place of such meeting shall be by him given to the other members of the county board at least five days prior to such meeting, and thereafter the board shall meet at the county seat as often as once in every three months.

SEC. 262. *Powers and duties.*—The several county boards of health shall have power within their respective counties, outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the State board of health and the superintendent of public health, to do and perform all the things mentioned in subdivisions 3, 4, 5, 6, 7, and 8 of section 255. All expenses actually and necessarily paid or incurred by the county board of health in carrying out the provisions of this article shall be audited by the board and certified to the county commissioners and shall be paid the same as other county expenses are paid.

SEC. 263. *Superintendent.*—The county superintendent of health shall have charge of and superintend subject to the approval of the board of which he is a member and the supervisory control of the State board of health and the superintendent of public health all the matters and things mentioned in subdivision 4 of section 255 within this county, and in case of immediate danger to the health of persons by reason of any contagious or infectious disease he may act as in his judgment he deems best without consultation with the other members of the board for the prevention of such danger, and shall immediately report such action to the president of the board and to the superintendent of public health.

SEC. 264. *Compensation.*—The president and vice president of the board shall receive \$3 per day for every day in which they may be actually and necessarily engaged in the performance of their duties, and 5 cents per mile for every mile actually and necessarily traveled in the discharge of their duties. The county superintendent of health shall receive \$5 per day for every day in which he may be actually and necessarily engaged and 5 cents for each mile actually and necessarily traveled in the performance of his duties. Physicians employed by the county board of health shall not receive less than \$2 per visit for medical attendance upon any patient and not to exceed 10 cents per mile for each mile actually and necessarily traveled in visiting such patient. No member of such board of health shall receive any other or further compensation for his services than as herein provided.

SEC. 265. *Proviso.*—Nothing contained in this article shall in any manner affect any board of health heretofore established or that may be hereafter established in any city, village, or incorporated town: *Provided, however,* That all such boards of health shall be under the superintending control of the State board.

SEC. 3116. *Township and village boards of health, how constituted.*—The supervisors of each township and the trustees of each incorporated village shall constitute a board of health, and within their respective townships or villages shall have and exercise all the powers necessary for the preservation of public health.

SEC. 3117. *Powers and duties.*—The board of health may examine into all nuisances, sources of filth, and causes of sickness, and make such regulations



respecting the same as it may judge necessary for the public health and safety of the inhabitants; and each person who violates any order or regulation made by any board of health and duly published is guilty of a misdemeanor and is punishable by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding three months.

SEC. 3118. *Public notices.*—Notice shall be given by the board of health of all rules and regulations made by it, by publishing the same in some newspaper, if there is one published, in such township or the county; if there is none, then by posting such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

SEC. 266. *City boards of health, how constituted.*—There is hereby established in each incorporated city in this State a board of health, which shall be constituted as follows: The mayor of such city shall at the first meeting of the city council, in April in each year, appoint four aldermen, who, together with the city engineer and the health officer as hereinafter provided, shall constitute a board of health and shall have and exercise the powers conferred upon such board by law and by the ordinances of such city.

SEC. 267. *City health officers.*—At the first meeting of the city council in April of each odd-numbered year there shall be appointed by the mayor and confirmed by the council one health officer, who shall hold his office for two years and until his successor is appointed and qualified. He shall be a competent physician in regular practice and shall perform such duties as may be devolved upon him by law or by the ordinances of such city. Before entering upon the duties of his office he shall take the usual oath of office and give a bond, to be approved by the city council, in the sum of \$1,000, conditioned for the faithful performance of his duties, and shall receive such compensation as the city council may determine.

SEC. 268. *Powers and duties.*—Each city board of health shall perform the duties and exercise the powers herein provided within the limits of the city for which it is established. Each county board of health and city board of health shall be known as the local board of health.

SEC. 269. *Regulations.*—Each local board of health, within its jurisdiction, may examine into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as it may judge necessary for the public health and safety of the inhabitants, and every person who shall violate any published order or regulation made by any board of health shall be guilty of a misdemeanor and punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding 30 days, or both.

SEC. 270. *Public notices.*—Notice shall be given by each local board of health of all general orders and regulations made by them by publishing the same in some newspaper, if there is one published within the jurisdiction of such board; if there is none, then by posting such orders and regulations in five public places therein, and such publication of such orders and regulations shall be deemed a legal notice to all persons.

SEC. 9037. *Penalty.*—Every person who willfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 9038. *Penalty.*—Every person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise prescribed by those laws or by this code, and every person who willfully violates or refuses or omits to comply with any lawful order, direction, prohibition, or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding \$2,000, or both.



## OHIO.

[General Code, 1910.]

SEC. 1232. *State board of health, appointment and term of members.*—There shall be a State board of health, consisting of eight members, seven of whom shall be appointed by the governor. Each year the governor, with the advice and consent of the senate, shall appoint a member of the board, who shall serve for a term of seven years from the 13th day of December. The attorney general shall be ex officio a member of the board.

SEC. 1233. *Organization and meetings.*—The State board of health shall meet in Columbus during the month of January of each year and at such other times as it may direct. A majority of its members shall constitute a quorum. The board shall choose one of its members as president, and, subject to the provisions of this chapter, may adopt rules and by-laws for its government.

SEC. 1234. *Secretary; expenses.*—The State board of health shall elect a secretary who shall perform the duties prescribed by the board and the provisions of this chapter. He may be removed from office for cause by a vote of a majority of the members of the board. The necessary traveling and other expenses incurred by the secretary in the performance of his official duties shall be paid by the State on the warrant of the auditor of state upon the certificate of the president of the board.

SEC. 1235. *Compensation and expenses of members.*—Each member of the State board of health shall receive \$5 for each day employed in the discharge of his official duties and his necessary traveling and other expenses while engaged in the business of the board. The president of the board shall certify the amount of compensation and expenses due each member, and on presentation of a certificate therefor the auditor of state shall draw his warrant on the treasurer of state for the amount certified.

SEC. 1236. *Office rooms for board and secretary.*—Suitable rooms for the meetings of the State board of health and the office of its secretary shall be provided by the State.

SEC. 1237. *General powers and duties.*—The State board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine, which it may declare and enforce, when none exists, and modify, relax, or abolish, when it has been established. It may make special or standing orders or regulations for preventing the spread of contagious or infectious diseases for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as it deems best to control by a general rule. It may make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by law. In such cases the necessary expense incurred shall be paid by the city, village, or township for which the services are rendered.

SEC. 1238. *Enforcement of rules and regulations.*—Local boards of health, health authorities and officials, officers of State institutions, police officers, sheriffs, constables, and other officers and employees of the State, or any county, city, or township shall enforce the quarantine and sanitary rules and regulations adopted by the State board of health.

SEC. 1239. *Special duties of the board.*—The State board of health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities and employments, the personal and business habits of the people, and the



relation of the diseases of man and beast shall be subjects of careful study by the board. It may make and execute orders necessary to protect the people against diseases of lower animals, and shall collect and preserve information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. When called upon by the State or local governments, or municipal or township boards of health, it shall promptly investigate and report upon the water supply, sewerage, disposal of excreta of any locality, and the heating, plumbing, and ventilation of a public building.

SEC. 1241. *Chemical and bacteriological laboratory.*—The State board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders, and such other diseases as it deems necessary, and for the examination of food suspected to be the cause of disease. The board shall examine and report each year the condition of all public water supplies.

SEC. 1242. *Secretary to have charge of laboratory.*—The secretary of the State board of health shall have charge of the laboratory authorized by the preceding section. The board may employ an assistant for the laboratory, who shall be a person skilled in chemistry and bacteriology and receive for his services such compensation as the board may allow. All expenses of such laboratory shall be paid from appropriations made for the board.

SEC. 1244. *Powers of board when local authorities fail to act.*—When a contagious or infectious disease becomes or threatens to become epidemic in a city, village, or township, and the local authorities neglect or refuse to enforce efficient measures for its prevention, the State board of health or its secretary, on the order of its president, may appoint a medical or sanitary officer and such assistants as he may require and authorize him to enforce such orders or regulations as the board or its secretary deems necessary.

SEC. 1245. *Annual conferences; expenses of delegates.*—The State board of health may make provision for annual conferences of health officers and representatives of local boards of health for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in the place of a board of health shall appoint a delegate to such annual conferences. The city, village, or township shall pay the necessary expenses of such delegate upon the presentation of a certificate from the secretary of the State board that the delegate attended the sessions of such conferences.

SEC. 1246. *Division of conferences.*—The State board of health may provide for one annual conference of representatives of city boards of health, another for representatives of village boards of health, and one or more for representatives of township boards of health, or make such other division of conferences as it deems best. No conference shall continue in session longer than three consecutive days, and no board of health shall be required or authorized to send a delegate to more than one conference in any year.

SEC. 1247. *Prosecutions and proceedings.*—All prosecutions and proceedings by the State board of health for the violation of a provision of this chapter which the board is required to enforce, or for the violation of any of the orders or regulations of the board, shall be instituted by its secretary on the order of the president of the board. The laws prescribing the modes of procedure, courts, practice, penalties, or judgments applicable to local boards of health shall apply to the State board of health and the violation of its rules and



orders. All fines or judgments collected by the board shall be paid into the State treasury to the credit of such board.

SEC. 1248. *Annual report.*—Each year the State board of health shall make a report to the governor, which must include so much of the proceedings of the board, such information concerning vital statistics and diseases, such instructions on the subject of hygiene for dissemination among the people, and such suggestions as to legislation as it deems proper. The board shall include in its annual report a full statement of all examinations made in its chemical and bacteriological laboratory, with a detailed account of all expenses so incurred.

[Acts of 1911, p. 393.]

SEC. 1. The following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the State treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

[P. 397.]

STATE BOARD OF HEALTH.

|   |          |
|---|----------|
| Salary of secretary.....  | \$3, 500 |
| Salary of bacteriologist.....   | 3, 000   |
| Salary of chief engineer.....   | 3, 000   |
| Salary of chief clerk.....  | 2, 000   |
| Salary of epidemiologist.....   | 2, 000   |
| Salaries of 4 assistant engineers.....  | 4, 800   |
| Salaries of 3 laboratory assistants.....  | 3, 680   |
| Salary of record clerk.....   | 1, 000   |
| Salary of correspondence clerk.....   | 1, 000   |
| Salaries of 2 general clerks.....   | 1, 560   |
| Salaries of 3 stenographers.....  | 1, 860   |
| Salaries of 2 laboratory helpers.....   | 960      |
| Salary of messenger and mailing clerk.....                                      | 660      |
| Salary of plumbing inspector.....   | 1, 800   |
| Salaries of extra clerks.....   | 720      |
| Per diem and traveling expenses of members of board and employees.....          | 8, 000   |
| Apparatus, fittings, and supplies, engineering department and laboratories..... | 4, 000   |
| Contingent expenses.....  | 4, 000   |
| Furniture and carpets.....  | 200      |
| Rent of offices.....  | 1, 242   |
| Traveling expenses of plumbing inspector.....                                   | 1, 000   |
| Expenses of pathological work.....  | 500      |

[General code, 1910.]

SEC. 3391. *Board of health; organization.*—In each township the trustees thereof shall constitute a board of health, which shall be for the township outside the limits of any municipality. Each year they shall elect one of their number president, and the township clerk shall be clerk of the board of health. They shall appoint a health officer and may appoint as many sanitary officers as they deem necessary to carry out the provisions of this chapter, and they shall define the duties and fix the compensation of such appointees, who shall serve during the pleasure of the board. Such board of health shall meet annually and at such other times as it deems necessary.



SEC. 3392. *Powers, duties, and orders.*—The township board of health may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of all nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded, and certified as are ordinances of villages; record thereof shall be given in all courts of the State the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by posting them in five conspicuous places within the township.

SEC. 3393. *When State board of health may appoint health officer.*—If the trustees of a township fail or refuse to organize as a board of health and appoint a health officer for the township, the State board of health may appoint a health officer therefor and fix his salary and term of office. Such health officer shall have the same powers and duties as health officers appointed in villages in place of a board of health and his salary as fixed by the State board of health and all necessary expenses incurred by him in performing such duties shall be paid by and be a valid claim against the township.

SEC. 3394. *Penalty for violation.*—Township boards of health shall have the same duties, powers, and jurisdiction within the township and outside of any municipality as by law are imposed upon or granted to boards of health in municipalities, and any violation of any order or regulation of such township board made pursuant to such authority, or obstruction or interference with the execution thereof, or willful or illegal omission to obey such order or regulation, shall be punished, and the prosecution thereof instituted and conducted in the same manner, and the fines and penalties and the disposition thereof, and the punishment shall be the same as is provided by law for the prosecution and punishment of the violation of any like order or regulation of boards of health in municipalities.

SEC. 3263. *Notice of officers elected or appointed to qualify; how served.*—Forthwith, after the election or appointment of township officers, the township clerk shall make a list of all the officers elected or appointed, stating the offices to which they are respectively chosen or appointed, and add thereto a requisition that they severally appear before him, or some other officer authorized to administer oaths, and take the oath of office, and give bond as provided by law. Such clerk shall forthwith make service of such list and requisition by delivering to each person so elected or appointed a copy thereof, or such list may be delivered to any constable of the township, who shall make service thereof as hereinbefore required. Such list and requisition, with the time and manner of service thereon, shall be returned and filed in the office of the clerk.

SEC. 4404. *Board of health, appointment.*—The council of each municipality shall establish a board of health, composed of five members, to be appointed by the mayor and confirmed by council, who shall serve without compensation and a majority of whom shall be a quorum. The mayor shall be president by virtue of his office. But in villages the council, if it deems advisable, may appoint a health officer, to be approved by the State board of health, who shall act instead of a board of health, and fix his salary and term of office. Such appointee shall have the powers and perform the duties granted to or imposed upon boards of health, except that rules, regulations, or orders of a general character and required to be published, made by such health officer, shall be approved by the State board of health.

SEC. 4405. *When State board may appoint officer for municipality.*—If a municipality fails or refuses to establish a board of health or appoint a health officer, the State board of health may appoint a health officer therefor and fix



his salary and term of office. Such health officer shall have the same powers and duties as health officers appointed in villages in place of a board of health, and his salary as fixed by the State board of health, and all necessary expenses incurred by him in performing the duties of a board of health, shall be paid by and be a valid claim against such municipality.

SEC. 4406. *Term of office of members.*—The term of office of the members of the board shall be five years from the date of appointment, and until their successors are appointed and qualified, except that those first appointed shall be classified as follows: One to serve for five years, one for four years, one for three years, one for two years, and one for one year, and thereafter one shall be appointed each year.

SEC. 4407. *President pro tempore; meetings.*—The board of health in municipalities shall elect one of their number president pro tempore, who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. Special meetings of the board shall be called by the president or three members thereof.

SEC. 4408. *Board shall appoint health officer, clerk, and physicians.*—The board of health shall appoint a health officer, who shall be the executive officer. He shall furnish his name, address, and other information required by the State board of health. The board may appoint a clerk, and with the consent of council, as many ward or district physicians, or one ward physician for each ward in the city as it deems necessary.

SEC. 4409. *Duties of clerk; records.*—The clerk of the board shall keep a full and accurate record of proceedings of the board, together with a record of cases of contagious diseases, reported to the health officer, and at the expiration of his term of office shall turn over to his successor books, records, papers, and other matter belonging to the board. Each board of health, or the health officer where there is no board of health, shall procure suitable books, blanks, and other things actually necessary to the transaction of its business. Among the books to be procured and kept shall be a suitable book or books for the registration of cases of infectious or contagious diseases.

SEC. 4410. *Ward or district physicians.*—Each ward or district physician shall care for the sick poor and each person quarantined in his ward or district when such person is unable to pay for medical attendance and for all persons sent from his ward or district to the municipal pesthouse when such persons are unable to pay for medical attendance.

SEC. 4411 (as amended by act, p. 44, acts of 1911). *Sanitary officers.*—The board may also appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation require, and such persons shall have general police powers and be known as the sanitary police, but the council may determine the maximum number of employees so to be appointed.

SEC. 4412 (as amended by act, p. 44, acts of 1911). *Power over appointees.*—The board shall have exclusive control of its appointees, define their duties, and fix their salaries, but no member of the board of health shall be appointed as health officer nor shall a member of the board of health nor the health officer be appointed as one of the ward physicians. The board may suspend, but not remove, any member of the sanitary police now serving or hereafter appointed for cause, authorizing the dismissal of any person in the classified service, and shall certify such fact, together with the cause of such suspension, to the civil-service commission, who, within five days from the receipt thereof, shall pro-



ceed to inquire into the cause of such suspension and render judgment thereon, and such judgment shall be final.

SEC. 4413. *Orders and regulations.*—The board of health of a municipality may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. Orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded, and certified as are ordinances of municipalities, and the record thereof shall be given, in all courts of the State, the same force and effect as is given such ordinances.

SEC. 4414. *Penalty for violation.*—Whoever violates any provision of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of such order, or willfully or illegally omits to obey such order, shall be fined not to exceed \$100 or imprisoned for not to exceed 90 days, or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

SEC. 4415. *Violation by a corporation.*—If such violation, obstruction, interference, or omission be by a corporation, it shall forfeit and pay to the proper municipality a sum not to exceed \$300, to be collected in a civil action brought in the name of the municipality. Any officer of such corporation having authority over the matter and permitting such violation shall be subject to fine or imprisonment, or both, as heretofore provided. The judgment herein authorized being in the nature of a penalty or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery shall determine the amount by reference to all the facts, culpatory, exculpatory, or extenuating adduced upon the trial.

SEC. 4416. *Prosecution; how instituted.*—Prosecutions under this chapter and the civil action provided for in the preceding section shall be instituted before a justice of the peace within the county, or justice of the peace, mayor, or police judge of the municipality where the offense was committed or the offending person resides.

SEC. 4417. *Trial by jury.*—If imprisonment is or may be a primary penalty, the court shall, after plea of not guilty, unless a trial by jury is waived, issue a venire to any constable of the county containing the names of 16 electors residing within the county to serve as jurors to try such cause. Each party shall be entitled to two peremptory challenges and challenges for cause in all particulars as in criminal cases in the court of common pleas. If the 16 names are exhausted without obtaining a panel of 12, the court may direct the constable to summon any of the bystanders to fill the panel to 12, or on demand shall issue other venires for 4 electors at a time until the panel of 12 is full.

SEC. 4418. *Fines and costs.*—In prosecutions under this chapter no deposits for costs shall be required. A judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions. All fines collected under this chapter shall be paid to the treasurer of the municipality and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made.

SEC. 4419. *Vital statistics.*—The board of health may create a complete and accurate system of registration of births, marriages, deaths, and interments occurring within its jurisdiction for the purpose of legal and genealogical in-



vestigations and to furnish facts for statistical, scientific, or sanitary inquiries.

SEC. 4420. *Abatement of nuisances by board of health.*—The board of health shall abate and remove all nuisances within its jurisdiction. It may by order therefor compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein and prosecute them for neglect or refusal to obey such orders. Except in cities having a building department or otherwise exercising the power to regulate the erection of buildings, the board of health may regulate the location, construction, and repair of water-closets, privies, cesspools, sinks, plumbing, and drains. In cities having such departments or exercising such power the council by ordinance shall prescribe such rules and regulations as are approved by the board of health, and shall provide for their enforcement.

SEC. 4421. *Other powers of the board.*—The board of health may also regulate the location, construction, and repair of yards, pens, and stables, and the use, emptying, and cleaning thereof, and of water-closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate. When a building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board of health may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent, or other person having control thereof or responsible for such condition, and may prosecute them for the refusal or neglect to obey such order. The board may also, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify them and certify the costs and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon it and collected as other taxes.

SEC. 4422. *Proceedings where order of board is neglected or disregarded.*—When such order of the board of health is neglected or disregarded in whole or in part, the board may elect to cause the arrest and prosecution of all persons offending, or may elect to do and perform, by its officers and employees, what the offending party should have done. If the latter course is chosen, before the execution of the order of the board is begun, it shall cause a citation to issue and be served upon the persons responsible if residing within the jurisdiction of the board; but if not, shall cause it to be mailed by registered letter to such person, if the address is known or can be found by ordinary diligence. If the address can not be found, the board shall cause the citation to be left upon the premises, in charge of any person residing thereon, otherwise it shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint and require the owner or other person or persons responsible to appear before the board at a time and place stated, or as soon thereafter as a hearing can be had, and show cause, if any, why the board should not proceed and furnish the material and labor necessary to and remove the cause of complaint.

SEC. 4423. *Further proceedings.*—If the person or persons cited appear, he or they shall be fully apprised of the cause of complaint and given a fair hearing. The board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the person or persons cited promise within a definite and reasonable time to furnish them, the board shall grant such time. If no promise is made or kept, the board shall furnish the



material and labor, cause the work to be done, and certify the cost and expense to the auditor of the county. If the material and labor are itemized, and the statement is accompanied by the certificate of the president of the board, attested by the clerk, reciting the order of the board, and that the amount is correct, the auditor shall have no discretion, but shall place the sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property, and be paid as other taxes are paid.

SEC. 4424. *Nuisance or unsanitary conditions on school property may be corrected.*—The board of health shall abate all nuisances and may remove or correct all conditions detrimental to health or well-being found upon school property by serving an order upon the board of education, school board, or other person responsible for such property for the abatement of such nuisance or condition within a reasonable but fixed time. A person failing to comply with such order, unless good and sufficient reason therefor is shown, shall be fined not to exceed \$100. The board may appoint such number of inspectors of schools and school buildings as it deems necessary to properly carry out these provisions.

SEC. 4476. *Annual and special reports.*—On or before the 15th day of January of each year the board of health or health department shall make a report in writing for the preceding calendar year to the council of the municipality and to the State board of health. Such report shall be upon the sanitary condition and prospects of such municipality, and shall contain the statistics of deaths, the action of the board, and its officers and agents and the names thereof. It shall contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health. Such board of health and health departments shall promptly furnish any special report called for by the State board of health.

SEC. 4484 (as amended by act, p. 44, acts of 1911). Nothing herein shall prevent the dismissal or discharge of any appointee by the removing board or officer, except that the chiefs and members of the police and fire departments and of the sanitary police shall be dismissed only as provided by law, and the appeal therefrom shall be made to the civil-service commission under such rules as the commission may adopt.

SEC. 3616. All municipal corporations shall have the general powers mentioned in this chapter, and council may provide by ordinance or resolution for the exercise and enforcement of them.

SEC. 3619. *Water supply.*—To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs, and water-works, for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof. To apply moneys received as charges for water to the maintenance, construction, enlargement, and extension of the works, and to the extinguishment of any indebtedness created therefor.

SEC. 3633. *Impounding animals.*—To regulate, restrain, and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, chickens, and other fowls and animals, and to impound and hold them, and on notice to the owners, to authorize the sale of them for the penalty imposed by any ordinance, and the cost and expenses of the proceedings; to regulate or prohibit the running at large of dogs, and provide against injury and annoyance therefrom, and to authorize the disposition of them when running at large contrary to the provisions of any ordinance.

SEC. 3636. *Buildings.*—To regulate the erection of buildings and the sanitary condition thereof, the repair of, alteration in, and addition to buildings, and to provide for the inspection of buildings or other structures, and for the



removal and repair of insecure buildings; to require, regulate, and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to provide for the construction, erection, and placing of elevators, stairways, and fire escapes in and upon buildings.

SEC. 3639. *Sanitation*.—To regulate by ordinance the use, control, repair, and maintenance of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of insuring the healthful, safe, and sanitary environment of the occupants thereof; to compel the owners of such buildings to alter, reconstruct, or modify them, or any room, store, compartment, or part thereof, for the purpose of insuring the healthful, safe, and sanitary environment of the occupants thereof, and to prohibit the use and occupancy of such building or buildings until such rules, regulations, and provisions have been complied with.

SEC. 3646. *Contagious diseases*.—To provide for the public health, to secure the inhabitants of the corporation from the evils of contagious, malignant, and infectious diseases, and to purchase or lease property or buildings for pest houses, and to erect, maintain, and regulate pest houses, hospitals, and infirmaries.

SEC. 3647. *Water courses and sewers*.—To open, construct, and keep in repair sewage-disposal works, sewers, drains, and ditches, and to establish, repair, and regulate water-closets and privies.

SEC. 3647-1. *Drainage of stagnant water*.—To cause any lot or land within the corporate limits on which water at any time accumulates and becomes stagnant in a way prejudicial to the public health, convenience, or welfare by reason of not having natural drainage outlet, or which can not be drained by natural channels, to be drained by artificial means at the expense of the corporation. In case such drainage is beneficial to the owner of any lot or land so drained, then the owner of said lot or land shall bear that part of the expense of said drainage in proportion to the benefits which may result from the improvement in accordance with the provision for assessment as contained in section 3812 of the general code.

SEC. 3648. *Public conveniences*.—To establish, maintain, and regulate public baths and bathhouses, drinking fountains, water troughs, and public toilet stations, and municipal lodging houses.

SEC. 3649. *Garbage*.—To provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals, and animal offal, and to establish, maintain, and regulate plants for the disposal thereof.

SEC. 3650. *Abatement of nuisance; smoke consumption*.—To prevent injury or annoyance from anything dangerous, offensive, or unwholesome; to cause any nuisance to be abated; and to regulate and compel the consumption of smoke, and to prevent injury and annoyance therefrom, and to regulate and prohibit the use of steam whistles.

SEC. 3653. *Powers to fill lots and remove obstructions*.—To cause any lot or land within its limits on which water at any time becomes stagnant to be filled up or drained, all putrid substances to be removed from any lot, and the removal of all obstructions from all culverts or covered drains or private property, laid in any natural watercourse, creek, brook, or branch, where they obstruct the water naturally flowing therein, causing it to flow back or become stagnant in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood, and if such culverts or drains be of insufficient capacity, to cause them to be made of such capacity as reasonably to accommodate the flow of such water at all times therein. The council may direct, by resolution, the owner to fill up or drain such lot, remove such putrid



substance, or remove such obstructions, and, if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

SEC. 3654. *Duty of owner to comply with direction.*—After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in such corporation for two consecutive weeks, such owner or his agent or attorney shall comply with the directions of the resolution within the time therein specified.

SEC. 3655. *May be done at the owner's expense in case of refusal or neglect.*—In case of failure or refusal to comply with the resolution the work required thereby may be done at the expense of the corporation, and the amount of money so expended shall be recovered from the owner before a justice of the peace or any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by a suit in the court of common pleas of the proper county, and like proceedings may be had as directed in relation to the improvement of streets.

SEC. 3656. *Health officers shall enforce provisions.*—The officers connected with the health department of every such municipal corporation shall see that the provisions of the preceding three sections are strictly and promptly enforced.

SEC. 4242. *Effect of failure to take oath or give bond.*—The council may declare vacant the office of any person elected or appointed to an office who fails to take the required official oath or to give any bond required of him, within 10 days after he has been notified of his appointment or election, or obligation to give a new or additional bond, as the case may be.

SEC. 4251. *Appointment of municipal officers.*—The director of public service, director of public safety, directors of the university, street commissioner, or any board or officer whose appointment is required herein shall be appointed not earlier than the second Monday in January and not later than the first Monday in February, and shall hold their respective offices until their successors are appointed as herein required.

SEC. 4666. *Qualifications; oaths.*—Each officer of the corporation, or of any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector within the corporation, except as otherwise expressly provided, and before entering upon his official duties shall take an oath to support the Constitution of the United States and the constitution of Ohio and an oath that he will faithfully, honestly, and impartially discharge the duties of the office. Such provisions as to official oaths shall extend to deputies, but they need not be electors.

#### OKLAHOMA.

[Snyder's Compiled Laws, 1909.]

SEC. 340. *State board of health, how constituted.*—A State board of health to be in charge of one commissioner, to be known as the State commissioner of health, is hereby created; said commissioner shall be appointed by the governor (with term coterminous with that of the governor) for a term of four years. Said commissioner shall have supervision of all matters relating to public health, and immediately after his appointment he shall take and subscribe to the oath of office prescribed by the constitution or such oath as may be otherwise prescribed by law. He shall procure a seal of office and shall have power to administer oaths to any person when necessary in the discharge of his duty.

SEC. 341. *Powers and duties.*—The State commissioner of health shall have power to make and enforce any and all needful rules and regulations for the prevention and cure and to prevent the spread of any contagious, infectious, or malarial diseases among persons. To establish quarantine and isolate any



persons affected with contagious and infectious diseases. To remove or cause to be removed any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale. To superintend the several boards of healths in the counties, cities, villages, towns, and townships. To establish rules and regulations for the keeping and reporting of all vital statistics, births, deaths, marriages, and divorces as provided by this act.

SEC. 342. *Regulations.*—It shall be the duty of the State board of health, under the provisions of this act, to quarantine against outside territory known to be infected with contagious or infectious diseases; to take charge of districts or localities in the State infected with any contagious disease and enforce such rules and prescribe such measures as it may deem necessary to prevent the spread of the same or to suppress it; to take proceedings to have a nuisance calculated to affect injuriously the health of the public or any community abated; to take cognizance of the interest of health and life among the citizens of the State, make sanitary investigations and inquiries relative to the cause of disease and especially of epidemics, the source of mortality and the effects of localities, employment, conditions, and circumstances on the public health; to investigate the sanitary conditions of schools, prisons, public institutions, mines, railroads and street cars, and all buildings and places of public resort, and to recommend, to prescribe, and enforce such measures of sanitation for them as it may be deemed advisable; to advise the State and all local governments in all hygienic matters; to act in conjunction with city, town, and township boards of health; and to make a report in writing to the governor 20 days preceding each regular and special session of the legislature upon the sanitary condition, prospects, and needs of the State, setting forth the action of the board, all its expenditures since the last preceding report, and such other matters as it may deem proper for the promotion of health or the prevention of disease, which said report shall be laid before the legislature by the governor at its ensuing term.

SEC. 343. *Salary.*—The State commissioner of health shall receive a salary of \$1,800 per annum, to be paid monthly as other State officers, and he shall be allowed for records, printing, and traveling expenses actually and necessarily expended in the performance of his official duties, or those acting under his direction, upon the approval of the governor, which shall be paid monthly upon sworn itemized statements.

SEC. 344. *Laboratory.*—The board of health shall establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, such examination shall be made at least every three months, the effluent of sewerage, purification work, and for the diagnosis of diphtheria, typhoid fever, hydrophobia, and all contagious and infectious diseases, and such other diseases as they may deem necessary, and for the examination of food suspected to be the cause of disease. That the said chemical and bacteriological laboratory, as herein provided, shall be established and maintained at the University of the State of Oklahoma in connection with the regular department of chemistry and the department of bacteriology. The said board of health shall have the control and supervision under such rules and regulations as it may adopt over the work required to be performed under the provisions of this act, and such rules and regulations as it may prescribe to be done by said laboratory. Such work shall be done by and under the direction of the professor of the department of chemistry and the professor of the department of bacteriology of said university.



SEC. 369. *Attorney general to help, etc.*—It shall be the duty of the attorney general of the State, when called upon to do so by the State board of health, to prosecute all cases brought under the direction of the said State board of health, or to defend the said State board of health in all suits or actions brought against said State board of health, in any court in the State where the cause of action or complaint arose or grew out of the performance of their official duties.

[Acts of 1911, chapter 171.]

SEC. 1. There is hereby appropriated out of the treasury of the State of Oklahoma from moneys not otherwise appropriated the following sums for the purposes herein mentioned, or so much thereof as may be necessary, and no other; \* \* \*

[P. 370.]

STATE BOARD OF HEALTH.

|   | 1912       | 1913       |
|---|------------|------------|
| Salary fund:  |            |            |
| State commissioner of health.....   | \$1,800.00 | \$1,800.00 |
| Chief clerk.....  | 1,500.00   | 1,500.00   |
| Statistical clerk.....  | 1,200.00   | 1,200.00   |
| Record clerk and stenographer.....  | 1,200.00   | 1,200.00   |
| Stenographer.....   | 1,200.00   | 1,200.00   |
| Board of health fund:   |            |            |
| Contingent expenses, contagious and infectious diseases.....                                | 12,000.00  | 12,000.00  |
| Pure food and drug division—  |            |            |
| Salary, traveling expenses, office expenses, and all other expenses incidental thereto..... | 10,000.00  | 10,000.00  |
| Sanitary inspection and expenses for two years.....   | 3,600.00   | .....      |

[Snyder's Compiled Laws.]

SEC. 345. *County superintendents of health, how appointed.*—In every county in the State there shall be appointed by the State commissioner of health, a county superintendent of public health who shall be a regular practicing physician in good standing and of good moral character and a resident of the county for which he is appointed; and he shall hold his office for a term of two years and until his successor is appointed and qualified, unless sooner removed by cause. Said county superintendent of public health shall have power to abolish nuisances that are dangerous to public health, to isolate persons affected with dangerous and contagious diseases, and to do such other things with the approval of the State board of health as may be deemed necessary for the preservation of the public health within said county: *Provided*, That appointments as county superintendents of health shall be made from all the recognized schools of medicine as near as may be, according to the relative per cent of practitioners of the various schools in the State.

SEC. 346. *Township boards of health, how constituted.*—In each township in each county of the State, the board of directors shall be and are hereby constituted a township board of health. The said board of directors when acting as township board of health shall be under the supervision of the county superintendent of public health, and shall be governed by such rules and regulations as may be prescribed by the State board of health in relation to the public health, and they shall have the power and it is hereby made their duty to enforce such rules and regulations pertaining to quarantine or contagious and infectious disease under the direction of the county superintendent of public health.



SEC. 347. *Town boards of health, how constituted.*—In every incorporated town in each county of the State, the town board of directors shall constitute a board of health and shall perform all the duties herein required of the township board of directors and shall be under the same supervision of the State board of health and the county superintendent of public health.

SEC. 348. *City boards of health, how constituted.*—In cities of the first class in each county in this State the mayor and common council shall constitute a board of health, said mayor and councilmen shall have the power, and are hereby authorized, to appoint a city superintendent of public health, who shall be a regularly licensed and practicing physician in good standing and of good moral character, and a resident of said city. The said mayor and council shall have the power, and it is hereby made their duty, to enforce all the rules and regulations in regard to the public health therein, and to establish and maintain quarantine under the supervision of the city superintendent of public health as prescribed by the rules and regulations of the State board of health to all contagious and infectious diseases.

SEC. 351. *Public health orders, how served.*—Orders made and issued by the county superintendent of public health, or the township or town board of health, may be served by the sheriff of the county or any of his deputies, or by the constable of such township or any of their deputies, or by any person a resident of said county authorized so to do by the president, or in his absence any member of the township board of directors. Orders made and issued by the county superintendent of public health or the town board of health may be served by the sheriff of the county or any of his deputies, or by the town marshal or any peace officer of the town, or any person authorized so to do by the president of the board of directors, or in his absence any member of the said board of directors of said town. Orders made and issued by the city superintendent of public health, or the mayor and council as the city board of health, may be served by the city marshal, or the chief of police of said city or any policeman or other peace officer of said city, or any constable of said city, or any person deputized by the mayor, or in his absence by the president of the council, and any such officer herein authorized to serve such orders as herein provided, or any person deputized to serve such orders as herein provided, shall have all the powers of a peace officer in the performance of his duties.

[Acts of 1910, chapter 69.]

SEC. 35 (as amended by ch. 81, acts of 1911). *Salary, expenses, and report. county superintendent of health.*—The county superintendent of health shall be paid the sum of \$5 per day for the time actually and necessarily served, to be paid by the board of county commissioners, and payable quarterly out of the salary fund of the county: *Provided*, That in no case except as provided in this act shall the county commissioners allow or pay, in counties of not more than 10,000 inhabitants, more than \$200 per annum; in counties exceeding 20,000 inhabitants and not more than 40,000 inhabitants, more than \$500 per annum; in counties with a population between 40,000 and 50,000 inhabitants, more than \$700 per annum; and in counties over 50,000, more than \$1,500 per annum: *Provided further*, That should an emergency exist on account of dangerous epidemics, the county superintendent of public health and the board of county commissioners may make such provisions, rules, and regulations as may be necessary under such conditions to prevent the spread of such dangerous epidemic, and shall have full power to compel submission to any rules and regulations that they may deem for the best interests of their community to stamp out or prevent the spread of such epidemic. In addition thereto the board of



county commissioners may allow and pay the actual and necessary expenses contracted in the discharge of the duties of the superintendent of public health when attempting to control and prevent the spread of any epidemic.

[Snyder's Compiled Laws.]

SEC. 358. The city superintendent of public health in cities of the first class shall receive a reasonable compensation for his services, as the mayor and council may by ordinance allow.

SEC. 371. *Power of appeal from acts of health boards.*—Any person who has been aggrieved by any act, rule, or regulation of any of said boards of health shall have their right of action to have such issue tried in the district court of the county in which some member of the board shall reside.

OREGON.

[Lord's Laws, 1910.]

SEC. 4686. *State board of health, how constituted.*—A board is hereby established, which shall be known under the name and style of the State board of health. It shall consist of seven members, as follows: Six members, who shall be appointed by the governor, with the consent of the senate, the various sections of the State being represented as far as practicable, and a secretary, as provided by section 4, all to be physicians and especially selected for their fitness and public spirit. The six members first appointed shall be so designated by the governor that the term of office of three shall expire every two years on the 15th day of January. Thereafter the governor, with the consent of the senate, shall biennially appoint three members, to hold their office for four years, ending on January 15. Any vacancy in said board may be filled by the governor.

SEC. 4687. *Powers and duties.*—The State board of health shall have general supervision of the interests of the health and life of citizens of the State. It shall keep the vital statistics of the State and make sanitary investigations and inquiries respecting the causes and prevention of diseases, especially of epidemics, including those of domestic animals. It shall study the causes of mortality and the effect of localities, employments, conditions, foods, beverages, habits, and circumstances of the health of the people. It shall make, and is hereby empowered to enforce, such quarantine regulations as seem best for the preservation of the public health, and it shall be the duty of all police officers, sheriffs, constables, and all county officers and employees of the State to enforce such regulations, subject to the authority of the health officer.

SEC. 4688. *Meetings.*—The board shall meet annually at Salem, and shall also hold special meetings when and where the board may provide, as frequently as the proper and efficient discharge of its duties may require. Three shall constitute a quorum for the transaction of business. It shall elect from its own number a president, and may adopt rules and by-laws subject to provisions of this act. It shall have authority to send its secretary or a committee of the board to any part of the State when deemed necessary to investigate the cause of any unusual disease or mortality, or especially dangerous diseases.

SEC. 4689. *Secretary, how appointed.*—At its first meeting, or as soon thereafter as a competent and suitable person can be secured, the board shall elect a secretary, who shall, by virtue of such election, become a member of the board and its executive officer, and his official title shall be known as State health officer, who shall be a regularly graduated and reputable physician.



SEC. 4690. *Duties of secretary.*—The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, and may be removed for just cause at a regular or special meeting of the board, a majority of the members voting therefor. He shall perform the duties prescribed by this act or required by the board. He shall keep a record of the transactions of the board, shall have the custody of all books, papers, documents, and other property belonging to the board, which may be deposited in his office. He shall, so far as practicable, communicate with the other State boards of health and with the county boards of health within the State; shall keep and file reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall prepare blank forms for the various county boards of health and give such instructions as may be necessary and forward them to the various health officers of the county boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report and otherwise as the board may direct shall disseminate such information among the people.

SEC. 4691. *Compensation and expenses.*—The secretary shall receive an annual salary, which shall be fixed by the State board of health, and the necessary traveling expenses, and the necessary expenses for clerical service that the board may deem necessary for his assistance. The board shall certify the amount due him, and on presentation of said certificate the secretary of state shall draw a warrant on the State treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

SEC. 4692 (as amended by ch. 247, acts of 1911). *Appropriation.*—The sum of \$15,000 per annum, or so much thereof as may be deemed necessary by the State board of health, is hereby appropriated annually to pay the salary of the secretary and any clerical service that he may require, and to meet the contingent expenses of the office of the secretary, and to provide for his traveling expenses, and to provide for the salary of a bacteriologist, and to equip and maintain a laboratory, and to meet the expenses of the members of the board; the said expenses shall be certified and paid in the same manner as the salary of the secretary, and it is hereby made the duty of the governor, secretary of state, and State treasurer, or other proper State officers, each year, in computing and estimating the amount of revenue necessary for State purposes, to include in such estimate the sum hereby appropriated; and it shall be levied and collected as other State taxes are collected and paid into the State treasury, and kept separate and apart from other funds, and shall be known as the "State board of health fund."

SEC. 4693. *State board of health when to abate nuisances—Penalty for violation of its orders.*—In cities, districts, and places having no local boards of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist should be imperative [inoperative], the State board of health shall have power and authority to order nuisances or the cause of any special disease or mortality to be abated and removed. Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than \$100, at the discretion of the court.

SEC. 4694. *Secretary of state to provide blanks.*—The secretary of state shall provide suitable books and suitable blanks, as directed by the State board of health, for keeping record of vital statistics and for reporting the same to the county boards of health and to the secretary of the State board of health.



SEC. 4714. *Quarantine by boards of health.*—The State board of health or the board of health of any incorporated city or village in time of epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, may, after a personal investigation by the members or member or the executive officer of such board to establish the facts in the case, and not otherwise, impose a quarantine on vessels, railroads, stages, or any other public or private vehicle or vehicles conveying persons, baggage, or freight, or used for such purpose, and may make and enforce such rules and regulations as such board may deem wise and necessary for protection of the health of the people of the community or State: *Provided, however,* That the running of any train or any cars on any steam or electric railroad, or of steamboats, vessels, or other public conveyance shall not be prohibited.

SEC. 4715. *Regulations of local board may be altered by State board.*—A true copy of such rules and regulations, when established by a local board of health, after submission to the State board of health, may be altered, relaxed, or abolished by order of the State board, and thereafter no changes shall be made except by the State board of health or by the local board to meet some new and sudden emergency.

SEC. 4724. *Power of State board of health on default of local board.*—When for some reason the city or municipal board of health do not exist or should be inoperative, the State board of health shall have power and shall order nuisances or the cause of any special disease or mortality to be abated and removed.

SEC. 4725. *State board of health may inspect conveyances entering State.*—Whenever there shall exist in the opinion of the State board of health imminent danger of the introduction of contagious or infectious disease into the State of Oregon, by means of railroad, steamboat, or other communication with other States, the said State board are authorized, and it is hereby made their duty to make, through their executive officer or some member of the board or accredited inspector or agent, an inspection of all railroad cars, steamboats, or other conveyances coming into the State, at such points or between such points within the State limits, as may be selected for this purpose.

SEC. 4695. *County and city boards of health, how constituted and maintained.*—The county judge and county commissioners, and the mayor and common council of each incorporated city, except where a regularly constituted board of health by statute or by ordinance of such city exists or may hereafter be created, shall constitute a board of health ex officio, for each county and city, respectively, of the State, whose duty it shall be to protect the public health by the removal of causes of diseases when known, and in all cases to take prompt action to arrest the spread of contagious and infectious diseases, to abate and remove nuisances dangerous to the public health as directed or approved by the State board of health, and perform such other duties as may from time to time be required of them by the State board of health pertaining to the health of the people. They shall elect a secretary, who shall be the health officer of the appointing board, and who shall be a graduate of a reputable medical college, and shall be in possession of a license issued by the Oregon State Board of Medical Examiners, and if such appointee is not already informed in hygiene and sanitary science, shall immediately so inform himself according to the requirements of the State board of health. He shall serve as secretary for two years from the 1st day of July next ensuing his election, and shall receive as compensation from the county or city treasury by the board electing him, to be paid quarterly, on the first Monday in September, December, March, and July, and the sum of 1½ cents per capita up to and including 50,000 people, the population to be determined from the school census of the year of the appointment by multiplying the number of



school children as determined by the school census by 4: *Provided*, That no incorporated city or town shall pay its secretary less than \$10 per annum, nor county board shall pay its secretary less than \$100 per annum: *And provided further*, That nothing herein shall prevent any incorporated city from establishing and maintaining a city board of health with proper health officers, the compensation of members of such boards of health and health officers to be fixed by the city council of such city. The State board of health shall have power to remove at any time any county, city, or town health officer for intemperance, failure to collect vital statistics, obey rules and by-laws, keep records, make reports, or answer letters of inquiry of said State board concerning the health of the people. Such removal, however, shall not be made until five days' notice of the charge or charges against such health officer shall have been mailed him: *Provided*, The time and place for hearing such charges by the State board of health shall be in the county seat of the county of which defendant is health officer and shall take place not later than one week after the time of mailing notice to such health officer: *Also provided*, He may be represented by counsel. In case of death, removal, or resignation of any county or city health officer created under this act, the vacancy shall be immediately filled by the county judge or mayor of the city, as the case may be, and such appointees shall hold office for the unexpired term of the health officer whose place he takes. The office of the secretary of the county board of health shall be at the county seat. All county or city health officers shall possess the powers of constables or other peace officers in all matters pertaining to the public health.

SEC. 4695. *Local boards subordinate*.—The board of health of each county shall be subordinate to the State board of health, and it shall be the duty of the secretary of such county boards to report such facts and statistics as may be required under instructions and in accordance with blanks furnished by the State board to the secretaries of the county boards of health in which such city boards of health are subordinate. It shall be the duty of the county boards of health to enforce all rules and regulations of the State board of health in their respective counties, which may be issued from time to time for the preservation of the public health and for the prevention of endemic, epidemic, and contagious diseases: *Provided*, That all books and records kept by the secretary of the county board shall be the property of the county where such records are kept, and filed with the county clerk where such records can be consulted without fee.

#### PENNSYLVANIA.

[Purdon's Digest, 13th Edition, p. 5585.]

1. *Department of health*.—The department of health shall consist of a commissioner of health and an advisory board.

2. *Commissioner of health*.—The commissioner of health shall be the head of the department, and shall be appointed by the governor, with the advice and consent of the senate. He shall be a physician of at least 10 years' professional experience, and a graduate of a legally constituted medical college.

3. *Term of office*.—The term of office of the commissioner \* \* \* shall be four years, beginning on 1st day of March of the year in which he is appointed.

4. *State board of health to cease*.—Upon the appointment and qualification of the commissioner of health the terms of the members of the State board of health and the secretary of such board shall expire, and no appointments shall thereafter be made to those offices.



5. *Salary and expenses.*—The commissioner of health shall receive an annual salary of \$10,000, and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly by the State treasurer, on the warrant of the auditor general.

6. *Advisory board.*—The advisory board shall consist of six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges, and of at least 10 years' experience in the practice of their profession, and one of whom shall be a civil engineer. The members of the advisory board shall be appointed by the governor, with the advice and consent of the senate. Any vacancy occurring in said board, during a recess of the legislature, shall be filled by the governor, until the next regular session of the same. The term of office of the members of the advisory board shall be four years from the date of appointment.

7. The commissioner of health shall preside at the meeting of the board, and shall be entitled to a vote upon any matter that comes before it.

8. Three members of the advisory board, together with the commissioner of health, shall constitute a quorum for the transaction of business.

9. No member of the advisory board shall, as such, receive any salary; but the actual traveling and other expenses of any member while engaged on the actual duties of the board shall be allowed, and paid on presentation to and approval by the auditor general of an itemized account.

10. *Meetings of advisory board.*—The advisory board shall meet in the capitol, at Harrisburg (unless otherwise ordered by the board), on the call of the commissioner of health.

11. It shall be the duty of the advisory board to advise the commissioner on such matters as he may bring before it, and to draw up such reasonable orders and regulations as are deemed by said board necessary for the prevention of disease and for the protection of the lives and health of the people of the State, and for the proper performance of other work of the department of health.

12. *Assistants.*—The commissioner of health may employ such clerical and other assistants as are necessary for the proper performance of the work of the department, and he may distribute appropriate powers and duties to the employees of the department of health, not inconsistent with the constitution or laws of this State.

13. *Experts.*—The commissioner may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto, and he may purchase such supplies and materials as may be necessary in carrying on the work of his department.

14. *Subpoenas.*—He may issue subpoenas to secure the attendance of witnesses, and compel them to testify in any matter or proceeding before him or his authorized agent.

15. *Warrants.*—He may issue warrants to any sheriff, constable, or policeman to apprehend and arrest such persons who disobey the quarantine orders or regulations of the department of health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the commissioner.

16. *Duties of commissioner of health.*—It shall be the duty of the commissioner of health to protect the health of the people of the State, and to determine and employ the most efficient and practical means for the prevention and suppression of disease.

17. The commissioner of health shall cause examination to be made of nuisances or questions affecting the security of life and health in any locality,



and for that purpose the commissioner, and any person authorized by him so to do, may, without fee or hindrance, enter, examine, and survey all grounds, vehicles, apartments, buildings, and places within the State, and all persons so authorized by him shall have the powers and authority conferred by law upon constables.

18. *Quarantine regulations.*—The commissioner shall have power and authority to order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations.

19. *Abatement of nuisances.*—If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the commissioner of health for the abatement or removal thereof, the commissioner, his agents or employees, may enter upon the premises to which such order relates and abate or remove such nuisance.

20. *Expenses.*—The expense of such abatement or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance, and such expense shall be a lien upon the lands upon which the nuisance was maintained. \* \* \*

21. *Births, marriages, deaths, and diseases, registration of.*—It shall be the duty of the commissioner of health to have general supervision of the State registration of births, marriages, deaths, and diseases; of practitioners of medicine and surgery; of midwives, nurses, and undertakers; and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and disease. He shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and shall secure the prompt and faithful registration of the same in a bureau of vital statistics, to be maintained as a part of his department.

22. *Regulations.*—The commissioner of health may, with the advice and concurrence of the advisory board, make appropriate regulations for the thorough organization and efficiency of the registration of vital statistics throughout the State, and the commissioner shall have the power and authority to enforce such regulations.

23. *Registration districts.*—In order to insure the official registration of vital statistics and the management of the sanitary affairs in the different parts of the State, the commissioner of health may apportion the State into 10 districts; and in each district he shall appoint a health officer, who shall, under the direction of the commissioner of health, have supervision and control of the sanitary affairs of the district and of the registration of vital statistics within the district. Such health officer shall be a physician of at least five years' professional experience, a graduate of a legally constituted medical college, and a resident of the district which he represents. He shall receive an annual salary of \$2,500, and his expenses actually and necessarily incurred in the performance of his official duties. The commissioner of health may appoint and employ such assistants to the health officers of the districts as he may deem necessary, in carrying out the provisions of this act.

24. *Commissioner may revoke local orders, regulations, or ordinances.*—The commissioner of health may revoke or modify any order, regulation, by-law, or ordinance of a local board of health, concerning a matter which, in his judgment, affects the public health beyond the territory over which such local board has jurisdiction.

25. *Annual report.*—The commissioner of health shall, annually, on or before the 1st day of February, make a written report to the governor, upon the vital statistics and sanitary conditions and prospects of the State. Such report shall set forth the action of the department and of its officers and agents, and the names thereof during the past year; a detailed statement of all moneys paid out



by, or on account of, the department, and the manner of its expenditures, during the year, and other useful information, and shall suggest any further legislative action or precaution deemed necessary for the better protection of life and health.

26. *Additional powers.*—The commissioner of health, in addition to the powers conferred by this act, shall have all the powers conferred, and perform all the duties heretofore imposed, by law upon the State board of health, or any member, committee, or officer thereof, including the secretary.

28. *Promulgation of rules and regulations.*—All rules and regulations of the department of health shall be promulgated by sending printed copies to all local boards of health, school boards, and clerks of councils of cities and boroughs, and by printing, once a week for two weeks, in at least one daily paper of Philadelphia and Pittsburgh, and the rules and regulations shall be printed in circular form and given to anyone who demands them.

29. *Violations.*—Every person who violates any order or regulation of the department of health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the department of health, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment not exceeding one month, or both, at the discretion of the court.

30. *Expenses.*—All necessary expenses under the provisions of this act shall, after approval in writing by the governor and the commissioner of health, be paid by the State treasurer, upon the warrant of the auditor general, in the manner now provided by law.

[Acts of 1905, chapter 219.]

32. *Emergency fund.*—The sum of \$50,000 is hereby specifically appropriated and set apart, out of any money in the treasury not otherwise appropriated, for the purpose of creating an emergency fund, to be used, as occasion may require, by the State board of health in the suppression of epidemics, prevention of disease, and protection of human life in times of epidemic disease or of disaster threatening disease, beyond the ability of the local authorities to check or relieve. The money herein appropriated shall be held in the treasury of the Commonwealth, and whenever the secretary of the State board of health shall find that the public health is threatened, either by epidemic or as a result of great disaster, to such an extent that the local authorities are unable to meet the emergency, he shall prepare a statement to that effect, rehearsing all the facts in the case, and the reason for considering that State aid is needed, and to what amount, and transmit the same to the governor. If the statement and the reasons therein set forth shall meet with the approval of the governor, he shall certify and file the statement and certificate of approval in the office of the auditor general, who shall then draw his warrant upon the State treasurer for the amount approved by the governor, and place the same in the hands of the [treasurer of the State board of health] commissioner of health, to be used for the purpose set forth in the statement approved as aforesaid, and for no other purpose. If, after the said epidemic shall have been suppressed, or the sickness or danger averted, there shall still be a balance of the amount drawn left in the hands of the [treasurer of the State board of health] commissioner of health, he shall, without delay, return the same to the State treasurer, and it shall become part of the said emergency fund. He shall also file with the auditor general a specifically itemized statement, made under oath, of the expenditures of said moneys, as soon as possible.



[Purdon's Digest, 13th edition, p. 1828.]

5. *Duties of commissioner.*—The [State board of health and vital statistics] commissioner of health shall have the general supervision of the interests of the health and lives of the citizens of the Commonwealth, and shall especially study its vital statistics. [It] He shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemic diseases, including those of domestic animals, the sources of mortality and the effects of localities, employments, conditions, habits, food, beverages, and medicine on the health of the people. [It] He shall also disseminate information upon these and similar subjects among the people. [It] He shall, when required by the governor or the legislature, and at such other time as [it] he deems it important, institute sanitary inspections of public institutions or places throughout the State. [It] He shall codify and suggest amendments to the sanitary laws of the Commonwealth, and shall have power to enforce such regulations as will tend to limit the progress of epidemic diseases.

6. *May abate nuisance and enforce quarantine regulations, etc.*—In cities, boroughs, districts, and places having no local board of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist should be inoperative, the [State board of health] commissioner of health shall have power and authority to order nuisances, or the cause of any special disease or mortality, to be abated and removed, and to enforce quarantine regulations as said [board] commissioner shall direct.

Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than \$100, at the discretion of the court.

[Purdon's Digest, p. 1829.]

9. *To receive and to require reports and information.*—It shall be the duty of all health officers and boards of health in the State to communicate to said [State board of health] commissioner of health copies of all their reports and publications, and also such sanitary information as may be requested by said [board] commissioner. And said [board] commissioner is authorized to require reports and information (at such times and of such facts and generally of such nature and extent as its [his] by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, and from the managers, principals, and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; but such report shall only be required concerning matters or particulars in respect of which [it] he may in [its] his opinion need information for the proper discharge of [its] his duties.

[Purdon's Digest, p. 5588.]

36. *Constitution of township boards of health.*—It shall be the duty of the township commissioners of townships of the first class in every township of said class in this Commonwealth, within six months after the passage of this act, to nominate and appoint, by a majority vote of the members elected, a board of health of such township, to consist of five persons not members of the board of township commissioners, one of whom shall be a reputable physician of not less than two years' standing in the practice of his profession. At the first appointment the said township commissioners shall designate one of the members of said board of health to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve



for five years; and thereafter one member of said board shall be appointed annually, to serve for five years. The board shall be appointed by districts, to be fixed by the said township commissioners, representing as equally as may be all portions of the township. The members shall serve without compensation.

37. *Board to have the same powers and duties as boards of health in cities of the third class.*—The duties, responsibilities, powers, and prerogatives of said board shall be identical with those assigned to boards of health of cities of the third class by sections 3, 4, 5, 6, and 7 of article 11 of the act of May 23, 1889, entitled "An act providing for the incorporation and government of cities of the third class, which reads as follows, due allowance being made for the difference in the municipal government of cities and townships.

38. *Members of the board—Secretary—Health officer—Fees—Power to administer oaths.*—The members of the board shall severally take and subscribe the oath prescribed for township officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the township. The secretary and the health officer shall receive such salary as may be fixed by the board, which salary shall be paid out of the township treasury upon proper warrant drawn, and shall hold their offices during the pleasure of the board. They shall severally give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe the oath required by the members of the board. All fees which shall be collected or received by the board or by any officer thereof in his official capacity shall be paid over into the township treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceedings or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.

39. *Powers and duties of board.*—The said board of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation, and treatment of infected persons and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the township commissioners in case of the prevalence of any contagious or infectious diseases within the township, to establish one or more hospitals and to make provisions and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment and paid out of the township treasury. It shall be the duty of all physicians practicing within the township to report to the secretary of said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious disease in the manner directed by the said board.

40. *Board and its employees may enter upon premises and abate nuisances.*—The said board of health shall have power, as a body or by committee, as well



as the health officer, together with his subordinates, assistants, and workmen, under and by order of the said board, to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health for the purpose of examining and abating the same; and all written orders for the removal of nuisance issued to the said health officer by order of said board attested by the secretary shall be executed by him and his subordinates and workmen, and the cost and expense thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the same manner as debts of like amount are now by law collected.

41. *Board may make and publish necessary regulations.*—The said board shall make and cause to be published all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the township commissioners, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the township; and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the township in the same manner as penalties for the violation of township ordinances, subject to the like limitation as to the amount thereof.

42. *Board to submit annual estimate.*—It shall be the duty of the board of health to submit annually to the township commissioners, before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and the said commissioners shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to the township commissioners of its operations for the preceding year, with the necessary statistics thereof, together with the information or suggestions relative to the sanitary condition and requirements of the township as it may deem proper; and the commissioners shall publish the same in their official journal. It shall also be the duty of the board to communicate to the State health commissioner, at least annually, notice of its organization and membership, and copies of all its reports and publications, together with such sanitary information as may from time to time be required by said State health commissioner.

[Purdon's Digest, p. 3147.]

155. *Boards of health in cities of the third class.*—The councils of any city of the third class may, by ordinance, create a board of health, as herein provided, with the powers and duties herein enumerated.

156. *To consist of five members—How appointed.*—The said board shall consist of five members, who shall serve without compensation, and none of whom shall be members of councils. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by councils, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. The mayor shall nominate and by and with the consent of the select council appoint the members of said board, and shall in like manner remove any or all of them for official misconduct or neglect of duty, and fill all vacancies for the unexpired term. At the first appointment the mayor shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and thereafter



one member of said board shall be appointed annually to serve for the term of five years.

[NOTE.—Health organization in cities of the first class governed by provisions on pp. 2910 and 2925, Purdon's Digest; in cities of the second class by provisions on pp. 3024 and 5771, Purdon's Digest.]

157. *Organization of board—Secretary—Health officer—Fees—Power to administer oaths.*—The members of the board shall severally take and subscribe the oath herein prescribed for city officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, not of their body, who shall keep the minutes of their proceedings, and perform other such duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the city. The secretary and health officer shall receive such salary as may be fixed by the board and shall hold their offices during the pleasure of the board. They shall severally give bond to the city in such sums as may be fixed by ordinance for the faithful discharge of their duties and shall also take and subscribe the oath required of the members of the board. All fees which shall be collected or received by the board or by any officer thereof in his official capacity shall be paid over into the city treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.

164. *Powers and duties of board.*—The said board of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulation of intercourse with infected places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination; to mark infected houses or places; to prescribe rules for the construction and maintenance of house drains, waste and soil pipes, and cesspools; and to make all such other regulations as they shall deem necessary for the preservation of the public health.

165. They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease within the city, to establish one or more hospitals, and to make provisions and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases in the manner directed by the said board.

173. *The board and its employees may enter upon premises to abate nuisances.*—The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants, and workmen, under and by order of said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisances, issued to the said health officer by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and



the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the manner herein provided; and the amount of the cost and expense thereof shall also be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer, filed with the city clerk, and said lien may be filed and proceeded in as herein provided in the case of municipal liens.

166. *Board may create a system of registration of births, marriages, and deaths.*—The said board of health shall have power to create and maintain a complete and accurate system for the registration of all marriages, births, and deaths which may occur within the city, and to compel obedience to the same upon the part of all physicians and other medical practitioners, clergymen, magistrates, undertakers, sextons, and all other persons from whom information for such purposes may properly be required.

167. *Rules and regulations of board when approved by the mayor to have force of ordinances.*—The board shall make, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the mayor, shall have the force of ordinances of the city, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the city, in the same manner as penalties for the violation of city ordinances, subject to the like limitation as to the amount thereof.

168. *Board to submit annual estimates to councils and make report thereto—To make returns to commissioner of health.*—It shall be the duty of the board of health to submit annually to councils, before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and councils shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestion relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in their official journal. It shall also be the duty of the board to communicate to the [State board of health] commissioner of health copies of all its reports and publications, together with such sanitary information as may from time to time be required by said [State board] commissioner.

[Purdon's Digest, p. 532.]

320. *Borough board to consist of five members—How appointed.*—It shall be the duty of the president of the town council, or burgess, where he is the presiding officer, of every borough in this Commonwealth, within six months after the passage of this act, to nominate and, by and with the consent of the council, to appoint a board of health of such borough, to consist of five persons, not members of the council, one of whom shall be a reputable physician of not less than two years' standing in the practice of his profession. At the first appointment the president of the town council, or burgess, where he is the presiding officer, shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for five years, and thereafter one member of the said board shall be appointed annually to serve for five years. The board shall be appointed by districts to be fixed by the town council, representing as equally as may be all portions of the borough. The members shall serve without compensation.



321. *Board to have the same powers and duties as boards of health in cities of the third class.*—The duties, responsibilities, powers, and prerogatives of said board shall be identical with those assigned to boards of health of cities of the third class by sections 3, 4, 5, 6, and 7 of article 11 of the act of May 23, 1889, entitled "An act providing for the incorporation and government of cities of the third class," which reads as follows, due allowance being made for the difference in the municipal government of cities and boroughs.

322. *Organization of board.*—The members of the board shall severally take and subscribe the oath prescribed for borough officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the borough. The secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices during the pleasure of the board. They shall severally give bond to the borough in such sums as may be fixed by ordinance for the faithful discharge of their duties, and shall also take and subscribe the oath required by the members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the borough treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceedings or investigations touching the regulations of the board, but shall not be entitled to receive any fee therefor.

323. *Powers and duties of board.*—The said board of health shall have power, and it shall be their duty to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses, or places; to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the council, in case of the prevalence of any contagious or infectious disease within the borough to establish one or more hospitals, and to make provision and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the borough to report to the secretary of said board of health the names and residences of all persons coming under his professional care afflicted with such contagious or infectious disease in the manner directed by the said board.

325. *Rules and regulations of board when approved by council and chief burgess and advertised to have force of ordinances.*—The board shall make and cause to be published all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the borough council and chief burgess, and when advertised in the same manner as other ordinances shall have the force of ordinances of the borough, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall



be recoverable for the use of the borough in the same manner as penalties for the violation of borough ordinances, subject to the like limitation as to the amount thereof.

326. *Board to submit annual estimates to council and make annual report thereto—To make return to commissioner of health.*—It shall be the duty of the board of health to submit annually to the council before the commencement of the fiscal year an estimate of the probable receipts and expenditures of the board during the ensuing year, and the council shall then proceed to make such appropriation thereto as they shall deem necessary, and the said board shall, in the month of January of each year, submit a report in writing to the council of its operations for the preceding year, with the necessary statistics thereof, together with such information or suggestions relative to the sanitary conditions and requirements of the borough as it may deem proper, and the council shall publish the same in its official journal. It shall also be the duty of the board to communicate to the [State board of health] commissioner of health, at least annually, notice of its organization and membership, and copies of all its reports and publications, together with such sanitary information as may from time to time be required by said [State board] commissioner.

[Purdon's Digest, p. 492.]

84. The powers of the corporation (of boroughs) shall be vested in the corporate officers designated in the charter. They shall have power—

85. I. To make such laws, ordinances, by-laws, and regulations not inconsistent with the laws of this Commonwealth as they shall deem necessary for the good order and government of the borough.

88. IV. To regulate the roads, streets, lanes, alleys, common sewers, public squares, common grounds, footwalks, pavements, gutters, culverts, and drains, and the heights, grades, widths, slopes, and forms thereof; and they shall have all other needful jurisdiction over the same; and they shall have power to survey, lay out, enact, and ordain footwalks, pavements, gutters, culverts, and drains, over and upon the lands abutting on and along the sides of turnpike roads which may be within the limits of said borough; and over and upon lands abutting on and along the side or sides of public roads where the said roads are outside the limits of said boroughs; and the lands over and upon which said sidewalks, pavements, gutters, culverts, and drains are to be surveyed, laid out, enacted, and ordained are inside the limits of the said boroughs; and to fix the size and width thereof, and to require the grading, curbing, and guttering thereof by the owner or owners of the land respectively fronting thereon, in accordance with the general regulations prescribed.

93. VII. To make all needful regulations respecting the foundations and party walls of buildings, and respecting vaults, cesspools, sinks, drains, and partition fences.

94. VIII. To enter upon the lands and premises of any person or persons for the purposes authorized by this act, by themselves and their duly appointed officers and agents.

96. X. To authorize and direct the killing of dogs running at large contrary to the regulations of the borough.

97. XI. To make all needful regulations respecting markets and market days, the hawking and peddling of market produce and other articles in the borough, and for the inspection and measurement or weight of cordwood, hay, coal, and other articles sold or offered for sale in the borough.

101. XIII. To prohibit and remove any obstructions in the highways of the borough, and any nuisance or offensive matter, whether in the highways or in



public or private ground, and to require the removal of the same by the owner or occupier of such grounds; in default of which the corporation may cause the same to be done, and collect the cost thereof, with 20 per cent advance thereon, in the manner provided herein for the cost of pavements made by the corporation.

102. XIV. To prohibit within the borough the carrying on of any manufacture, art, trade, or business which may be noxious or offensive to the inhabitants; the manufacture, sale, or exposure of fireworks or other inflammable or dangerous articles, and to limit and prescribe the quantities that may be kept in one place of gunpowder, fireworks, turpentine, and other inflammable articles, and to prescribe such other safeguards as may be necessary.

103. XV. To make such regulations relative to accumulations of manure, compost, and the like in barns, stable yards, and other places, and to prohibit the keeping of hogs within the borough or within such limits within the same as they may prescribe.

104. XVI. To prohibit within the borough the burial or interment of deceased persons, or within such partial limits within the same as they may from time to time prescribe, and to regulate the depth of graves.

105. XVII. To make such other regulations as may be necessary for the health and cleanliness of the borough.

109. XXI. To impose fines and penalties, incurring partial or total forfeitures, to remit the same, to provide or erect a lockup house for the temporary detention of persons committed by the proper corporate officers, or by justices of the peace within the borough: *Provided*, That no person shall be confined in such lockup house for a longer period than 48 hours at any one time.

113. XXV. To levy and collect annually a tax on the owners of dogs and bitches, not exceeding \$1 on the owner of but one dog, or \$2 on the owner of but one bitch, and to levy and collect such additional tax on the owners of more than one dog or bitch, and in such ratio of increase as they may deem proper.

#### PORTO RICO.

[Acts of 1912, chapter 81.]

SECTION 1. *Sanitation service; how constituted.*—The sanitation service in Porto Rico is hereby reorganized so as to be composed of a director of sanitation, an assistant director of sanitation, an insular board of health, and the necessary personnel for the various offices authorized by this law.

SEC. 2. *Director of sanitation.*—The director of sanitation shall be the head of the service of sanitation in the island, with power to supervise all the sanitary service in the island of Porto Rico.

SEC. 3. *Qualifications, appointment, salary.*—The director of sanitation shall be a physician duly authorized to practice in the island and having practiced his profession for at least five years; he shall be appointed by the governor, with the approval of the executive council, and shall hold office during good behavior, at a salary of \$6,000 per annum, subject to removal by the governor for good cause. The director of sanitation shall not practice his profession of physician and surgeon.

SEC. 4. *Duties.*—The director of sanitation may cause to be removed to proper places designated by him any person sick with a quarantinable disease, or any other rapidly spreading, contagious, or infectious disease, and shall have the control of public hospitals for the treatment of such cases. He may occupy, for the purpose of provisional hospitals, such buildings as may be necessary, without prejudice to the subsequent payment to the owner of an indemnity,



the amount of which shall be determined in accordance with the procedure established by law in like actions; and he may cause proper care and attention to be given to the sick persons removed to the hospitals, at the expense of the insular government, as herein provided for, when it comes to his knowledge that such persons are too poor to defray the expenses of their attendance, or when it is necessary to take care of them in the interest of the public health. No person suffering from a quarantinable or other rapidly spreading, contagious, or infectious disease shall be removed from a vessel, or from any other place set aside by competent authority for his isolation and treatment, without a written permit from the director of sanitation or the sanitary official placed in charge of such vessel or place by the director of sanitation. For the purpose of carrying out the duties prescribed by this section, the director of sanitation, or any duly authorized physician employed in the sanitary service, may enter at any time into private properties and dwellings for the inspection or examination of such premises, in accordance with the provisions of section 30 of this act.

SEC. 5. *Epidemics.*—In case of an epidemic, threatening the health of the island, the director of sanitation after consulting the insular board shall, with the approval of the governor, take such emergency action as may be necessary to suppress the same, and all the expenses for personnel and material caused by the epidemic shall be borne by the insular government. The proceeds of all fines collected, by whatever authority, for the violation of the sanitary laws, or of the rules or regulations made pursuant thereto, shall be covered into the insular treasury, to create a special fund expendable only with the approval of the governor for sanitary service in suppressing epidemics.

SEC. 6. *Annual report.*—The director of sanitation shall file an annual report with the governor of Porto Rico, for transmittal to the legislature, wherein he shall set forth the sanitary services that shall have been rendered and the sanitary conditions prevailing in the island of Porto Rico at the time.

SEC. 7. *Notices.*—The director of sanitation shall attend to all problems affecting public health, and shall publish suitable notices covering the prevailing diseases and epidemics.

SEC. 8. *Appointment of employees.*—The director of sanitation shall have the power to appoint, transfer, or dismiss for cause, with the approval of the governor, in accordance with the provisions of the civil-service act, employees whose appointments are not otherwise provided for in this act: *Provided*, That in order to appoint, transfer, or dismiss temporary employees, or to suspend any employee temporarily, said approval shall not be required.

SEC. 9. *Assistant director.*—The assistant director of sanitation shall be a physician duly authorized to practice, and having practiced his profession in the island for at least five years; he shall be appointed by the director of sanitation, shall perform such duties as may be assigned to him by the director, and shall act in his place as director of sanitation during the absence of the director: *Provided, however*, That the foregoing qualification as to practice in the island shall not be applicable with respect to the first appointment made in accordance with this section. He shall receive a salary of \$3,500 per annum and shall not practice his profession.

SEC. 10. *Insular board of health.*—The governor, by and with the consent of the executive council, shall appoint a board of health, to be known as the insular board of health and composed of the following members: Four physicians, one lawyer, and one chemical or pharmaceutical expert, authorized to practice and who have practiced their profession in the island for a period of at least five years, and one civil engineer with at least five years' experience in sanitary engineering. The board of health at its first session shall choose its president,



who shall be one of the physicians, and all members of the board of health shall hold office until their successors shall have been appointed and qualified.

SEC. 11. *Meetings.*—The insular board of health shall hold regular meetings during the first week of each month, and such other meetings as may be required for the dispatch of business, written citation therefor being circulated by order of the president a reasonable time before the meeting. A majority of the members of the board shall constitute a quorum. In case there shall be no quorum, despite the fact that the members of the board have been given due notice one week in advance of said meeting, its transactions shall be valid if had with the attendance of three members. The members of the insular board of health shall receive a per diem compensation of \$5 when in attendance upon meetings.

SEC. 12. *Regulations.*—It shall be the duty of the insular board of health to act as an advisory and legislative body in respect to all matters pertaining to the public health, and it shall prescribe all sanitary rules, regulations, and ordinances required by this act, which shall govern in all the municipalities of Porto Rico, with a view to preventing and suppressing contagious and epidemic diseases, destroying the vehicles of propagation of malarial fevers and tuberculosis and other transmissible diseases, and dealing with any other service affecting public health, such as the water service, food and beverages, construction of buildings within the towns, ventilation, drainage, and sanitary plumbing installations, hotels, inns, boarding houses, sleeping houses, cafés, restaurants, eating houses, canteens, tenement houses, private dwellings, houses in general, schools, factories and workshops, dangerous, unhealthy, or uncomfortable industrial establishments, slaughterhouses and slaughtering markets, meat markets, garbage, transportation of garbage and organic fertilizers, cleaning of cesspools and sinks, public ways, railroads, street railways, hospitals, maisons de santé, sanatoriums, animals and cattle, rural sanitation and hygiene, transmissible diseases, corpses, cemeteries, interments and disinterments, autopsies, embalmings, transportation of corpses, barber and hairdressing shops and public bath pavilions, dairies and milk depots.

It shall be the duty of the insular board of health to prescribe rules and regulations for governing conditions surrounding employees of the government or of private parties, in so far as such regulation is necessary in the interest of public health, and of conditions to be maintained in dairies and bakeries, and in connection with the slaughter of animals for food, and governing the transportation of milk and other dairy products, bread and other bakery products, and meat and meat products; for the disposal of garbage and refuse of all kinds: *Provided*, That nothing in this section shall authorize the issuance of regulations that will deprive a member of the female sex of the privilege of selecting the physician who is to make examinations as to her physical condition. It shall define the class of sanitary appliances to be installed and maintained in public and private buildings, and prescribe rules and regulations for the burial, exhumation, and transportation of cadavers, and the regulations to be observed in respect to reporting, isolating, and treating infectious or contagious diseases, and guarding from contamination all streams from which water for drinking or domestic purposes is taken.

SEC. 13. *Amendment and promulgation of rules.*—The director of sanitation shall submit to the executive council, for its consideration and approval, all rules and regulations prescribed by the insular board of health, indorsing thereon his views. The executive council may amend or alter such rules and regulations and return same to the director of sanitation for reconsideration by the insular board of health. If differences finally exist between the execu-



tive council and the insular board of health as to the rules and regulations which shall be put into effect, a conference committee shall be appointed by the presidents of both bodies, to consist of three members from the insular board of health and three members from the executive council: *Provided*, That in case of disagreement or tie vote the governor of Porto Rico shall designate one of the justices of the supreme court, who shall for the time being become a member of the board for the purpose of deciding the questions at issue. The conclusions of a majority of the committee so appointed shall rule and be accepted by the insular board of health and the executive council as controlling and conclusive. All such rules and regulations, when approved by the executive council, shall be promulgated by the governor of Porto Rico and shall be published in two newspapers of general circulation in the island, and thereupon and thereafter shall have the force and effect of law.

SEC. 14. *Rules made by executive council, when.*—In the event that the insular board of health should at any time fail or unreasonably delay to prescribe the sanitary rules and regulations required by this act, then it shall be the duty of the executive council, when such failure is brought to its attention by the governor, to formulate the necessary sanitary rules and regulations as herein provided, which rules and regulations shall be submitted by the executive council to a conference committee as provided in section 13, and such rules and regulations, upon approval by the conference committee, shall be promulgated by the governor, and when so promulgated and published in two newspapers of general circulation in the island shall thereupon and thereafter have the force and effect of law.

SEC. 15. *Legal notice.*—All courts are required to take judicial notice of the adoption of such rules and regulations and of the publication thereof required by this act.

SEC. 16. *Secretary.*—The insular board of health shall appoint a secretary and shall define his duties. Said secretary shall receive a salary of \$2,400 per annum and shall serve at the pleasure of the insular board of health.

SEC. 17. *Director to attend meetings.*—The director of sanitation shall attend meetings of the insular board of health when requested so to do by said board, and he shall advise the president of the board of health when he considers it necessary to call special meetings. He may attend and participate in any meeting of the board, but without the right to vote upon questions considered. He shall have the right to read all of the records and minutes of the board and to propose, in writing, any measures which in his judgment should be discussed and acted upon by the board.

SEC. 18. *Municipal ordinances.*—Within 60 days after the approval of this act the alcalde of each municipality shall forward to the secretary of the insular board of health copies of all ordinances of his municipality which relate to sanitation or public health for the information of the board in formulating regulations. Municipal ordinances which were in force June 30, 1911, except as repealed by the municipal councils since, and all rules and regulations adopted by the insular board of health under authority of an act entitled "An act to provide Porto Rico with a law of sanitation," approved March 9, 1911, and which were approved by the executive council, and all rules and regulations promulgated by the director of health, charities, and correction and adopted by the executive council, shall be and remain in force until regulations by the insular board of health covering the same subjects shall be promulgated according to law. The municipal council may recommend to the insular board of health such modifications of the rules and regulations as may be required by the conditions in each locality.



SEC. 19. *Vital statistics.*—\* \* \* The director of sanitation shall also maintain a bureau of vital statistics, and for this and other purposes he shall require such reports and data as may be necessary for the discharge of his duties from public officials and from the managers, lessees, or tenants of any public or private establishments or carriers, who shall furnish the same, or failing to do so shall upon conviction by a court of competent jurisdiction be held to be guilty of a misdemeanor and punished accordingly.

SEC. 20. *Inspectors.*—There shall be appointed by the director of sanitation, subject to the approval of the governor, two inspectors of health, who shall be physicians licensed to practice their profession, and who shall have practiced in the island for a term of not less than three years, and who shall hold office during good behavior and receive a salary of \$3,000 per annum each. They shall not be allowed to engage in private practice, and shall perform such duties as the director of sanitation may determine, and each shall be provided with an office supplied with the necessary personnel, equipment, and material.

SEC. 21. *Bureau of transmissible diseases.*—There is hereby established in the service of sanitation a bureau of transmissible diseases, which shall have under its charge the study and prevention of transmissible diseases, including tuberculosis, uncinariasis, and other tropical diseases, the hospital for contagious diseases and the service of disinfection in general. The chief of said bureau shall be appointed by the director of sanitation, with the approval of the governor. He shall be a physician qualified to practice and who shall have practiced in the island for a term of not less than three years, and shall receive a salary of \$2,500 per annum.

SEC. 22. *Chemical laboratory.*—There is hereby created a bromatological chemical laboratory, to be in charge of a chemist-pharmacist, appointed by the director of sanitation, with the approval of the governor of Porto Rico, and who shall hold office during good behavior, at an annual salary of \$2,500. Such appointee to be a professional man who shall have practiced in the island for a period of not less than two years. The bromatological chemical laboratory shall have an assistant chemist and the necessary personnel properly to attend to the business, as well as the suitable material with which to carry it on. The laboratory shall be under the immediate supervision of the director of sanitation, who will dictate and regulate the action in each case to be taken.

SEC. 23. *Biological laboratory.*—There is hereby created a biological laboratory, to be under the immediate supervision of the director of sanitation and in charge of a bacteriologist appointed by the director of sanitation, with the approval of the governor, who will hold office during good behavior, at an annual salary of \$2,500, who shall be a physician having practiced his profession in the island for a term of not less than three years. The biological laboratory shall have an assistant bacteriological physician and the personnel necessary to perform the work required, and shall be also equipped with all material necessary for such work. It shall devolve upon the laboratory to prepare vaccine lymphs, virus, and serum; to make bacteriological analyses; to verify diagnosis, pathological examination, investigation on tropical and transmissible diseases and their prophylaxis, and to perform other duties to be prescribed by the director of sanitation.

SEC. 24. *Sanitary engineer.*—There shall be employed a sanitary engineer for duty in connection with the service of sanitation. The sanitary engineer shall be appointed by the director of sanitation, with the approval of the governor. He shall receive a salary of \$3,000 per annum. He shall possess a degree of sanitary or civil engineer and shall have studied sanitary engineering and shall have practiced his profession in the island for not less than three years, and be registered in the civil service of Porto Rico as such: *Provided*, That in case



there is no such person registered in the civil service as sanitary or civil engineer, any other person who possesses such degree may be appointed, although he has not practiced his profession in the island for the time required.

SEC. 25. *Plumbing and veterinary inspectors.*—In addition to the other officers mentioned in this act, there shall be appointed by the director of sanitation, with the approval of the governor, three veterinary inspectors, three plumbing inspectors, and three inspectors of food, drugs, liquors, and other beverages. The plumbing inspectors shall be under the immediate orders of the sanitary engineer. Said employees must have the necessary qualifications, and shall receive the compensation provided by law or fixed in accordance therewith: *Provided*, That the inspectors of food, drugs, liquors, and other beverages shall be qualified as chemists or pharmacists.

SEC. 26. *Municipal health officers.*—Upon the approval of this act there shall be appointed by the director of sanitation, with the approval of the governor, for each municipality of the island, a health officer, at salaries to be fixed by, or in accordance with law, the appointees to be physicians qualified to practice and who shall have practiced in the island for a period of at least one year: *Provided*, That where the director shall consider it advisable he may unite two or more municipalities under a single health officer: *And provided further*, That in towns of the third class the health officer may, with the approval of the director of sanitation, perform also the services of attending physician upon the poor, receiving therefor additional payment from the municipality. Health officers shall hold office during good behavior, subject to removal by the director of sanitation for cause, in accordance with the civil-service law.

In the municipality of San Juan there shall be two assistant health officers, receiving salaries of \$1,200 each; in Ponce, one assistant health officer, at a salary of \$1,200; and in the village of Cataño one health officer, who can be required to render the services necessary in the Leper Colony and to perform such other duties as the director may see fit to assign him, and who shall receive a salary of \$1,200 per annum. Health officers are empowered to appoint the personnel required in their offices, with the approval of the director of sanitation. The health officer shall supervise the sanitary service of his municipalities and towns, and shall provide for the establishment of the necessary sanitary service such as cleaning and watering the streets, removal of garbage and other refuse, public and private disinfection, drainage, drainage of private landed property within populated zones and of public lands, cleaning of cesspools and other deposits of filth in public property and in private property when it becomes necessary for public health, as prescribed in this act. The health officer shall enforce all laws, ordinances, and sanitary rules, and shall exercise general supervision over public health within his respective municipalities and towns. The health officer shall not receive any expense allowance for any duty within the limits of his respective territory, except upon special authority of the director of sanitation, nor shall he travel on official business outside of his respective municipality and town without his orders.

SEC. 27. *Arrests, etc.*—The director of sanitation, medical inspectors, health officers, and assistants shall have the power to make arrests of persons found or apprehended in the act of violating the sanitary law, or any sanitary rules or regulations promulgated thereunder, delivering them as soon as practicable to the nearest police officer, and at the same time making the necessary charges against such offenders, but nothing in this section contained shall authorize any of the officers or assistants enumerated herein to carry revolvers or other unlawful weapons while in the performance of their official duties.

SEC. 30. *Inspection of buildings.*—The director of sanitation, the district inspectors, and the health officers, either in person or through their duly author-



ized agents or inspectors, are hereby empowered to enter into any building, house, shop, or place, at any hour during the daytime, to inspect and report on the sanitary condition of the same, or to cause the prompt removal or correction of any public nuisance, in the form and manner prescribed in the sanitary regulations.

Investigations or inspections in private dwelling houses shall only be made after obtaining the permission of the occupant of the dwelling house to be inspected. Should such occupant refuse to give permission for such inspection, any municipal judge or justice of the peace may, upon receipt of a sworn statement as to the probable cause therefor, issue an order authorizing the proper officer to enter such private building or dwelling for the purpose of making such investigation or inspection: *Provided*, That nothing herein contained is to be construed as a limitation on the right of the health officers aforesaid to enter buildings, houses, shops, stores, factories, restaurants, cafés, and all other places except private dwellings without first obtaining the consent of the owner or occupant, where the entry is made by the officer in good faith for the purpose of making investigations or inspections to promote the health of the public.

SEC. 31. *Nuisances*.—In the event of the failure of the owner, agent, or tenant of any property where a public nuisance exists to remove or abate the same within a reasonable time after the proper notification to perform the work has been served, the sanitary authorities are hereby empowered to remove or abate the nuisance at the expense of said owner, agent, or tenant, and the party in interest shall be given due notice of the expenses thereby incurred and shall reimburse the health authorities therefor.

SEC. 32. *Destruction of property*.—Every person whose property may have been unjustly or illegally destroyed or injured by the enforcement of any order, regulation, ordinance, or by any action taken by the service of sanitation, or by its employees or agents exempt from personal liability, may maintain the appropriate action against the government of Porto Rico for the recovery of proper damages; but in such cases the claim must be presented to the director of sanitation, in writing, within 30 days after the occurrence of the acts which gave rise thereto, and the date, place, and degree of the damage or injury suffered, and the estimated value thereof shall set forth in the complaint under oath or affirmation. The director of sanitation shall render his decision within 20 days after the receipt of the claim, and after hearing the official or employee responsible for the loss or damage. No judicial action can be brought against the insular government for such damages or injury unless it be established that the claim was presented to the director of sanitation in due time and that the director has failed to decide, or has decided adversely or in a form not satisfactory to the claimant, within the period of 20 days allowed him for decision.

SEC. 33. *Penalty*.—Any person violating any sanitary regulation put in force as herein provided shall be punished by a fine of not less than \$1 nor more than \$100, or by imprisonment from 1 to 30 days, or with both penalties, at the discretion of the court.

SEC. 34. *Injunctions*.—No court of justice shall make any order which may tend to hinder, retard, suspend, or impede the director of sanitation, the district inspectors, or the health officers, or any of their duly authorized inspectors or agents, in their efforts to correct or suppress a public nuisance which may engender sickness or endanger public health, without previously notifying the director of sanitation thereof, that he may have the opportunity, personally or through a legal representative, to appear at the trial of the motion which to that effect may have been filed.



**SEC. 35. Disposal of garbage.**—Section 3 (d) of the act approved March 12, 1903, to provide for the condemnation of private property, is hereby amended by inserting after the word "slaughterhouses" the words "for the disposal of garbage or other refuse, and for the establishment of quarantine hospitals for people or animals." It is hereby made the duty of each municipality to provide a proper place for the disposal of garbage and refuse, to be placed at the disposition of the service of sanitation.

**SEC. 36. Appropriation.**—Beginning July 1, 1912, and until otherwise provided by law, 12 per cent of the gross revenues of each municipality in Porto Rico be, and the same is hereby, appropriated, and shall be collected by the treasurer of Porto Rico and by him covered into the insular treasury to meet in part the expenses incurred by the sanitary service performed according to law, and regardless of the aggregate of said expenses so incurred, and: *Provided*, That municipalities owning their own water works or controlling free supplies of water shall furnish therefrom free of cost to the service of sanitation such quantities of water for flushing and watering the streets, flushing sewers, etc., as may be required for the public service by, and to be used under the direction of, the service of sanitation: *Provided*, That it does not jeopardize the supply of water for the inhabitants of the municipality, and: *Provided further*, That it shall be the duty of municipalities to maintain and repair the public works of a permanent character designed to protect public health, and the director of sanitation, in case such obligation is not complied with within a reasonable time, shall notify the municipal council of the necessity of such maintenance and repair, and if no attention should be paid to his said notification he shall notify the attorney general of Porto Rico, whose duty it shall be to institute the proper legal proceeding in the district court of the judicial district wherein the municipality is situated, in the name of the people of Porto Rico, for the purpose of compelling compliance with such notification; it shall also be the duty of the municipalities to construct public works of a permanent character designed to protect public health: *Provided*, That the necessity therefor for the health of the inhabitants of the municipality is manifest, and that they have sufficient funds within their regular income for such construction, and the director of sanitation may, in such cases, call attention to the necessity for the aforesaid public works, and in case that the same are not made within a reasonable time thereafter, then the director of sanitation may bring the matter to the attention of the attorney general, whose duty it shall be to commence the proper legal proceeding in the district court of the judicial district wherein the municipality is situated in the name of the people of Porto Rico, for the purpose of compelling compliance with said notification.

**SEC. 37. Appointments under civil-service rules.**—Appointments of all employees other than the director, assistant director, and members of the board of health, shall be subject to the civil-service rules: *Provided*, That all persons holding such appointments in the service of sanitation at present shall be considered as having been appointed within the provisions of this act and the civil-service law.

[Penal Code, 1902.]

**SEC. 62. Penalty.**—If two or more persons conspire:

5. To commit any act injurious to the public health. \* \* \*

6. They are punishable by imprisonment in jail not exceeding one year or by fine not exceeding \$1,000, or both.

**SEC. 334.** Every person charged with the performance of any duty under the laws relating to the preservation of the public health, who willfully neglects or refuses to perform the same is guilty of a misdemeanor.



SEC. 357 (as amended by ch. 13, acts of 1911). *Penalty.*—Every person who shall violate the terms of any proclamation issued by the governor, in accordance with law and in relation to public health, or who shall violate any quarantine, sanitary, or other regulations issued by the director of health, charities, and correction, or by any other person, body, or board always under authority of law, shall be guilty of a misdemeanor and shall be punishable accordingly.

#### RHODE ISLAND.

[General Laws of 1909, chapter 115.]

SEC. 1. *State board of health, how constituted.*—There shall be a State board of health, which shall consist of seven persons, two from the county of Providence, one from each of the other counties, and one from the State at large. At least four members of said board shall be well-educated physicians and members of some medical society incorporated by the State. The governor, with the advice and consent of the senate shall, at the January session of the general assembly in each year, appoint some person or persons to be members of said board to succeed the member or members whose terms will next expire; and the member or members so appointed shall hold his or their office or offices until the 1st day of February in the sixth year after his or their appointment. Any vacancy which may occur in the board when the senate is not in session may be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term.

SEC. 2. *Duties of the board.*—The board shall take cognizance of the interests of life and health among the citizens of the State; they shall make investigations into the causes of disease, and especially of epidemics and endemics among the people, the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health, and shall do all in their power to ascertain the causes and the best means for the prevention of diseases of every kind in the State. They shall publish and circulate from time to time such information as they may deem to be important and useful for diffusion among the people of the State, and shall investigate and give advice in relation to such subjects relating to the public health as may be referred to them by the general assembly or by the governor when the general assembly is not in session.

SEC. 3. *Diseases among cattle, etc.*—The State board of health shall also investigate the subject of diseases among cattle or other animals.

SEC. 4. *Meetings—compensation.*—The board shall meet in the city of Providence once in three months, and as much oftener as they may deem necessary. No member of the board except the secretary shall receive any compensation for his services, but the actual personal expenses of any member while engaged in the duties of the board shall be paid by the State.

SEC. 5. *Secretary.*—The board shall elect a well-qualified physician as their secretary, who shall be ex officio a member of the board, the commissioner of public health, and State registrar; but he shall not be permitted to vote on any question in which he is personally interested.

SEC. 6. *Duties of secretary.*—The secretary of the board shall make inquiry from time to time of the clerks of town and local boards of health and practicing physicians in relation to the prevalence of any disease, or knowledge of any known or generally believed source of disease or causes of general ill-health, and also in relation to the proceedings of the said boards of health in respect of acts for the promotion and protection of the public health, and also



in relation to diseases among domestic animals in their several towns, and the said clerks of towns and local boards of health and said practicing physicians shall give information in reply to said inquiries of such facts and circumstances as shall have come to their knowledge.

SEC. 7. *Sanitary information.*—The secretary shall perform and superintend the work prescribed for said board by law and such other duties as the board may require; he shall prepare and publish in every calendar month a general summary of all the deaths and causes of the same which had occurred in the State during the preceding month, the same to be made up from returns of deaths which shall be sent to him on or before the 10th day of the month following the date of such deaths by the several town clerks, the city registrar of Providence, and the city clerks of the other cities; he shall also prepare and publish for general distribution a monthly circular giving information and advice in regard to the preservation of health, suitable for each particular season, and giving also such information as he shall deem of advantage to the public, as to the prevalence and character of infectious diseases of domestic animals. He shall hold his office during the pleasure of the board, and may be removed at any regular meeting by a majority vote of the members of said board.

SEC. 8. *Expenses.*—The actual expenses of the board and of the members thereof, when certified by the chairman and approved by the governor, shall be paid from the State treasury.

SEC. 9. *Report.*—The board shall make a report in print to the general assembly annually of its proceedings during the year ending on the 31st day of December next preceding, with such suggestions in relation to the sanitary laws and interests of the State as they shall deem important.

[Acts of 1911, chapter 686.]

SEC. 1. The following sums or so much thereof as may be authorized by law are hereby appropriated to the objects hereinafter expressed for the fiscal year ending on the 31st day of December, 1911.

[P. 53.]

To the secretary of the State board of health, \$1,700.

\* \* \* \* \*

To the State registrar, for making an annual abstract and report of the registration of births, marriages, and deaths, to be paid on approval of the secretary of state, \$1,000.

[P. 62.]

For the State board of health, \$15,000.

[General Laws, 1909, chapter 50.]

SEC. 13. *Local boards of health.*—The several town councils and boards of aldermen shall be ex officio boards of health in their respective towns and may make such rules and regulations, not repugnant to law, as they shall judge proper for the preservation of the health of the inhabitants thereof, the prevention and abatement of nuisances, the promotion of cleanliness, the removal of the causes, and the prevention of the introduction and spread of any contagious or infectious disease therein; either by removing the inhabitants of their respective towns or forbidding or regulating ingress or egress of persons to and from the same or any parts thereof, or otherwise; and in case of seaport towns by making rules and regulations respecting quarantine. The town council of any town or the city council of any city may establish such regula-



tions as they may deem proper in reference to cattle or other animals coming from without this State by railroad, for the health and safety of such cattle and other animals, for preventing the obstruction of the public highways by them, for the safety of the people who may have occasion to use such highways, and with reference to the slaughtering or selling such cattle or other animals or the flesh thereof for human food within the limits of their respective town or city: *Provided*, That the city council of any city may appoint a board of health for such city, which shall have all or any part of the powers and duties of the board of aldermen as a board of health, as the city council may determine.

SEC. 14. *Penalties*.—They shall affix penalties for the breach of such rules and regulations by them made in their said capacity, not exceeding \$300 fine or six months' imprisonment for any one offense, unless otherwise provided by law, said fine to inure one-half thereof to the use of the complainant and one-half thereof to the use of the town.

[General Laws, 1909, chapter 107.]

SEC. 5. *Town health officers*.—There shall be appointed in every town, by the town council thereof, a health officer who shall perform the duties of said office for one year and until his successor has been appointed and qualified: *Provided, however*, that the said town council may remove said health officer at any legal meeting of said town council after notice to such officer.

SEC. 6. *Duties of town health officer*.—The health officer shall be the agent of the town council for making all sanitary inspections, and shall from time to time report to the town council the results of his inquiries. He shall perform the duties of health officer in seaport towns \* \* \*. He may make complaint, without giving surety for costs, in all cases of violation of any law, ordinance, rule, or regulation relating to the public health in his town. In cases of emergency, when the council cannot be conveniently convened, he shall have all the authority conferred by the preceding sections of this chapter upon town councils; but he shall within two days report in writing his action in each case to the clerk of the town council, who shall bring the matter before the town council at its next meeting for its action.

SEC. 7. *Cities exempt from above provisions*.—The cities of Providence and Newport, and such other towns as may establish a board of health, or elect a superintendent of health, shall be exempt from the provisions of section 5 of this chapter; and the powers and duties of such boards of health, and superintendents of health, shall be commensurate with the powers and duties of the health officer as set forth in the preceding sections of this chapter.

#### SOUTH CAROLINA.

[Civil Code, 1902.]

SEC. 1084. *State board of health, how constituted*.—The South Carolina Medical Association, and their successors, in their corporate capacity, together with the attorney and comptroller general of the State, and their successors in office, are a board of health for the State of South Carolina, to be known as the State board of health.

SEC. 1085. *Powers and duties; annual report*.—Said board is invested with all the rights and charged with all the duties pertaining to organizations of like character, and shall be the sole adviser of the State in all questions involving the protection of the public health within its limits. The board shall make an annual report to the legislature on all matters relating to its action. It shall be the duty of the State board of health, through its representatives, to investi-



gate the causes, character, and means of preventing such epidemic and endemic diseases as the State is liable to suffer from; the influence of climate, location and occupations, habits, drainage, scavengering, water supply, heating and ventilation, and shall make inspection annually, or oftener if necessary, of the sanitary condition of all institutions provided as State charities or supported at the public expense. \* \* \*

SEC. 1086. *Executive committee.*—The said association, at its first meeting after the 1st January, 1893, and every seven years thereafter, shall elect seven members, to be recommended to the governor, who shall appoint them to cooperate with the State officers above named, to constitute an executive committee, having power to act in the intervals of the meetings of the State board of health. This committee shall make, annually, a detailed report to the State board of health. Members of this committee shall be removable by and at the pleasure of the governor, upon the request of the State board of health, or for neglect of duty, or other causes set forth by the majority of the members of the executive committee. Vacancies shall be filled by appointment by the governor, on recommendation of the State board of health, or of the executive committee when such vacancies occur in the intervals of the meetings of the association.

SEC. 1087 (as amended by act 438, 1908). *Duties executive committee.*—The executive committee shall, immediately after their appointment, proceed to organize by electing a chairman. They are authorized and empowered to divide the State into health districts, and in those districts in which no boards of health exist they are required to appoint subboards of health, which shall consist of two practicing physicians and one layman. Local boards of health, established as hereinafter provided, shall be subject to the supervisory control of the State board of health, through its executive committee. They shall pass no ordinances nor consider any such of force which are repugnant to the rules and regulations of the State board of health.

SEC. 1088. *Investigations.*—It shall be the duty of the State board of health, through its representatives, to investigate the causes, character, and means of preventing such epidemic and endemic diseases as the State is liable to suffer from; the influence of climate, localities and occupations, habits, drainage, scavengering, water supply, heating and ventilation, and shall make inspections annually, or oftener if necessary, of the sanitary condition of all institutions provided as State charities or supported at the public expense.

SEC. 1089. *Quarantine.*—The State board of health shall supervise and control the quarantine system of the State, and shall annually, or oftener if necessary, require reports from the health officer on such forms as may be prescribed in all matters pertaining to quarantine. They shall also be authorized to establish quarantine both by land and sea. The quarantine shall not be established except by the advice and consent of the governor.

SEC. 1090. *Vital statistics.*—It shall be the duty of the executive committee of the State board of health to recommend such provisions of law as shall be deemed necessary for the thorough organization of a system of registration of vital statistics throughout the State, and shall prepare the necessary methods and forms for obtaining and preserving such statistics.

SEC. 1091. *Supervision local boards.*—The State board of health is invested with authority to direct and supervise the action of the local board of health in incorporated cities and towns and in all townships in all matters pertaining to said local boards, and upon a refusal or neglect to execute the orders of the State board of health, the members of the local board shall be subject to removal by the said State board of health. Such removal shall not be made until 10 days' notice of the charges against the offending members of the local board shall have been mailed to or served upon him or them, stating the cause of



complaint and the time and place for the answer to said charges. Said removal to be additional to any penalty now imposed by law; and it shall be the duty of the secretary of said local board to report to the State board of health all such facts and statistics as may be required of them, under such regulations and upon such blanks as may be presented and furnished for the same, and any secretary of a local board who shall fail to make such return or refuse to obey any regulation or demand of the State board of health shall be deemed derelict in duty, and upon failure to show cause for same shall be subject to removal by the said State board of health.

[Act 433, 1908.]

SECTION 1. *State Health officer.*—Upon the approval of this act the governor shall, upon the recommendation of the executive committee of the State board of health, appoint a State health officer, who shall be a graduate of a regular reputable medical college and a physician, skilled in hygienic and sanitary science; he shall qualify by giving an official bond in the usual form, in the penalty of \$2,000, conditioned for the faithful discharge of his duties, to be approved and filed as the bonds of other officers and shall take an oath of office and the usual constitutional oaths required of a State officer; he shall hold office at the pleasure of the executive committee of the State board of health and until his successor is elected and qualified; he shall receive an annual salary of \$2,500, and his necessary traveling expenses, 1,000, if so much be necessary, payable quarterly out of the contingent fund appropriated to prevent the spread of contagious and infectious diseases, on the warrant of the comptroller general, on accounts approved by the State board of health; he shall hold his office in the city of Columbia, furnished him by the State.

SEC. 2. *Powers and duties.*—The State health officer shall be the secretary and executive officer of the State board of health, and shall have power to administer oaths and take depositions in the line of duties; and when directed by the executive committee of the State board of health, or by the chairman, when the board is not in session, he shall investigate the reported causes of communicable or epidemic disease, and shall enforce or prescribe such preventive measures as may be needed to suppress or prevent the spread of said diseases, by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the State. The State health officer shall have power, and it shall be his duty to declare, when the facts justify it, any place to be infected, and in case of hydrophobia or other diseases transmitted from animals to man, he shall declare such animal or animals to be quarantined, and shall place all such restrictions upon ingress and egress of persons or animals as may be, in his judgment, necessary to prevent the spread of disease from the infected locality.

SEC. 3. *Local authorities to assist.*—All sheriffs or constables in the several counties of this State, and police officers and health officers of cities and towns, shall aid and assist the State health officer, and shall carry out or obey his orders or those from the State board of health, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed; and the said State health officer shall make immediate report of his acting and doing to the State board of health, or its chairman, when the board is not in session.

SEC. 4. *Regulation of commerce.*—The State board of health, or its chairman when the board is not in session, shall have power, by its actions or through its health officer, to impose upon all railway and navigation companies, vessels or cars, such restrictions and regulations as to inspections,



quarantine, or sanitary rules as in their judgment may be necessary to protect the health of the people of the State, and which are not in conflict with acts of Congress already passed or that may hereafter be ordained in that regard.

SEC. 5. *Investigations, etc.*—It shall be the duty of the State health officer, when it is deemed necessary by the municipal officers of any town or city, or the county board of commissioners of any county, to visit cities, towns, villages, or localities where disease is prevalent or threatened, and to investigate and to advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease, or to remove or abate causes that may tend, cause, or intensify diseases, and to advise, when practicable or possible, as to measures of sanitation and hygiene, and to investigate and advise as to all matters as to food or water supply, sewerage or drainage, or as to ventilation or heating or lighting, or other measures connected with public sanitation or safety: *Provided*, Nothing herein contained shall be construed to conflict with the present law providing for periodical examination of city water supplies.

SEC. 6. *Secretary and custodian.*—The State health officer shall be secretary of the executive committee of the State board of health; he shall be the custodian of books, papers, instruments, or appliances belonging to the State board of health, or that may be intrusted to his care. He shall summon the board to meetings, and shall attend all meetings of the board, and discharge the duties appertaining to the office of secretary.

[Acts of 1912, chapter —.]

SEC. 1. *Regulations, etc.*—The executive committee of the State board of health shall have the power to make, adopt, promulgate, and enforce reasonable rules and regulations, from time to time, requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage, or sewage, and any like refuse matter in or near any incorporated town, city, or unincorporated town or village of the State; to provide for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; to make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health, and communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however*, That nothing herein contained shall be construed as in anywise limiting any duty, power or powers now possessed by or heretofore granted to the said State board of health or its executive committee by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.

SEC. 2. *Penalty.*—Any person who shall, after notice, violate, disobey, refuse, omit, or neglect to comply with any rule of said executive committee of the State board of health, made by it in pursuance of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding the sum of \$100 or imprisoned for 30 days: *Provided*, This section shall not apply to any person until the rules of the State board of health are promulgated.



[Acts of 1911, chapter 148, p. 272.]

SEC. 1. The following sums of money, if so much be necessary, be, and the same are hereby, appropriated out of the State treasury to meet the ordinary expenses of the State government for the several objects and purposes specified during the fiscal year beginning January 1, 1911: \* \* \*

## HEALTH DEPARTMENT.

|  |             |
|--|-------------|
| Item 1. Salary of State health officer-----  | \$2,500. 00 |
| Item 2. Traveling expenses of same-----  | 1,000. 00   |
| Item 3. Salary of clerk to same-----   | 720. 00     |
| Item 4. Expenses of State board of health-----   | 2,000. 00   |
| Item 5. Contingent fund for protection against spread of contagious<br>and infectious diseases, free distribution of diphtheria anti-<br>toxin, director and porter of laboratory; to be expended at<br>discretion of the State board of health, under supervision<br>of the governor----- | 15,000. 00  |
| Item 7. Deficit for 1910-----  | 6,085. 27   |
| Total -----  | 27,305. 27  |

[Act 450, 1905.]

SEC. 1. *Compulsory organization of boards of health.*—Each incorporated village, town, and city of this State shall have and maintain a board of health, under the direction and control also of the State board of health.

[Civil Code.]

SEC. 1989 (as amended by acts 442, 1908, and 51, 1909). *Council may organize board.*—Said council (city or town council) shall have full power to abate all nuisances within the corporate limits of said city or town, to appoint a board of health for that city, and to pass all such ordinances as may be necessary to define the duties of said board.

SEC. 1097. *Local boards of health.*—It shall be the duty of the mayor or intendant of every incorporated city, town, or village in the State of South Carolina to appoint, by and with the consent of the city or town council of every such city, town, or village, five persons not members of such council, in cities or towns of 5,000 or less population, and in cities exceeding 5,000 in population the number may be increased to 20, as the city may determine, one or more of whom shall be reputable physicians of not less than two years' standing in the practice of his profession. The mayor or intendant of said city or town shall designate one-fifth of the members of the board to serve one year, one-fifth to serve for two years, one-fifth to serve for three years, one-fifth to serve for four years, and one-fifth to serve for five years, and thereafter one-fifth of the number of said board shall be appointed annually to serve for five years. The members shall serve without compensation; and in case any one of these, after accepting and being duly appointed, shall refuse to qualify and serve on the board he shall be subject to a fine of \$25, to be imposed and collected by the town council: *Provided, however,* That in all cases of vacancies on said board occurring from any cause at any time said vacancies shall be filled in the manner hereinbefore prescribed by appointment for the unexpired term or terms as aforesaid.

SEC. 1098. *Organization, local boards.*—The members of the board shall severally take the oath prescribed for town and city officers, and shall annually organize by the selection of one of their number as president. They shall elect a secretary, who shall keep the minutes of their proceedings and perform such



other duties as may be prescribed by the board, and a health officer, who shall execute the orders of the board, and for that purpose shall have and exercise the powers and authority of a policeman of the town or city. The secretary and health officer shall receive such salary as may be fixed by the board, ratified by council, and shall hold their offices at the pleasure of the board. They shall severally give bond to the town or city in such sums as may be fixed by ordinance for the faithful discharge of their duties, and shall also take and subscribe the oath required by members of the board. All fees which shall be collected or received by the board or any officer thereof in his official capacity shall be paid over into the town or city treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceedings or investigations touching the regulations of the board, but shall not be entitled to receive any fee therefor.

SEC. 1099. *Powers and duties.*—The said board of health shall have power and it shall be their duty to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulations of intercourse with infected places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any contagious or infectious diseases, and by abating and removing all nuisances which they deem prejudicial to the public health, to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the town or city council, in case of the prevalence of any contagious or infectious diseases within the town or city, to establish one or more hospitals, and to make provisions and regulations for the management of the same.

SEC. 1100. *Ward physicians.*—The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the town or city council before their appointment. It shall be the duty of all physicians practicing within the town or city to report to the secretary of said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases in the manner directed by said board.

SEC. 1103. *Investigations, recommendations, etc.*—The said board of health shall have the power, and it shall be their duty, to visit and inspect every month the courthouse and various offices therein contained, the jail and other prisons located in their respective cities and towns in regard to the purity of the water supply, the lighting and ventilation and heating of the various offices of the courthouse and the cells and other rooms occupied by prisoners in the jails; they shall inquire into the efficiency of drainage and plumbing of these public buildings, the disposition of garbage and refuse, the closet accommodations, into the condition of the soil pipes, waste pipes, and cesspools, and shall recommend to the county authorities the removal of all nuisances on the premises on which said buildings are located which might prove detrimental to the public health; they shall report the number of prisoners, their diet and treatment, the diseases and number of cases of sickness which has occurred among the prisoners during the three previous months. And it shall be the duty of every physician who attends in sickness any prisoner in jail to report immediately to the secretary of the board of health the name, sex, age, race, and disease of said prisoner.

SEC. 1104. *School inspections.*—It shall be the duty of the board of health as a body or by committee with the health officer to make quarterly visits and



inspections of all schools, seminaries, or colleges (while in session) which are supported in part or entirely by public taxation and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter, and nuisances which may prove prejudicial to the health of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes, and cesspools, the ventilation, lighting of the dormitories, lecture, and study rooms of the buildings, and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the board of health, by and with the consent of the city or town council, may order the schools, seminaries, or colleges in such town or city, partially or entirely supported by public taxation, closed until such time as they may deem it safe to reopen them. The board of health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the board of health to exist in or around the public colleges, schools, etc., shall be reported by the secretary of the board of health to the trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the board of health.

SEC. 1105. *Meetings.*—The board shall meet at least once a month for the transaction of business, and shall make and cause to be published all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations when approved by the town or city council and when advertised in the same manner as other ordinances shall have the force of ordinances of the town or city; and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying into effect the same, shall be recoverable for the use of the town or city in the same manner as penalties for the violation of the town or city ordinances, subject to the like limitations as to the amount thereof.

SEC. 1106. *Annual budget.*—It shall be the duty of the board of health to submit annually to the council before the commencement of the fiscal year an estimate of the probable receipts and expenditures of the board during the ensuing year, and the council shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of October of each year, submit a report in writing to the council of its operations for the preceding year, with the necessary statistics thereof, together with such information and suggestions relative to the sanitary condition and requirements of the town or city as it may deem proper, and the council shall publish the same in its official journal. It shall be the duty of the board to communicate to the State board of health at least annually in the month of October, notice of its organization and membership and copies of all its reports and publications, together with such sanitary information as may from time to time be required by said State board.

SEC. 1107. *Proviso.*—Nothing in the last nine sections shall apply to the board of health as now organized in the city of Charleston.

SEC. 1108. *Duties; local boards.*—It shall be the duty of all existing boards of health and also of all that may hereafter be appointed under the provisions of this article to aid the municipal authorities in the enforcement of all State laws as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any kind of meat, or vegetables, or fruits, or other articles of food that are unwholesome or unfit for food; and also to define and declare what shall be nuisances to health in lots, streets, docks, ponds, wharves, piers, vessels, and all public or private places in such city or town



or in any part thereof; and to prevent the spread of dangerous epidemic or contagious diseases in such city or town or in any part thereof; and also to maintain and enforce a proper quarantine whenever this may be deemed expedient or necessary by the State board of health and approved by the governor; and to regulate and control the keeping or slaughter of all kinds of cattle, sheep, goats, and swine or other animals in any city or town or any part thereof; and to regulate and prohibit the accumulating of offal and all decaying or injurious vegetables or other substances in any place in such city or town, public or private; and to prohibit and remove any nuisance or offensive matter in any public highway, road, street, or other place, public or private, in such city or town, and to cause the removal of the same at the expense of the owner thereof if he decline to remove it after notice to that effect; and to regulate and control or prohibit the cleansing of sewers and the dumping of garbage or using of any noxious or unsuitable material for filling town lots, marshes, ponds, and other places, and to provide for filling of sunken or low lots and other places in any part of said city or town. Subboards constituted as provided in section 1087, and local boards of health are charged with the duty of investigating within their districts all matters of sanitary interest or scientific importance bearing in any wise upon the protection of the public health, and shall report to the executive committee at such times and in such manner and form as the executive committee may prescribe.

SEC. 1109. *Abatement of nuisances.*—Whenever such nuisance, source of foulness, or cause of sickness hazardous to public health shall be found on private property, the board of health of the city or town within whose limits it may be shall at once notify the municipal authorities, who shall require the owner to remove and abate the same at his own expense within such time as the board may deem the public health to require, a duplicate of the notification being left with one or more of the tenants or occupants. \* \* \*

[Act 82, 1906.]

SEC. 1. *Boards of health in unincorporated villages.*—On and after the approval of this act by the governor, the executive committee of the State board of health shall have power, and it shall be their duty, to appoint local boards of health in all unincorporated towns and villages, where the population of any of said towns and villages is not less than 100 inhabitants, which local boards shall consist of seven members, one of whom shall be a regularly licensed practicing physician, one the nearest magistrate, and five laymen: *Provided, however,* That no such board of health shall be appointed until one-fourth of the qualified electors of such unincorporated towns and villages shall have, in writing, asked for the appointment thereof.

SEC. 2. *Organization.*—The members of said local boards shall immediately after their appointment, organize by the selection of one of their number as president. They shall select a secretary, who shall keep the minutes of their proceedings and perform such other duties as may be prescribed by the board, and for the purpose of executing and the enforcement of any of the orders or rules prescribed by said boards the said magistrate shall be invested with power and authority equal to that of a police officer in municipalities.

SEC. 3. *Powers and duties.*—The said local boards of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases by the regulation of intercourse with infectious places, by the arrest, separation, and treatment of infected persons, and persons who shall have been exposed to any contagious or infectious disease, and by abating and removing



all nuisances which they shall deem prejudicial to the public health, to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes, and cesspools, and make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, in case of the prevalence of any contagious or infectious disease within any of the said towns or villages, to establish one or more hospitals and quarantine stations, and to make provisions and regulations for the management of the same.

SEC. 4. *Penalties.*—All penalties which attach by law to boards of health of incorporated cities and towns and to persons violating the rules and regulations thereof are hereby made applicable to boards of health organized under this act, and to persons violating the rules and regulations thereof: *Provided, however,* That all the expenses incurred by the provisions of this act, shall be borne by the communities incurring such expenses.

[Civil Code.]

SEC. 1092. *Boards in unincorporated communities.*—All local boards of health in the several counties in the State outside of incorporated towns and cities are hereby invested with the same powers and duties that are now imposed by law upon local boards of health in incorporated cities, towns, and villages in the State of South Carolina \* \* \*:

SOUTH DAKOTA.

[Political Code of 1903.]

SEC. 238. *State board of health, how constituted.*—The State board of health is composed of five members, appointed by the governor, all of whom shall be resident physicians of the State in good standing and who shall hold their office for a term of five years from the first Monday in April after their appointment, unless sooner removed for cause.

SEC. 239. *Members, how appointed.*—The governor shall, on the first Monday in April of each year, appoint a member, who shall be a resident physician of the State in good standing, to fill the vacancy occurring. The governor shall also have power to fill in like manner a vacancy occurring at any time in said board.

SEC. 240 (as amended by chap. 217, 1903). *Officers.*—The State board of health shall annually, at its first regular meeting, elect a president, a vice president, and a superintendent, who shall be ex-officio secretary of the board.

SEC. 241. *Record of proceedings.*—The secretary shall keep a correct record of all the proceedings of the State board of health, and such record shall always be open to the public for inspection.

SEC. 242 (as amended by ch. 217, 1903). *Meetings; powers and duties, etc.*—The State board of health shall meet at a place designated by the superintendent during the first week of May and November of each year and such other times as said board shall deem necessary, and shall have power as follows:

1. To make rules and regulations for the government of said board, its officers, and its meetings.

2. To make and enforce any and all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious, or malarial diseases among persons and domestic animals.

3. To establish quarantine and isolate any person affected with contagious or infectious disease.

4. To isolate, kill, or remove any animal affected with contagious or infectious disease when the same is dangerous to the public health.



5. To remove, or cause to be removed, any dead, decaying, or putrid body, or any decayed, putrid, or other substance that may endanger the health of persons or domestic animals.

6. To condemn and cause to be destroyed any impure or diseased article of food that may be offered for sale.

7. To superintend the several boards of health in cities, villages, and towns, and the county boards of health in the several counties.

8. To empower and direct the superintendent of public health to do or cause to be done any or all of the things mentioned in subdivisions 3, 4, 5, 6, and 7 of this section.

SEC. 243. *Compensation, superintendent.*—The superintendent of the State board of health shall be paid \$5 per day for each day necessarily employed, and the sum of 5 cents per mile for every mile actually and necessarily traveled, and such other sum or sums as he may necessarily pay or become liable to pay in the performance of his official duties: *Provided*, That for the official books, papers, and records needed by him, and such circulars and blanks as may be required for the proper conduct of the business of his office, he shall receive not to exceed the sum of \$100 in any one year. The accounts of the superintendent for his mileage and said other expenses of his office shall be audited by said State board of health, and the same, together with his salary, shall be paid out of the State treasury: *Provided*, That said board shall not in any case be allowed any more than the amount appropriated therefor by the legislature.

SEC. 244. *Traveling expenses.*—The officers, other than the superintendent or president, shall receive no compensation for their services, but they shall receive 5 cents for every mile necessarily traveled in attending to their official duties, and they, also, shall receive pay for all necessary expenses incurred while acting officially as members of the State board of health.

SEC. 245. *Report.*—The superintendent of the State board of health shall, on the 30th day of October biennially, make a full report to the governor, which report shall show all that has been done by the State board of health and by the superintendent of the State board of health during the two years preceding such report, and he shall also report a full statement of all expenditures by said board of health, and in each of the organized counties in this State by the county board of health, and shall also report such recommendations as he may deem advisable for the better protection of public health and the prevention and cure of contagious and infectious diseases.

[Acts of 1909, chapter 282.]

SEC. 1. *Laboratory.*—The bacteriological laboratory of the college of medicine of the State university at Vermillion is hereby constituted a State health laboratory. As such laboratory it shall, in addition to its regular university work, undertake such scientific investigations and perform such chemical and microscopical analyses and tests as the State board of health may require, and it shall make prompt report of the results thereof, under such rules and regulations as the said board of health may from time to time adopt.

SEC. 2. *Director.*—The professor of bacteriology and pathology of the college of medicine of the State university shall be the director of said State health laboratory, and he shall make or cause to be made all such investigations, analyses, and tests as shall be required by the State board of health, as provided in the preceding section, causing the same to be made without delay, and giving such investigations, analyses, or tests the preference in point of time



over all other work, and shall make prompt report of the result thereof to the board of health or to such person or persons as the board of health may designate.

SEC. 3. *Accommodations.*—The State university shall furnish the necessary room, heat, light, and janitorial service for the State health laboratory, shall provide suitable rooms for the meetings of the State board of health, and shall pay one-half of the salary fixed by the regents of education for services as professor of bacteriology and pathology in the college of medicine and director of the State health laboratory.

[Acts of 1911, pp. 77 and 82.]

|  | 1911       | 1912       |
|--|------------|------------|
| State board of health:   |            |            |
| Per diem and expenses.....   | \$2,000.00 | \$2,000.00 |
| For supplying and maintenance of State bacteriological laboratory..... | 2,500.00   | 2,500.00   |

[Political Code.]

SEC. 246. *County boards of health, how constituted.*—There shall be a county board of health in each county in the State, and which shall be composed of the State's attorney of the county, who shall be president thereof, and two lawful physicians, residents of the county, appointed by the State board of health, one of whom shall be named superintendent and the other vice president of such county board, and whose term of office shall be for two years: *Provided*, That in counties where there are no resident physicians the State board of health may provide for such county boards under such rules and regulations as they may deem proper.

SEC. 247. *Vacancies.*—Should a vacancy occur in any of the county boards of health from any cause other than the expiration of the time for which a member had been appointed, the superintendent of the State board of health shall, upon proper notification of such vacancy, proceed to appoint a proper person to fill the vacancy.

SEC. 248. *Officers.*—The president of each county board of health shall preside at the meetings thereof. The superintendent of the county board of health shall be ex officio secretary of the board of health of his county, and shall keep a record of all the proceedings of the board and of his official acts, and shall at the end of every month make a full report in writing to the superintendent of the State board of health of the proceedings of the county board of health, and of his official acts, and of the condition of the public health, and whenever any contagious or infectious disease occurs in his county shall immediately report the same to the superintendent of the State board of health.

SEC. 249. *Meetings.*—The several county boards of health shall meet at the county seat of their respective counties at such time within 30 days after the appointment of the superintendent of the county board of health as he may designate; notice of time and place of meeting shall be given by him to the other members of the county board at least five days prior to such meetings, and thereafter such county board shall meet at the county seat as often as deemed necessary by the superintendent of the county board of health.

SEC. 250. *Powers and duties.*—The several county boards of health shall have power within their respective counties, subject to the supervisory control of the State board of health and the superintendent of the State board of health, to do and perform all the things mentioned in subdivisions 2, 3, 4, 5, and 6 of section 242. All expenses actually and necessarily paid and incurred by the county boards of health in carrying out the provisions of this article shall be



audited by such board and certified to the county commissioners of the county where such expenses are incurred, and shall be paid the same as other county expenses.

SEC. 251. *Superintendent; powers, etc.*—The superintendent of the county board of health shall have charge of and superintend, subject to the approval of the board of which he is a member and the supervisory control of the State board of health, all the matters and things mentioned in subdivisions 3, 4, 5, and 6 of section 242 within his county, and in case of immediate danger to the health of persons he may act as in his judgment he may deem proper without consultation with the county board of health for the prevention of such danger, and he shall immediately report such action to the president of the county board of health and to the superintendent of the State board of health.

SEC. 252 (as amended by ch. 76, 1905). *Compensation.*—The president of the county board of health shall receive no other compensation than that which is provided for. He shall receive 5 cents for every mile actually and necessarily traveled in the performance of his duties as member of said board. The superintendent of the county board of health shall receive 10 cents per mile for every mile actually and necessarily traveled in the performance of his duties, which mileage shall be in lieu of all compensation for traveling expenses that said superintendent shall receive, and the superintendent, or vice president of the county board if he performs the duties of the superintendent, shall receive such other sums as the board of county commissioners may allow: *Provided*, That for each examination necessarily made of persons who are afflicted with smallpox, diphtheria, scarlet fever, anthrax, Asiatic cholera, yellow fever, and bubonic plague the superintendent, or the vice president of the county board if he performs the duties of superintendent, shall also receive not to exceed the sum of \$5 for every visit actually and necessarily made. The superintendent shall also receive the sum of 50 cents for each monthly report to the superintendent of the State board of health of the health conditions of the county, and he, or the vice president if he performs the duty of the superintendent, shall further receive such other sum or sums as he may pay or become liable to pay for medicine, chemicals, drugs, or appliances in carrying out and performing the various duties imposed upon him under the provisions of this article, which, together with other expenses, shall be audited by the county board of health and certified to by the county commissioners of the county and paid as other county expenses.

SEC. 1047. *Township boards of health.*—The town supervisors shall constitute a board of health and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health.

SEC. 1048. *Duties.*—The board of health may examine into all nuisances, sources of filth and causes of sickness, and make such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants; and every person who shall violate any order or regulation made by any board of health and duly published shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$100, or by imprisonment in the county jail not exceeding three months.

SEC. 1049. *Regulations.*—Notice shall be given by the board of health of all orders and regulations made by them, by publishing the same in some newspaper if there is one published in such town or the county; if there is none, then by posting up such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

SEC. 1229. *Health powers, cities.*—The city council shall have the following powers:

60. To declare what shall be a nuisance, and to abate the same, and impose fines upon parties who may create, continue, or suffer nuisances to exist.



61. To appoint a board of health and prescribe its powers and duties.

63. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

67. To prohibit any offensive or unwholesome business, or establishment within, or within one mile of, the limits of the corporation.

68. To compel the owner of any grocery, cellar, stable, pigsty, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

81. To pass all ordinances, rules, and make all regulations, proper or necessary to carry into effect the powers granted to the cities, with such fines or penalties as the city council shall deem proper: *Provided*, No fine or penalty shall exceed \$100, and no imprisonment shall exceed three months for one offense.

SEC. 1438. The board of trustees (of incorporated towns) shall have the following powers, viz:

4. To declare what shall constitute a nuisance and to prevent, abate, and remove the same, and take such other measures for the preservation of the health as they shall deem necessary.

5. To restrain from running at large cattle, swine, or other animals, and to establish pounds and to appoint poundmasters and to make regulations concerning the impounding of animals.

18. To make and establish such by-laws, ordinances, and regulations not repugnant to the laws of this State as may be necessary to carry into effect the provisions of this article, and to repeal, alter, or amend the same as they shall seem to the board of trustees of such town to require. \* \* \*

[Penal Code, 1903.]

SEC. 455. *Penalty*.—Every person who willfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

SEC. 456. *Penalty*.—Every person who willfully violates any provision of the health laws, the punishment for violating which is not otherwise prescribed by those laws, or by this code, and every person who willfully violates or refuses or omits to comply with any lawful order, direction, prohibition, or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or both.

#### TENNESSEE.

[Acts of 1897, chapter 46.]

SEC. 1 (as amended by ch. 156, acts of 1901). *State board of health, how constituted*.—The State board of health of the State of Tennessee shall be composed of three physicians of skill and experience, to be appointed as hereinafter set forth, the State commissioner of agriculture to become ex officio member of said board.

SEC. 2 (as amended by ch. 156, acts of 1901). *Members, how appointed*.—\* \* \* the governor shall appoint three physicians of skill and experience, regular graduates of medicine, who have been engaged in practice not less than 10 years, one at all times to be from each grand division of the State.

Three members of this board shall constitute a quorum for the transaction of business at any regular, called, or adjourned meeting. All vacancies oc-



curing by expiration of term of office, resignation, death, or otherwise of members of the board shall be filled by an appointment of the governor, such appointee to serve for the unexpired term.

SEC. 3. *Powers and duties.*—Immediately, or as soon as expedient, after the appointment of members as aforesaid, they shall meet at the office of the secretary of state, and having taken the oath prescribed for State officers the secretary of state shall issue to each of said members of the aforesaid State board of health a certificate of appointment, upon receiving which they shall severally be and become members of the State board of health of the State of Tennessee, and shall possess the powers and perform all duties now or that hereafter may be imposed upon said board, as defined by "An act to create a State board of health for the better protection of life and health and the prevention of the spread of diseases in the State of Tennessee," passed March 26, 1877, and approved March 26, 1877 (see ch. 98, p. 120, acts of 1877); and further defined by "An act to amend an act to create a State board of health," passed March 24, 1879, and approved March 26, 1879 (see ch. 11, p. 16, acts of 1879). (Secs. 3080-3095 Code.)

SEC. 4 (as amended by ch. 156, acts of 1901). *Term of office.*—The three physicians thus commissioned shall hold their respective offices for the terms following, namely: One for two years, one for four years, and one for six years, or until their successors are appointed and qualified as hereinbefore prescribed; they shall next proceed, under the direction of the secretary of state, to determine by lot or by their own choice which of them shall hold their offices for the respective terms of two, four, and six years; which being determined the secretary of state shall enter upon their certificates of appointment the term of office thus fixed upon each member; the term of office of the medical members of the board, after the expiration of the terms aforesaid, shall be for six years.

[Shannon's Code of 1896.]

SEC. 3080. *State board of health created.*—There is hereby created and established a State board of health to be denominated "the State board of health of the State of Tennessee."

SEC. 3095. *Powers, etc.*—The State board of health shall have the general supervision of the interests of health and life of the citizens of this State. They shall—

(1) Especially study the vital statistics of this State and endeavor to make intelligent and proper use of the records of sickness and death among the people.

(2) Make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of death, effects of employments, habits, localities, and circumstances upon the health of the people.

(3) Advise, when they deem it necessary, in reference to location, water supply, drainage, and ventilation of any public institutions.

(4) And from time to time recommend works upon the subject of hygiene for the use of the schools of the State.

SEC. 3086. *Meetings.*—The board shall meet quarterly at Nashville, and at such other places and times as they may deem expedient.

SEC. 3094. *By-laws.*—The board may adopt rules and by-laws, subject to the provisions of this act.

SEC. 3087. *Salaries and expenses.*—The members of the board shall receive no per diem compensation, excepting when the yellow fever, cholera, smallpox, or other epidemic disease shall have appeared in this State and they are actively engaged in the effort to suppress or prevent the spread of the same.



They shall then be allowed a per diem compensation of not more than \$10; but their traveling and other necessary expenses, while actively employed in the business of the board, shall at all times be allowed them.

SEC. 3088. *Officers.*—The officers of the board of health shall be a president and a secretary, and they shall be elected by the board, and the president shall be selected from among the members thereof.

SEC. 3089. *Secretary.*—The secretary shall be a regular physician of skill and experience, and in case the board shall elect one of its members secretary, upon his acceptance of that position there shall be a vacancy in the board which shall be filled as other vacancies are filled.

SEC. 3090. *Term of office.*—The secretary shall continue in office as such for a term of five years unless removed by a majority of the whole board, by the election of a successor, or otherwise, and shall be the executive officer of said board.

SEC. 3091. *Bond.*—He shall give bond with security in the sum of \$10,000, conditioned for the faithful and impartial performance of his duty, which bond, when accepted by the board, shall be made of record with the proceedings of the board, and placed or filed with the secretary of state.

SEC. 3092. *Office.*—He shall keep his office at some central and convenient place in the State, and shall perform the duties prescribed by this article and required by the board.

SEC. 3093. *Salary.*—The secretary shall receive an annual salary, which shall be fixed by the board, and the board shall quarterly certify the amount due him, and on presentation of the certificate the comptroller shall draw his warrant upon the State treasurer for the amount.

[Acts of 1911, chapter 72.]

SEC. 1. The appropriations hereinafter set out are hereby made for the purpose of defraying the expenses of the State government for two years, commencing March 19, 1911, which appropriation shall be paid out of the State treasury upon the warrants of the comptroller. \* \* \*

[P. 153.]

#### OFFICE OF THE STATE BOARD OF HEALTH.

|  |             |
|--|-------------|
| Salary of secretary of the board, \$3,500 per annum.....   | \$7,000. 00 |
| Salary of clerk, \$2,000 per annum.....  | 4,000. 00   |
| Salary of stenographer, \$1,000 per annum.....   | 2,000. 00   |
| Office expenses—stamps, telegraphing, telephoning, expressage, blanks, printing, and stationery.....     | 2,000. 00   |
| Prevention and suppression of human epidemic diseases, to be used upon the approval of the governor..... | 10,000. 00  |
| Salary of first recording clerk of vital statistics bureau, \$1,200 per annum.....                       | 2,400. 00   |
| Salary of second recording clerk of vital statistics bureau, \$1,200 per annum.....                      | 2,400. 00   |

[Code of 1896.]

SEC. 3106. *County health boards, how constituted.*—The county judge or chairman, county court clerk, and the county health officer, or jail physician, are hereby constituted a county health board, with the jail physician or county health officer as president, who shall have the management of the general health of the county, and shall institute such measures therefor as they may think



best; and when cholera or yellow fever, or other contagious and epidemic diseases, are either threatened or exist in their county, it shall be the duty of the county health officer or jail physician to report to the State board of health at once, and as often thereafter as they may think proper, and the county board shall adopt and carry into effect such rules and regulations as may be prescribed by said State board of health having for their object the restriction and suppression of such diseases.

SEC. 3107. *Expenses.*—The necessary expenses incurred by said county board of health in preventing or restricting such epidemic diseases, as well as for the protection and promotion of the general health of the county, are hereby made a county charge, and the county court shall order the payment of the same out of the funds of the county.

SEC. 3108. *Penalty.*—Any person violating any rule or regulation of said board of health, having for their object the prevention, restriction, or extinction of epidemic and contagious diseases in the county, or the promotion of the general good health of the same, and shall fail to comply with said rules and regulations after a written notice pertaining thereto is served upon him or her, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 nor more than \$25, or confined in the county jail, for each offense, at the discretion of the court.

SEC. 3109. *Health officer.*—It shall be the duty of the county courts, where there are jails in their counties, at the first quarterly term after the passage of this act, except in those counties where such officers have already been elected, to elect or appoint a jail physician or health officer for their respective counties, whose duty it shall be to render medical and surgical attention to patients of the county confined therein awaiting trial, or who are under conviction by the courts of the county; and who shall hold office until the following January term of the court, when the successors to all county health officers throughout the State shall be elected by them for a period of four years, and so on quadrennially.

SEC. 3110. *Compensation.*—Compensation to jail physicians or county health officers shall be such as the county court may fix.

SEC. 3111. *Proviso.*—This act shall not be construed as conflicting with existing municipal boards of health throughout the State.

[Acts of 1907, chapter 476.]

SEC. 1. *Meetings, county boards.*—The county board of health in counties of over 150,000 inhabitants, according to the Federal census of 1900 or any subsequent Federal census, shall hold their meetings on the first Wednesday of each month, and oftener if necessary for the transaction of business, at the office of the chairman of the county court. They shall keep in a well-bound book, to be furnished by the county, full and complete minutes of their proceedings. \* \* \*

[Code of 1896.]

SEC. 3101. *Local boards of health.*—Every municipality throughout the State, having 5,000 and over inhabitants, shall organize a properly constituted board of health, which, in addition to their duties as such local boards, shall also make monthly, quarterly, semiannual, and annual reports to and in accordance with such form and instructions as said State board of health may prescribe, and also shall make special reports whenever required.

SEC. 3102. *Jurisdiction.*—The boards of health established in the various cities and towns of the State shall have the same jurisdiction and authority to do all



acts in the territory extending 1 mile from the corporation line in any direction that they have within the corporation: *Provided*, That the jurisdiction herein conferred shall not extend beyond the limits of the county in which any city or town is situated: *And provided*, That if two cities lie nearer than 2 miles of each the jurisdiction in distance shall be divided between them.

SEC. 1915. *Powers, municipal corporations*.—Every corporation thus formed (municipal corporations) shall have full power and authority:

(1) To enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet, and good order of the town.

(2) To prevent or remove nuisances.

(12) To establish and regulate markets and inspections.

(14) To dig wells and erect cisterns.

(16) To impose and collect fines and forfeitures for breaches and violations of its ordinances.

#### TEXAS.

[Acts of 1909, chapter 30.]

SEC. 1. *State board of health, how constituted*.—The department of public health and vital statistics as now existing under the laws of this State is hereby abolished, and there is created and established in its stead a State board of health to be officially designated as Texas State Board of Health, which shall consist of seven members who shall be legally qualified practicing physicians, who shall have had at least 10 years' experience in actual practice of medicine within the State of Texas, of good professional standing, and who shall be graduates of reputable medical colleges, to be appointed biennially by the governor as soon as practicable after the passage of this bill, and thereafter on or before the 10th day of March following his inauguration. One member of said board, who shall be appointed by the governor, and confirmed by the senate, shall be designated by the governor as State health officer, and who shall be president and executive officer of the board. The members of said board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

SEC. 2. *Salaries*.—The president of said board shall receive annually a salary of \$2,500. The other six members of said board shall receive no salary, but each of said members shall be allowed for each and every day he shall be in attendance upon the meetings of the board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenses, to be paid on their vouchers when approved by the president of the board and the governor by warrant drawn by the comptroller against the general appropriation provided by law for that purpose: *Provided*, That no member shall receive more than \$500 annually.

SEC. 3. *Meetings*.—A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after the appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary for the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board made in writing to the president. The office of said board shall be in the capitol at Austin, and the said board shall be furnished with all necessary equipment and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other officers of the State are furnished including suitable rooms for its offices and laboratories, neces-



sary for carrying on the work of the board, and to be provided in the capitol building or other suitable buildings to be designated by the governor.

SEC. 4. *Assistants, etc.*—The president of the board shall at the first meeting of the board appoint, with the approval of the governor, the following:

1. An assistant State health officer, who shall be a legally qualified practitioner of medicine under the laws of the State of Texas and who shall have had five years' experience in the practice of medicine in this State, whose duty it shall be to assist the president of the board in a general supervision of the affairs of his office and in the enforcement of quarantine and sanitation throughout the State. Said assistant State health officer shall receive an annual salary of \$2,400.

2. A registrar of vital statistics, whose duty it shall be to correct, record, compile, and tabulate the vital and mortuary statistics of the State as provided by law, and shall also be secretary of the board, and perform such other duties as may be directed by the president of the board, and he shall receive an annual salary of \$1,800.

3. A chemist and bacteriologist, who shall be learned in chemistry, pathology, and bacteriology, and he shall receive a salary of \$1,800 per annum. He shall make examination and analyses of such things and matters as may be submitted to him by the board, or the State health officer, and shall report results of such examinations in such manner and form as may be directed by the board.

4. One stenographer and bookkeeper combined at a salary of \$1,200 per annum.

5. One inspector at a salary of \$1,800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed by the president of the board.

SEC. 5. *Oaths.*—Members of the board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of oaths and their certificates of appointment signed by the governor, the secretary of state shall issue commissions to them under the seal of the State, which shall be evidence and be authority to act as such members of the board.

SEC. 6. *Bond.*—The president of the board shall execute bond in the sum of \$10,000, with two or more good and sufficient sureties, payable to the governor and his successors in office, conditioned for the faithful performance of his official duties, to be approved by the governor, and filed in the office of the secretary of state.

SEC. 7. *Quarantine.*—The president of the board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with full authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

SEC. 8. *Appropriation.*—There is hereby appropriated and set aside out of the general revenue of the State the sum of \$8,000, or as much thereof as shall be necessary to pay salaries of the members and officers of the board, its inspectors, assistants, and employees for the remainder of the current fiscal year after their tenure of office begins.

SEC. 9. *Sanitary measures—investigations, etc.*—The State board of health shall have general supervision and control of all matters pertaining to the health of the citizens of this State, as provided herein. It shall make a study of



the causes and prevention of infectious and contagious diseases within the State, and except as otherwise provided in this act shall have direction and control of all matters of quarantine regulations and enforcement, and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State, and to suppress same and prevent their spread.

SEC. 12. *Duties and powers.*—It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State health officer, and whenever State health officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

SEC. 13. *Police powers.*—Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary, or quarantine law of the State, and such member, officer, or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer, or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State rangers, and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances, or laws or the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary, or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board, to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances, and laws of the sanitary code for Texas when adopted, published, and promulgated by said board of health, as provided in this act, when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

SEC. 14. *Inspections, etc.*—The members of the board of health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect, and view all grounds, public buildings, factories, slaughterhouses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants, and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations, and ordinances of the sanitary code of Texas after it has been adopted, promulgated, and published by the board for the enforcement of any and all health laws, sanitary laws, or quarantine regulations of this State.

SEC. 15. *Oaths and witnesses.*—The members of said board of health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due



observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer, or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

SEC. 16. *Penalty.*—Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

SEC. 17. *County health officers.*—The office of county physician shall be abolished within the several organized counties of this State, and instead the office of county health officer is hereby created in each organized county within this State.

SEC. 18. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

SEC. 19. *Appointment.*—It is hereby made the duty of the commissioners' court by a majority vote of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause: *Provided, however,* That in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners' court: *Provided,* That no compensation or salary shall be allowed except for services actually rendered.

SEC. 20. *City health officers.*—The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer: *Provided, however,* That city physicians now in office shall serve as city health officers until the expiration of their present term.

SEC. 21. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

SEC. 22. *Appointment.*—It is hereby made the duty of the city council or the city commissioners, as the case may be, of each incorporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

SEC. 23. In case the authorities hereinbefore mentioned shall fail, neglect, or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill



such office, first having given 10 days' notice in writing to such authority of the desire for such appointment.

SEC. 24. *Duties—County health officers.*—Each county health officer shall perform such duties as have heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine, and other such duties as may be lawfully required of the county physician by the commissioners, court, and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations, and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain, and enforce quarantine within his county. He shall also be required to aid and assist the State board of health in all matters of local quarantine, inspection, disease prevention and suppression, vital and mortuary statistics, and general sanitation within his county, and he shall at all times report to the State board of health, in such manner and form as it shall prescribe, the presence of all contagious, infectious, and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State board of health to direct, and he shall aid said State board of health at all times in the enforcement of its proper rules, regulations, requirements, and ordinances and in the enforcement of all sanitary laws and quarantine regulations within his jurisdiction.

SEC. 25. *Removal.*—In all matters with which the State board of health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State board of health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State board of health, and pending charges for removal said county health officer shall not receive any salary or compensation, which cause shall be tried in the district court of the county in which such county health officer resides.

SEC. 26. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State board of health shall file charges with the commissioners' court for the proper county specifying where such officer has failed in the discharge of his duties, and at the same time the State board of health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary, or allowance to said county health officer, and pending such protest and charges it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees, or allowances on account of his office unless such charges are shown to be untrue and are not sustained. After five days' notice in writing to said county health officer the commissioners' court shall hear the charges, at which hearing the county judge shall preside, and the State board of health may be represented. Either party, the State board or the county health officer, may appeal from the decision of said court to the district court of the county, and pending such appeal no salary, fees, or allowance shall be paid to said county health officer for any subsequently earned salary, and in the event the charges shall be sustained the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees, and allowances earned subsequent to the date of filing the charges and protests.



SEC. 27. No bond for cost, or bond on appeal, or writ of error shall be required of the State board of health or State officials in any action brought or maintained under this act.

SEC. 28. *Duties—City health officers.*—Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners, or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations, and requirements of the State board of health and the president thereof. He shall be required to aid and assist the State board of health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression, and sanitation within his jurisdiction. He shall at all times report to the State board of health in such manner and form as shall be prescribed by said board of health the presence of all contagious, infectious, and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State board of health shall direct touching all such matters as may be proper for the State board of health to direct, and he shall aid said State board of health at all times in the enforcement of proper rules, regulations, and requirements in the enforcement of all sanitary laws, quarantine regulations, and vital statistics collection, and perform such other duties as said State board of health shall direct.

In all matters in which the State board of health may be clothed with authority said city health officer shall at all times be governed by the authority of said board of health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State board of health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State board of health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment of said city health officer of further fees, salary, or allowance, and pending such charges and protest no further salary, fees, or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State board of health may be represented, and either the city health officer or the State board of health shall have the right to appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees, and allowances accrued subsequent to the date of the filing of the charges and protest originally and which may be due him on account of his office.

SEC. 29. *Compensation.*—The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.



SEC. 30. *Annual conference.*—There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State board of health shall designate, at which conference the president or some member of the said State board of health shall preside. The several counties, towns, and cities may provide for and pay the necessary expenses of its county health officer or city health officer for attendance upon said conference.

SEC. 31. *Attorney general to assist.*—In all matters wherein the board of health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the attorney general shall assign a special assistant to attend to all legal matters of the board, and upon demand of the board it shall be the duty of the attorney general to promptly furnish the necessary assistance to the board to attend to all its legal requirements.

[Revised Statutes, 1895.]

ART. 543. *Police powers of health officers.*—The health physician may be authorized by the city council, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the chief of police as the city council may in their discretion direct, and authorized to enter all houses and other places, private or public, at all times, in the discharge of his duties, under this title, having first asked permission of the owners or occupants; the city council shall have power to punish, by fine and imprisonment, or either, any neglect or refusal to observe the orders and regulations of the health physician.

ART. 1544. *Village boards of health.*—The commissioners' court of any county in which an unincorporated town or village may be situated shall have power to designate the lines of such town or village, and may appoint a board of health for such town, consisting of three persons, not less than two of whom shall be regular practicing physicians; said court when such appointments are made shall immediately notify the State health officer, and said board shall be under the direction of the State health officers.

ART. 1545. *Duties.*—After the appointment provided for in the foregoing article said board shall elect one of their number as presiding officer, and it shall be the duty of such presiding officer, if the premises of any citizen residing within the prescribed limits of said town or village are in an unclean or unhealthy condition, to notify him of the fact, and that he must proceed at once to clean the same.

ART. 1546. *Nuisances.*—Any person living in the prescribed limits of said town or village, having received the notice provided for in the foregoing article and failing to comply therewith, shall be deemed guilty of a misdemeanor and punished as provided for in the penal code.

ART. 1547. *Sanitary improvements.*—The municipal authorities of towns and cities and commissioners' courts of the counties wherein such towns and cities are situated may cooperate with each other in making such improvements connected with said towns, cities, and counties as may be deemed by said authorities and courts necessary to improve the public health and to promote efficient sanitary regulations; and, by mutual arrangement, they may provide for the construction of said improvements and the payment therefor.

ART. 415. *Powers, cities.*—The city council shall have power \* \* \*

ART. 417. To make regulations to prevent the introduction of contagious disease into the city, to make quarantine laws for that purpose, and to enforce them within the city and within 10 miles thereof.

ART. 418 (as amended by ch. 6, acts of 1900). To provide, or cause to be provided, the city with water, to make, to regulate, and establish public wells,



pumps, and cisterns, hydrants and reservoirs in the streets or elsewhere within said city or beyond the limits thereof \* \* \*

ART. 419. To have the exclusive control and power over the streets, alleys, and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean, and otherwise improve said streets; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from encroachment or injury. \* \* \*

ART. 420. To establish, erect, construct, regulate, and keep in repair bridges, culverts, and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon. \* \* \*

ART. 422. To establish or erect, or cause to be established or erected, markets and market houses, designate, control, and regulate market places and privileges, inspect and determine the mode of inspecting meat, fish, vegetables, and all produce and every article and thing therein brought for sale.

ART. 424. To erect or establish one or more hospitals and control and regulate the same; and to prohibit or to permit and regulate the establishment of private hospitals.

ART. 437. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

ART. 439. To regulate the weight and quality of the bread to be sold or used within the city.

ART. 444. To establish and regulate public pounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and to authorize the distraining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for a violation of any ordinance.

ART. 445. To tax, regulate or restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners or keepers thereof for violations of such ordinances.

ART. 447. To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

ART. 448. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

ART. 449. To cooperate with the commissioners' court of the county in which the municipality is situated in making such improvements as may by it and said court be deemed necessary to improve the public health and promote efficient sanitary regulations, and to arrange for the construction of and payment for said improvements.

ART. 450. To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughterhouse, distillery, brewery, sewers, privy, hide houses, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

ART. 451. To direct the location of business, tanneries, blacksmith shops, foundries, livery stables, and any manufacturing establishment; to direct the location and regulate the management and construction of, restrain, abate, and prohibit within the city limits slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as



may be rendered; and all other establishments or places where any nauseous, offensive, or unwholesome business may be carried on.

ART. 452. To regulate the burial of the dead; to purchase, establish, and regulate one or more cemeteries; to regulate the registration of deaths, marriages, and births; to direct the returning and keeping of bills of mortality.

ART. 453. To abate and remove nuisances and to punish the authors thereof by penalties, fine, and imprisonment, and to define and declare what shall be nuisances and authorize and direct the summary abatement thereof.

ART. 459. To require the owner of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect, or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. \* \* \*

ART. 462. To prevent any person from bringing, depositing, or having within the limits of said city, any dead carcass, or any other offensive or unwholesome substance or matter, and to require the removal or destruction, by any person who shall have placed or caused to be placed upon or near his premises, or elsewhere, of any substance or matter, filth, or any putrid or unsound beef, pork, or fish, hides or skins of any kind; and on his default, to authorize the removal or destruction thereof, by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

ART. 464. The city council shall have power to pass, publish, amend, or repeal all ordinances, rules, and police regulations, not contrary to the constitution of this State, for the good government, peace, and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this title in the corporation, the city government, or in any department or officer thereof; to enforce the observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties, and imprisonment in the prison, workhouse, or house of correction, or to work on the streets or other public works, or either, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed \$100, nor the imprisonment more than 15 days for any offense, unless a larger fine and longer period of imprisonment is herein allowed. \* \* \*

ART. 538. The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilence, contagious or infectious diseases into the city; to stop, detain, and examine, for that purpose, any person coming from any place infected or believed to be infected with that disease; to establish, maintain, and regulate pesthouses or hospitals at some place within the city, or not exceeding 5 miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to such pesthouse or hospital; to remove from the city or destroy any furniture, wearing apparel, or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate diseases; to abate all nuisances of every description which are or may become injurious to the public health, in any manner that they may deem expedient; and from time to time do all acts, make all regulations, and pass all ordinances which they shall deem expedient for the preservation of health and the suppression of disease in the city.

ART. 594. *Powers, towns and villages.*—The board of aldermen (in towns and villages) shall have and exercise exclusive control over the streets, alleys, and other public places within the corporate limits. \* \* \* They shall, as far as practicable, prevent any nuisances within the limits of the corporation and



cause such as exist to be removed at the expense of the person by whom they were occasioned or upon whose property they may be found; they may establish markets, and may do whatever else may be necessary to give effect to the provisions of this chapter. \* \* \*

# UTAH.

[Compiled Laws of 1907.]

SEC. 1096. *State board of health—How constituted.*—The governor, by and with the consent of the senate, shall appoint seven persons, a majority of whom shall be physicians in good standing and graduates of regularly chartered and legally constituted medical colleges, and one of whom shall be a civil engineer, who shall constitute the State board of health and vital statistics.

SEC. 1097. *Terms of office.*—The persons so appointed shall hold their offices for seven years: *Provided*, That the terms of office of the seven first appointed shall be so arranged that the term of one shall expire on the 31st day of December of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the governor.

SEC. 1098. *Duties and powers.*—The board shall have the general supervision of the interests of the health of the citizens of the State, and shall especially study its vital statistics. It shall have general supervision of all matters pertaining to quarantine, shall have coordinate powers as a board of health with every local board, and shall have authority to make such rules and regulations, not contrary to law, as may be deemed necessary for the preservation of public health. It shall make sanitary investigations and inquiries respecting the causes of disease, especially of epidemic diseases, including those of domestic animals, the sanitary conditions and effects of localities, employments and circumstances on the public health, and it shall gather such information in respect to these matters as it may deem proper for diffusion among the people.

SEC. 1099. *Reports.*—The board shall, on or before the 1st day of December preceding each regular session of the legislature, make the governor a report of its official acts and investigations.

SEC. 1100. *Meetings.*—The board shall recommend such forms and amendments of laws as shall be deemed to be necessary. The secretary of the board shall be superintendent of registration of vital statistics. The board shall hold meetings at least once every three months, one of which meetings shall be held at the capitol during the session of the legislature. Its first meeting shall be within 10 days after the appointment of the members of the board shall have been made, and four members shall always constitute a quorum for business.

SEC. 1101. *Officers—Compensation.*—The board shall elect from its members a president, whose term of office shall be one year, and a secretary. The latter will be the executive officer of the board and shall hold his appointment until removed by the appointment of his successor or otherwise. No member except the secretary shall receive any compensation, but the actual and necessary expenses of any and all members while engaged in the duties of the board shall be paid out of the State treasury on the warrant of the State auditor.

SEC. 1102. *Secretary—Duties and salaries—Expenses.*—The secretary shall perform and superintend the work prescribed in this title and shall perform such other duties as the board may require. He shall provide for a course of free lectures to be delivered each year at the capitol on the subjects of "sanitary science," "hygiene," and "nursing" and shall procure competent persons to deliver the same. He shall furnish to the legislature, when in session, such information relative to the State board and its work as from time to time the



legislature may deem necessary. The secretary of the board shall receive from the State treasury, in quarterly payments, an annual salary of \$2,000 and such necessary expenses as shall be allowed by the State board of examiners on presentation of an itemized account, certified by the State board of health. All other expenses of the board of health shall be paid out of the appropriation made for that purpose.

SEC. 1103. *Office—Stationery.*—The State board of examiners shall provide such apartments, stationery, and clerical assistance as the board may require in the discharge of its duties.

SEC. 1104x. *Duty of board of health.*—It shall be the duty of the State board of health and it is hereby authorized and empowered to prepare rules and regulations governing the proper disinfection and sanitation of public buildings and all railway coaches and sleeping cars operated in the State of Utah.

SEC. 1104x1. It shall be the duty of the State board of health and it is hereby authorized and empowered to prescribe a sanitary code, which shall contain and provide rules and regulations of a general nature for the improvement and amelioration of the hygienic and sanitary condition of said public buildings, railway coaches, and sleeping cars.

SEC. 1104x2. *To whom applicable—Must put rules into effect.*—Every person having control of any public building, railway company, sleeping-car company, or other corporation, company, or individual, or the receiver thereof, engaged in the carrying of passengers in this State shall, at their own expense, within a prescribed time after receiving notice from the State board of health of the promulgation of the rules and regulations in the above-mentioned sections, carry the same into effect.

SEC. 1104x3. *Penalty.*—If any person having control of any public building, or any agent, manager, operator, employee, or receiver of any railroad company, sleeping-car company, or any individual shall fail to comply with the provisions of this act and the rules and regulations promulgated by the State board of health under the provisions thereof, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50 nor more than \$200.

SEC. 2445x. *Office of State chemist created.*—The office of State chemist is hereby created. Such chemist shall be appointed by the governor, by and with the consent of the senate, and his term of office shall be for two years from the date of his appointment; and vacancies occurring in the office from any cause shall be filled by appointment for the balance of the unexpired term.

SEC. 2445x2. *Duties.*—It shall be the duty of the chemist to analyze all articles of food and drink manufactured, sold, and used within this State when submitted to him by the State dairy and food commissioner or the State board of health and to make a biennial report to the dairy and food commissioner and the State board of health, which report shall contain a record of all analyses made by him and such other information as he may consider of value and interest.

[Laws, 1909, chapter 83.]

SEC. 1. *Position created.*—The position of State bacteriologist and pathologist is hereby created.

SEC. 2. *State bacteriologist and pathologist designated—Deputy.*—The professor of bacteriology and pathology of the University of Utah, in addition to his duties in connection with that institution, is hereby designated as and declared to be State bacteriologist and pathologist. The State bacteriologist and pathologist may have at least one deputy or assistant for whose actions the State bacteriologist shall be responsible.



SEC. 3. *Laboratory.*—The bacteriological and pathological laboratory at the University of Utah, in addition to being a department of that institution, is hereby designated and declared to be a State public health laboratory, which laboratory shall be under the control and regulation of the State University of Utah, through the State bacteriologist and pathologist, who shall be director of the said public health laboratory.

SEC. 4. *Duties.*—It shall be the duty of the State bacteriologist and pathologist to make all necessary investigations pertaining to public health within his department and to examine and analyze all substances submitted to him by the State board of health, its members, or officials and to make such report thereon as the said board may direct. County and municipal boards of health or individuals desiring the services, cooperation, or assistance of the State bacteriologist or pathologist are hereby directed to make application to the secretary of the State board of health for such services, cooperation, or assistance.

[Acts of 1911, chapter 151.]

SEC. 1. The following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the State treasury not otherwise appropriated, for the support of the government of the State of Utah as hereinafter expressed from January 1, 1911, to December 31, 1912:

(P. 327.)

To the State board of health:

|  |              |
|--|--------------|
| For salary of secretary of said board for the calendar years 1911 and 1912-----  | \$5, 750. 00 |
| For salaries of clerk and stenographer for said board-----   | 4, 500. 00   |
| For necessary laboratory expenses, or so much thereof as may be necessary-----   | 1, 000. 00   |
| For contingent expenses, including rent, janitor, and expenses of special medical inspectors, or so much thereof as may be necessary: <i>Provided</i> , That no mileage shall be charged or allowed where free transportation is used----- | 9, 000. 00   |
| For the securing of vital statistics, or so much thereof as may be necessary-----  | 2, 000. 00   |

(P. 331.)

To the State bacteriologist and pathologist, or so much thereof as may be necessary expenses, as provided for in chapter 83, Laws of Utah, 1909-----

2, 500. 00

(P. 333.)

For payment of one-half bounties on birds, gophers, etc., as provided for in section 143x24, Compiled Laws of Utah, 1907, or so much thereof as may be necessary-----

2, 000. 00

[Compiled Laws, 1907.]

SEC. 1113x21. *Convention to be held at State capitol.*—There shall be held annually at the State capitol, at such time as may be designated by the State board of health, a convention of health officers of the State.

SEC. 1113x22 (as amended by ch. 35, Acts of 1909). *Membership—Expenses.*—The health officer of each city, incorporated town, and county of the State shall be a member of such convention, and his actual and necessary trav-



eling expenses shall be paid by the city, incorporated town, or county from which he holds his appointment.

SEC. 1113x23. *Purposes of convention.*—Said convention shall be held for the purpose of disseminating knowledge as to the cause and prevention of disease, and the best method of enforcing the sanitary laws of the State, and the rules and regulations of the State board of health.

SEC. 1105. *Municipal boards.*—It shall be the duty of the board of trustees or city council of every incorporated town or city of the State to establish by ordinance a board of health for such town or city, to consist of three or more persons, one of whom, when practicable, shall be a physician, a graduate of a regularly chartered medical college, who shall be the executive officer of the board and be known as the health officer.

SEC. 1106. *District health officers—County board.*—Each board of county commissioners shall divide the county, outside of the limits of incorporated cities and towns, into sanitary districts, and shall appoint a health officer for each district, who shall be, when practicable, a physician. Such district health officer shall, together with the board of county commissioners, constitute the county board of health.

SEC. 1107. *Duties and powers.*—Every local board of health, whether county or municipal, shall supervise all matters pertaining to the sanitary condition of its county, town, or city, and shall have power and authority to order nuisances or the cause of any special disease or mortality to be abated and removed. It shall be the duty of the local boards of health and health officers to use diligence in the discovery of contagious and infectious diseases, to maintain strict quarantine, and to cause all infected persons and premises to be disinfected in accordance with the rules of the State board of health. Said disinfection shall be performed by the local health officer or a competent agent for whose actions the health officer shall be responsible in every way, as though performed by himself. In no case shall any disinfection performed by members of a quarantined household be accepted as compliance with this section. If any local health officer shall fail or refuse to properly keep records, make reports, enforce quarantine, disinfect infected persons or premises, or to perform any of the duties provided by law, he shall be deemed guilty of a misdemeanor, and upon a complaint made by the State board of health it shall be the duty of the city council, town board, or board of county commissioners by whom he was appointed to give the said local officer a hearing; and if the charges are sustained, they shall immediately remove him and appoint his successor. The term local health officer, used in this chapter, shall apply to town, city, and county health officers.

SEC. 1108. *Reports to State board.*—Every local board of health or health officer shall report to the secretary of the State board of health at such times as the State board may require the sanitary conditions of the locality, the number of births and deaths, and the causes of death as near as can be ascertained within their jurisdiction during the preceding month. It shall be the duty of the local health officer to make a monthly report to the State board of health, on or before the fifth day of each month, of all cases of scarlet fever, smallpox, diphtheria, membranous croup, typhoid fever, whooping cough, measles, chicken pox, pneumonia, and tuberculosis which have occurred within his jurisdiction during the previous month; and upon receipt of the notification of the existence of any case of either of said diseases in any family, a member of which is in attendance upon any public or private school, he must at once report the existence of such disease to the principal of the school so attended, giving the name and address of the person so affected and the nature of the disease. If no case of any of the diseases mentioned in this section has



occurred during the month, the fact shall be so reported to the State board of health in the same manner as hereinbefore provided. It shall be the duty of the local health officer to make an annual report of his actions and those of the local board of health to the State board of health.

SEC. 1113x20. *Penalty.*—Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders, proclamations, or sanitary regulations of the board of health, health officer or mayor, or who omits, neglects or refuses to comply with or who resists any officers or orders or special regulations of said board of health, health officer, or mayor, shall, upon conviction, be deemed guilty of a misdemeanor.

SEC. 206 (as amended by ch. 120, acts of 1911). *Powers, cities.*—The city council shall have the following powers:

15. *Protect water supply.*—To construct or authorize the construction of water works without their limits; and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works; and over all reservoirs, streams, canals, ditches, pipes and drains used in, and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for 10 miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

17. *Control water.*—To control the water and watercourses leading to the city; and to regulate and control the watercourses and mill privileges within the city; provided, that the control shall not be exercised to the injury of any rights already acquired by actual owners, \* \* \*.

23. *Obstructing streets.*—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury or obstruction to any street, avenue, alley, park or public ground.

43. *Inspection of provisions.*—To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

48. *Plumbing, etc.*—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers, gutters, and plumbing, and to provide for a board of examiners to examine into the fitness and qualifications of persons following the plumbing trade; and to prescribe what qualifications are necessary of persons following said trade.

59. *Combustibles and explosives.*—To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitroglycerin, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops, and other places, and the building of bonfires.

64. *Health and quarantine.*—To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within 12 miles thereof. To create a board of health and prescribe the powers and duties of the same.

66. *Births and deaths.*—To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for default therein.

69. *Slaughterhouses, etc.*—To direct the location and regulate the management and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughterhouses, butcher shops, soap factories, foundries, breweries,



distilleries, livery stables, and blacksmith shops in and within 1 mile of the limits of the corporation.

70. *Offensive trades—Nuisance.*—To prohibit any offensive or unwholesome business or establishment in and within 1 mile of the limits of the corporation; to compel the owner of any pig sty, privy, barn, corral, sewer, or other unwholesome or nauseous house or place to cleanse, abate, or remove the same, and to regulate the location thereof.

37. To construct and keep in repair culverts, drains, sewers, catch basins, manholes, and cesspools, and to regulate the construction and use thereof.

44. To provide for and regulate the inspection of meats, fruits, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and all other provisions.

63. To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

68. To license, tax, regulate, or prohibit the keeping of dogs, and authorize the destruction of the same when at large contrary to ordinance.

71. To provide for taking the census, but no census shall be taken oftener than once in five years, except as provided in chapter 1 of this title.

87. To pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or for discharging all powers and duties conferred by this title, and such as are necessary and proper to \* \* \* preserve the health \* \* \* of the city and the inhabitants thereof, \* \* \* and to enforce obedience to such ordinances with such fines or penalties as the city council may deem proper; provided, that the punishment of any offense shall be by a fine in any sum less than \$300, or by imprisonment not to exceed six months, or by such fine and imprisonment.

SEC. 302 (as amended by ch. 123, acts of 1911). *Powers, towns.*—The board of trustees in each town shall have the following powers, to wit:

2. To make regulations to secure the general health of the town. To prevent the introduction of contagious, infectious, or malignant diseases therein, and to make quarantine laws and enforce the same within the corporate limits and within one mile thereof; to prevent, abate, and remove nuisances, and to adopt such other measures for the preservation of the public health as it may deem proper.

3. To purchase, hold, own, and lay out graveyards or cemeteries, and regulate the burial of the dead.

13. To lay out, construct, open, and keep in repair canals, water ditches, or water pipes for irrigation, domestic, or other use for the inhabitants of such town; for the purpose of protecting the water that is used for culinary and domestic uses from pollution, their jurisdiction shall extend over the stream or source from which the water is taken for 10 miles above the point from which it is taken from the natural stream, and to annually assess and collect a water tax for such purposes upon the real property in said town benefited thereby.

17. To prevent the running at large of dogs, by imposing a tax on the same, or otherwise, or to authorize their destruction in a summary manner when running at large contrary to the ordinances of such town.

18. To make, ordain, pass, establish, and enforce such ordinances and regulations, not repugnant to the laws of this State, for the purpose of carrying into effect the provisions of this title, as it may deem proper; and to repeal, alter, or amend the same at pleasure; but no such ordinance or regulation shall take effect or be enforced until 10 days after the same shall have been published in some newspaper having a general circulation in such town or have been posted in not less than three public places therein.



SEC. 511 (as amended by chapter 119, acts of 1911). The board of county commissioners in each county has jurisdiction and power, under such limitations and restrictions as are prescribed by law:

12. To provide for the destruction of gophers, or squirrels, or other wild animals, birds, noxious weeds, and insects, injurious to fruit, fruit trees, vines, vegetables, or plant life.

13. To provide for the prevention of injuries to cattle or sheep by dogs, and to tax dogs, and direct the application of the tax.

19. To make and enforce within the limits of the county, outside the limits of incorporated cities and towns, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

16. *Inspection of merchandise.*—To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

39. *Health regulations.*—To adopt such provisions for the preservation of health in the county or in any precinct or district therein, or any portion thereof (except municipal corporations), as the board may deem necessary, and to provide for paying the expenses thereof.

It shall be the duty of the board of county commissioners to appoint district health officers, who shall hold office for the term of two years. They may be allowed such reasonable compensation not to exceed \$3 per day, as the board may fix and determine; in addition thereto they may be allowed their actual and necessary expenses incurred in the discharge of their duties: *Provided*, That no member of the board of county commissioners shall be eligible to appointment as a health officer.

The board of health shall have general supervision of all the matters pertaining to the sanitary conditions of the county. It shall have power, in time of epidemic, to locate and establish pest houses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in the carrying out of the provisions of this section must be provided for by the board of county commissioners.

43. \* \* \* Also to regulate or prohibit the bringing into or leaving within the county of persons afflicted with, or who have but recently been exposed to, any contagious disease.

40. To provide for the care, maintenance, and relief of all indigent sick or otherwise dependent poor persons who have lawfully settled in any part of the county, including that territory or portion thereof lying within the limits of any incorporated city or town situated in said county; and it is hereby made the duty of the board to provide such care, maintenance, and relief for the indigent sick and dependent poor whether found within or without the corporate limits of such incorporated cities or towns, and if found within corporate limits of such incorporated cities or towns, to observe, in caring for them, all such quarantine rules and regulations as may be therein prescribed; and in its discretion to erect, officer, and maintain such hospitals, poorhouses, or other institutions as may be necessary to provide for the same; and for such purposes to levy the necessary property tax, or poll, or both: *Provided*, That the board shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals, poorhouses, or other institutions: *And provided further*, That the board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to be known as the county physician, and in counties of the first class said board may also appoint another suitable graduate in medicine to be known as the assistant county physician, whose duty it shall be to attend and prescribe for all such indigent sick and



dependent poor; and in cases where indigents are sick with a contagious disease and are found within incorporated cities or towns, to observe in caring for them such quarantine rules and regulations as may be therein prescribed; (and said board may also appoint one female office assistant to said county physician): *Provided further*, That in all cases where an indigent person, sick with a contagious disease, is quarantined by any health officer of any city or town, and in all cases where a person sick with a contagious disease, within the limits of an incorporated city or town, is quarantined by any city or town health officer and rendered dependent by reason of such quarantine, then in that case the board of county commissioners shall only be responsible for the care and maintenance of such person or persons, from and after the date when they shall be notified of the establishment of such quarantine by such city or town health officers: *And provided further*, That from the time of the receipt of such notice of the quarantine of any such indigent sick or dependent person, the board of county commissioners shall have the exclusive care and control of the maintenance and support of such person and the expenditure of money therefor.

41. To provide for the burial of the indigent dead, and it shall be the duty of the board so to provide, or to provide for other disposition of the bodies of such indigent dead, under such restrictions as they may deem advisable.

#### VERMONT.

[Code of 1906.]

SEC. 5409. *State board of health—Constitution—Term.*—The State board of health shall consist of three persons, appointed by the governor with the advice and consent of the senate, each of whom shall hold office for six years from and including the 1st day of December following his appointment.

SEC. 5410. *Appointment—Vacancies.*—At each biennial session of the general assembly a member of said board shall be appointed in place of the one whose term then next expires. If a vacancy occurs in such office the governor shall fill the same by appointment, and the person so appointed shall hold office until the 1st day of December in the year of the next biennial session of the general assembly, at which session the vacancy shall be filled for the unexpired term thereof by the governor with the advice and consent of the senate.

SEC. 5411 (as amended by act 153, 1908). *Organization—Compensation of secretary.*—Said board shall organize by electing a president and treasurer, and shall appoint a secretary who shall be a reputable practicing physician of this State, who shall hold office until his successor is appointed, and shall be the executive officer of said board. Said board may also appoint a sanitary engineer and inspector, who shall render such service as the board may require from time to time. The compensation of the secretary and the engineer and inspector shall be determined by said board, subject to the approval of the governor. Upon proper vouchers, approved by the president and treasurer of said board, the auditor of accounts shall draw orders in payment of said secretary and engineer and inspector from any funds not otherwise appropriated, which payment shall not be computed as a part of the appropriation provided by section 6166 of the public statutes.

SEC. 5412 (as amended by act 215, 1910). *"Public buildings" defined.*—The words "public buildings," as used in this chapter, shall mean churches; courthouses and municipal rooms; school buildings; school and society halls above the second story; hotels and restaurants more than two stories high; all buildings more than two stories high used or rented for tenements, boarders, or



roomers; and places of amusement one story or more in height; also factories, mills, workshops, or other manufacturing apartments more than two stories high, in which persons are employed above the second story.

SEC. 5413. *General duties.*—Said board shall take cognizance of the interests of the life and health of the inhabitants of the State; shall make or cause to be made sanitary investigations and inquiries respecting causes of disease, especially of epidemics, and the means of preventing the same, the sources of mortality and sickness, and the effect of localities, employments, habits, and circumstances of life on the public health; and, when requested, or when, in their opinion, it is necessary, shall advise with municipal officers in regard to drainage, water supply, and sewerage of towns and villages, and in regard to the erection, construction, heating, ventilation, and sanitary arrangements of public buildings, and said board may compel the owners of such buildings to provide them with the necessary appliances and fire escapes for preventing accidents to persons who may be in such buildings; and said board shall exercise the powers and authority imposed by law upon said board.

SEC. 5414. *Meetings.*—Said board shall meet on the second Tuesday of the biennial session of the general assembly at the statehouse and at such other times and places as, in the judgment of said board, the public safety and health require.

SEC. 5415. *Protection of public health—Quarantine.*—Said board may perform such services and make such expenditures as it deems necessary for the protection of the public health; may cooperate with boards of health of other States and countries; and a committee of said board may attend meetings of health authorities outside the State. Said board may, in case of the prevalence of epidemics or contagious diseases, quarantine towns, close highways, and prohibit railway trains from stopping at quarantined places, and may establish such quarantine regulations against other States and countries as will prevent the introduction of contagious and infectious diseases therefrom into this State.

SEC. 5416 (as amended by act 153, 1908). *Regulations as to schoolhouses—Inspection of public buildings—Approval of building plans.*—Said board shall, when necessary, issue to local boards of health its regulations as to the lighting, heating, and ventilation of schoolhouses, and shall cause sanitary inspection to be made of churches, schoolhouses, and places of public resort, and make such regulations for the safety of persons attending the same as said board deems necessary. Public buildings now standing or hereafter erected shall conform to the regulations of said board in respect to sanitary conditions and fire escapes necessary for the public health and for the safety of individuals in such public buildings. A person, corporation, or committee intending to erect a public building shall submit plans thereof showing the method of heating, plumbing, ventilation, and sanitary arrangements to said board, and procure its approval thereof before erecting such building.

SEC. 5417. *Erection of public building without approval of plans—Penalty—Repair of building by health officer.*—A person, corporation, or committee which erects a public building without the approval and without complying with the regulations of the State board of health as provided for in the preceding section shall be fined not more than \$500 nor less than \$100, and shall make such building to conform to the regulations of said board before the same is used; otherwise such building shall be deemed a nuisance and be put in proper condition by the local health officer under the direction of said board at the expense of the owner.

SEC. 5418. *Condemnation of school buildings—Repairs—Penalty.*—Said board may examine or cause to be examined a school building or an outhouse and condemn the same as unfit for occupation or use, and a building or outhouse



so condemned by written notice served upon the chairman of the board of school directors or the person having such school in charge shall not be occupied or used until the same is repaired and the sanitary conditions approved by the State board of health. A person who violates a provision of this section shall be fined not more than \$50 nor less than \$5.

SEC. 5419. *Prevention of contagious and epidemic diseases.*—Said board may promulgate and enforce rules and regulations relative to the preservation of the public health in contagious and epidemic diseases, and the causes, development, spread, and prevention of disease. Said board shall prepare and distribute to local boards of health, physicians, and other persons such printed circulars as it deems necessary and such rules and regulations as said board may promulgate as aforesaid; and upon request of said board, the secretary thereof shall give information relative to the cause and prevention of disease and directions as to modes of management, quarantine, and means of prevention of contagious and infectious diseases.

SEC. 5420. *Failure to comply with regulations of board—Penalty.*—A person who fails to comply with a rule or regulation of said board, after being notified in writing by the secretary of the State or local board of health, shall be fined not more than \$100 nor less than \$10, with costs of prosecution.

SEC. 5421. *Neglect to comply with written orders—Damages—Penalty.*—A person or corporation which willfully neglects or refuses to comply with a written order of the State board of health issued under the provisions of this chapter, and for the violation of which no penalty is provided, shall be fined not more than \$400 nor less than \$25, and be liable for all damages or injuries to a person resulting from such neglect. Justices shall have concurrent jurisdiction with county courts to the extent of fining the respondent \$25.

SEC. 5422. *Duties of the secretary.*—The secretary shall superintend the performance of the work of said board prescribed in this chapter and shall perform such other duties as said board directs. He shall, in case of epidemics, contagious diseases, or other unusual sickness, at the request of a health officer or local board of health, render such assistance as he deems necessary. He shall, from the reports required by law to be made to him, issue biennial registration reports, and shall biennially, in the month of April, make report to the governor of the investigations, discoveries, and recommendations of said board and all important facts in regard to the causes and prevalence of infectious diseases. He shall furnish health officers suitable blanks upon which to make reports of infectious and contagious diseases, also blanks for physicians to report to health officers, shall include therein questions necessary to give the information desired, and may require special information of a health officer not provided for in such blanks.

SEC. 5423. *Supervision—Equipment—Health officers' school.*—The State board of health shall have the supervision and management of, and equip with the proper and necessary apparatus, instruments, and supplies, the laboratory of hygiene, for the chemical and bacteriological examination of water supplies, milk and food products, and the examination of cases and suspected cases of diphtheria, typhoid fever, tuberculosis, malaria, and other infectious and contagious diseases. Said board may conduct a school of instruction for health officers at such times and places as it shall direct. It may issue a periodical giving the results of the work done at the laboratory and the approved methods for the protection of the public health, and such publication shall be furnished free to health officers.

SEC. 5424. *Director—Appointment—Report—Assistants.*—Said board shall appoint and may remove in its discretion a director of such laboratory, who shall keep a record of the specimens sent to him for examination, and examine



such specimens without unnecessary delay. He shall biennially, before the 1st day of January, make a full report to said board of all matters pertaining to the laboratory, and shall make such other and special reports as said board may direct. Said director, with the approval of said board, may appoint such assistants as may be required.

SEC. 5425. *Free use—Investigations for State's attorneys—Expert testimony.*—The use of the laboratory, and all investigations mentioned in this chapter therein made, shall be free to the people of this State. Whenever the State's attorney of a county on the order of a superior judge or the attorney general, requests for use in a criminal cause pending in his office an expert investigation, chemical or pathological, of a substance, such investigation shall be made at the laboratory forthwith, without charge to the State; and the expert making such investigation shall submit the results of his work to said State's attorney, and shall attend court as a witness at any place in the State when required to do so by subpoena, and submit in court the results of his investigation; and he shall be paid as such witness his actual expenses of attendance when summoned by the State.

SEC. 5426. *Autopsies.*—If a superior judge or the attorney general orders an autopsy on the body of a person, as provided in section 2346, he shall therein direct that such autopsy shall be made by the pathologist of the laboratory of hygiene, or under his direction, unless, for good cause shown, said judge or the attorney general otherwise directs. At such autopsy, said pathologist shall take and preserve under proper seal, such portions of the body and its contents, together with such other articles as he judges may require subsequent examination in the investigation of the case. For performing such autopsy, the pathologist shall be paid his actual expenses, including the expenses of his assistants. The auditor of accounts shall, upon presentation of the account for such expenses, duly sworn to by such pathologist and approved by the State's attorney of the county or the attorney general, draw an order therefor.

SEC. 5427 (as amended by act 154, 1908). *Appropriation.*—The sum of \$15,000 is hereby annually appropriated to be expended under the direction of the State board of health in paying the expenses of the laboratory of hygiene incurred under the provisions of the second, third, and fourth preceding sections, and also in paying the expenses incurred under the provisions of chapter 226; and such expenses shall not exceed \$15,000 in any year.

[Acts of 1908, No. 159.]

SEC. 9. *Powers of the State board of health.*—The State board of health shall have and may, in its discretion, exercise all the power and authority in each town, city, and village which by law is given to the local board of health; and the executive officer of the State board of health may likewise exercise all the power and authority of a local health officer anywhere in the State.

[Code of 1906.]

SEC. 5433 (as amended by act 153, 1908). *Appointment—Deputies.*—The State board of health shall appoint a health officer for each town, and the secretary of said board shall give him a certificate of appointment. Said health officer shall be a resident in the town for which he acts. Said board may appoint one or more deputy health officers for a town upon written request of the local board of health, but such deputy shall only have authority to issue certificates of permission for the burial, entombment, or removal of dead bodies.

SEC. 5434. *Local board of health.*—Said health officer, with the selectmen of the town, or the board of aldermen of the city, shall constitute a local board of health for such town or city.



SEC. 5435. *Secretary and executive officer of local board—Removal—Vacancies.*—Said health officer shall be the secretary and executive officer of the local board of health, and shall hold office for three years, and until his successor is appointed. The State board of health may remove a health officer at any time and fill a vacancy in such office for any cause, provided that the person so appointed is recommended as provided in the second preceding section.

SEC. 5436 (as amended by act 217, 1910). *General duties.*—Said health officer shall make sanitary inspections whenever and wherever he has reason to suspect that anything exists which may be detrimental to the public health. He may enter any house or other building for the purpose of making such inspection. He shall in writing order the destruction, prevention, and removal within a specified time of nuisances, sources of filth, or causes of sickness, as directed by the rules and regulations of the State board of health; and may, under the orders of the State board of health, order churches and schools to be closed in times of epidemic or in the face of serious sickness which, in his judgment, may require the same; and may forbid and prevent the assembling of people in a place when the public health and safety demand.

SEC. 5437. *Inspection of schoolhouses.*—Said health officer shall, under the direction of the State board of health, make a sanitary survey of each schoolhouse and other building used for public purposes, and annually, in the month of March, report to the State board of health and to the board of aldermen of cities or to the annual town meeting, as the case may be.

SEC. 5438. *Noncompliance with orders—Penalty—Removal of nuisances, etc.*—A person or corporation which neglects or refuses to comply with a written order of a local board of health issued under this chapter, and for a violation of which no penalty is provided, shall be fined not more than \$100 nor less than \$5. In case of such neglect or refusal the local board of health may prevent, remove, or destroy any such nuisance, sources of filth, or causes of sickness, at the expense of the town it represents, and such expense may be recovered of the person or corporation whose legal duty it was to comply with such order.

SEC. 5439. *Abatement of nuisances—Prevention of contagious diseases—Isolation hospitals.*—A local board of health shall have power and authority to abate nuisances affecting the public health, destroy, prevent, or remove sources of filth and causes of sickness. Said board may guard against the introduction of contagious or infectious diseases by the exercise of proper and vigilant medical inspection and control of all persons and things arising in its town. Said board may take smallpox patients to isolation hospitals at the expense of its town, when, in its opinion, such patients are not properly quarantined or cared for. Towns may combine to build, equip, and maintain isolation hospitals.

SEC. 5440 (as amended by act 217, 1910). *Isolation of persons infected with or exposed to contagious diseases—Medical treatment.*—The local health officer may require, under the rules and regulations of the State board of health, the isolation of persons and things infected with or exposed to contagious or infectious diseases, and may with the approval of the local board of health provide suitable places for the reception of the same, and, if necessary, furnish medical treatment and care for such sick persons at their expense if of sufficient ability to pay, otherwise at the expense of the town or city. Said health officer may prohibit and prevent intercourse and communication with, or use of infected premises, places, or things, and require and, if necessary, provide means, at the expense of the town or city for which he acts, for the thorough purification, disinfection, and cleansing of the said infected places or things before free intercourse therewith or use thereof shall be allowed.



SEC. 5441. *Hindering health officers and removal of notices—Penalty.*—A person who attempts to hinder the work of a health officer or local board of health, or who removes, defaces, or obscures a placard or notice posted upon an infected building, or who violates quarantine regulations, shall be imprisoned not more than 30 days or fined not more than \$50, or both.

SEC. 5442 (as amended by act 217, 1910). *Assistance by constables, etc.—Penalty for neglect to render.*—Said local board or health officer may call upon sheriffs, constables, and police officers to assist them in the discharge of their respective duties. An officer who neglects or refuses to render such assistance shall be fined not more than \$200 and costs of prosecution.

SEC. 5446. *Appointment—Duties.*—The State board of health shall have power to designate a health officer of a town adjoining an unorganized town or gore, as the health officer of such unorganized town or gore; and said health officer shall report to the secretary of said board every case of contagious disease mentioned in this chapter of which he has information or knowledge as existing in such unorganized town or gore, and shall, in such unorganized town or gore, do and perform all acts required of the health officer of a town the same as if he were the health officer of such unorganized town or gore; and upon receiving such information from said health officer said board shall do and perform all acts in relation to such cases the same as if such information came from the health officer of a town.

SEC. 5447. *Report of communicable disease to health officer.*—The head of a family in such unorganized town or gore in whose home there occurs a case of infectious or contagious disease dangerous to the public health shall immediately give notice to said health officer. A physician who knows or suspects that a person in such unorganized town or gore whom he has been called to attend is sick or has died of a communicable disease dangerous to the public health, shall at once quarantine and report to said health officer the place where such cause exists, the name, degree of virulence, and cause or source of the disease, and such other facts relating thereto as may be necessary for the health officer to make examination and act in the premises. The head of a family or a physician who fails to give reasonable notice to said health officer of the existence of such a disease shall be fined not more than \$50 nor less than \$10, with costs of prosecution.

SEC. 5448. *Report of births, marriages and deaths, and vital statistics.*—Said health officer shall report the births, marriages and deaths, and the vital statistics in such unorganized town or gore to the town clerk of the town where he resides, who shall record the same as is required in relation to such statistics in a town.

SEC. 5449. *Compensation.*—The compensation of such health officer shall be the same as that allowed to the health officer of a town, and shall be paid by such unorganized town or gore and included in the taxes assessed thereon.

SEC. 3587. *Health powers, villages.*—An incorporated village may enact such by-laws and regulations as are expedient, not inconsistent with law, particularly such as relate to streets, sidewalks, lanes and commons. \* \* \* to slaughter-houses and nuisances, \* \* \* to restrain animals from running at large, to the erection and regulation of buildings \* \* \*.

#### VIRGINIA.

[Pollard's code of 1904.]

SEC. 1713d (as amended by ch. 361, acts of 1908). *State board of health—How constituted.*—(1) \* \* \* The State board of health shall consist of 12 members appointed by the governor, who shall be members of the State medical society, one of whom shall be chosen from each congressional district in the



State, and in addition thereto two from the city of Richmond. \* \* \* there shall be annually appointed three members to serve for the term of four years, respectively. The board shall meet semiannually in the city of Richmond during the months of January and July of each year, and at such other times and places as they may determine. They shall elect from their number a president and secretary, who shall perform the usual duties of such offices, in addition to the particular duties prescribed by law. The board may adopt by-laws for their government and may make such rules and regulations not inconsistent with law as they may deem proper. Five members shall constitute a quorum for the transaction of any lawful business.

(2) *State health commissioner.*—The governor shall appoint a health commissioner, who shall be versed in bacteriology and sanitary science, and otherwise fitted and equipped to execute the duties incumbent upon him by law. The health commissioner shall be the executive officer of the State board of health, but shall not be a member thereof. He shall hold office for the term of four years, unless sooner removed by the governor, and he shall reside and have his headquarters in the city of Richmond. The commissioner shall perform such duties as the State board of health may require, in addition to the other duties required of him by law. He shall be vested with all the authority of the board when it is not in session, and subject to such rules and regulations as may be prescribed by the board. It shall be his duty to institute, and, together with his assistants, to carry out such a course of lectures and demonstrations as he may deem advisable in various sections of the State, and in the State educational institutions, to the end that the medical profession and the people of the Commonwealth may be instructed in matters of hygiene and sanitation. It shall be the duty of the health commissioner, whenever required so to do, to furnish to the governor and to the general assembly, when in session, such information as may from time to time be required, and he shall make an annual report to the governor of all expenditures made by the State board of health and by himself and of persons under him.

(3) *Assistant commissioner, bacteriologist, clerk.*—The health commissioner, with the approval of the State board of health, shall appoint an assistant commissioner, a skilled bacteriologist, and a clerk. The health commissioner shall receive a salary of \$3,500 per annum; assistant commissioner, a salary of \$2,500 per annum; bacteriologist, a salary of \$2,500 per annum; and a clerk, a salary of \$1,200 per annum. Other clerks and assistants may be appointed by the health commissioner, subject to the approval of the State board of health. All officers appointed by the health commissioner shall be primarily responsible to him, and may be removed by him for good cause.

(4) *Compensation—Laboratory—Sanatoria, etc.*—The State board of health shall receive no salary, but each member shall be paid a per diem of \$8 for the time actually engaged in the discharge of his duties, together with mileage as prescribed by law. The State board of health shall establish and maintain in the city of Richmond suitable laboratories for the examination of clinical material submitted by members of the medical profession of the State, and such examination shall be made free of charge, and said board shall also make research and studies of infectious diseases, of epidemics, and of methods of preventing and of curing diseases. They shall forthwith make inquiry into the altitude, moisture, and other climatic conditions in various parts of the State, with a view to determining the most suitable location therein for the treatment of tuberculosis and the establishment of tuberculosis sanitariums, and shall investigate the best methods of treatment, with a view to preventing and curing such disease.



It shall be the duty of the State board of health, as soon as practicable, to begin the erection and maintenance of temporary or permanent buildings or camps for the treatment of tuberculosis in such localities as are proper, and at such sanitariums they shall provide for the treatment by the most advanced methods of the tuberculosis patients in the State at a minimum expense to the patient.

For the purpose of providing for the execution of the provisions of this act, and to meet the expenses herein provided for in the way of salaries, per diem compensation, mileage allowance, office and laboratory expenses, and the establishment of laboratories and sanitariums, an appropriation of \$40,000 per year is hereby set apart out of any moneys in the treasury not otherwise appropriated, which shall be paid out upon the warrants of the health commissioner, approved by the president of the State board of health.

(6) (as amended by ch. 340, acts of 1910). *When State board to perform duties of local board—Expenses.*—If any city, town, or county, authorized by law to appoint a local board of health or health officer shall omit to do so, the State board of health may exercise the authority and perform the duties of such local board for such city, appoint a health officer for such county, until such local board of health be established or such health officer be regularly appointed, whereupon the jurisdiction of the State board of health, or its officer, conferred by this action, shall cease. The compensation of all officers and agents appointed by the State board of health under this and section 7 of this act, and the expenses incurred by them and by the State board in fulfilling the duties imposed by this and said section 7, shall be a charge upon and be paid by the city, town, or county over which said officers are appointed or in reference to which such expenses are incurred.

(9) *State board to employ experts—Have examinations made.*—The State board of health from time to time may employ competent persons to render sanitary service and make or supervise practical and scientific examinations and investigations requiring expert skill, and prepare plans and reports relative thereto. The State board, on the request of any physician, shall have examinations made of pathological specimens of any suspected infectious or contagious disease that may be prevailing.

(12) *Annual report—Suggestions as to legislation.*—The State board of health shall annually, on or before the 1st day of January in each year, make a written report to the governor upon the vital statistics and sanitary conditions and prospects of the State. Such report shall set forth the action of the board and its officers and agents, a detailed statement of all moneys paid out by or on account of the board, and the manner of its expenditure during the year, and other useful information. The board shall, at each regular session of the general assembly, suggest any further legislative action deemed necessary for the better protection of life and health.

[Acts of 1910, chapter 179.]

SEC. 1. *Regulations.*—The State board of health shall have the power to make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public; to provide for the care, segregation, and isolation of persons having, or suspected of having, any communicable, contagious, or infectious disease; to regulate the method of disposition of garbage or sewerage and any like refuse matter in or near any incor-



porated town, city, or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics and otherwise, in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health, and the prevention of disease; to make separate orders and rules to meet any emergency, not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health: *Provided, however,* That nothing herein contained shall be construed as in any wise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in any wise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment: *Provided, however,* That nothing herein contained shall be construed as in any wise limiting any duty, power, or powers now possessed by or heretofore granted to the said State board of health by the statutes of this State, or as affecting, modifying, or repealing any rule or regulation heretofore adopted by said board.

2. *Penalty.*—Any person who shall violate, disobey, refuse, omit, or neglect to comply with any rule of said State board of health, made by it in pursuance of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided by law: *Provided, however,* That nothing herein contained shall apply to any railroad, or sleeping-car company, whose system of sanitation and disinfection of its cars is approved by the State board of health.

[Acts of 1910, chapter 307.]

2. *List of diseases.*—The State board of health is hereby authorized to prepare and promulgate from time to time, a list of diseases considered as infectious, contagious, communicable, or dangerous \* \* \*.

[Acts of 1912, chapter —.]

SECTION 1. *Supervision of vital statistics.*—The State board of health shall have charge of the registration of births and deaths, shall prepare the necessary instructions, forms, and blanks for obtaining and preserving such records, and shall insure the faithful registration of the same in each local registration district as constituted in section 3 of this act and in the central bureau of vital statistics at the capital of the State. The said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall from time to time promulgate any additional forms and amendments that may be necessary for this purpose.

SEC. 2. *Registrar of vital statistics.*—The health commissioner shall be State registrar of vital statistics, and shall have general supervision over the central bureau of vital statistics, which is hereby authorized to be established by said board. The State board of health shall provide suitable apartments for the bureau of vital statistics in the State capitol at Richmond \* \* \*.

[Pollard's Code, section 1713d.]

(5) (as amended by ch. 340, acts of 1910). *County boards of health.*—The State board of health shall, at their next annual meeting, and annually thereafter, appoint three regularly licensed physicians of each county or corporation, who shall, with the chairman of the supervisors or the mayor of the corporation, as the case may be, constitute a county, town, or city board of health:



*Provided, however,* That where the charter of any city or town already provides for the creation of a board of health, the provision of this section of this act shall not apply.

The chairman of the board of supervisors shall act as president of the county board of health, and the mayor as the president of the board of health of such city or town. Each local board of health shall elect from its members a secretary, who shall be a physician, and who shall serve one year, or until his successor is appointed, but who may be removed for cause by a majority vote of the board. Such local boards of health shall have charge of the sanitary affairs of the respective cities, counties, or towns for which they are appointed, and shall, subject to the provisions of this act, have control of the prevention and eradication of contagious and infectious diseases, the removal and quarantine of suspects; may provide for compulsory vaccination, the prevention, restriction, and care of smallpox and other contagious or infectious diseases, and shall, with the consent of the board of supervisors of the county or the council of the city or town, as the case may be, fix the compensation for the officers or agents employed in discharging such duties as shall see to the abatement of nuisances.

They shall likewise have power to adopt and enforce such reasonable rules and regulations as they may deem necessary to attain these ends; but such rules and regulations shall be published once a week for two successive weeks in some newspaper published in such county, or, if there be none, such rules and regulations shall be posted for two weeks at the county courthouse and in three different places in each magisterial district of such county: *Provided, however,* That in cases of epidemics, rules and regulations for suppressing the same shall immediately become effective.

It shall be unlawful for any person to violate any rules or regulations which may have been promulgated by any duly constituted board of health, and, upon conviction of the person so offending, he shall be punished by a fine of not less than \$10 nor more than \$50 for the first offense, and not less than \$25 nor more than \$100 for each subsequent offense.

(7) (as amended by ch. 340, 1910). *Duties of local authorities—When State board may take charge.*—It shall be the duty of the local authorities of the cities, towns, and counties of the State to report weekly to the State board of health all cases of infectious, contagious, communicable, or dangerous diseases which have occurred under their jurisdiction, except that it shall be their duty to report immediately any case or cases of smallpox, yellow fever, cholera, typhus fever, or bubonic plague, that may occur within their jurisdictions. If any case or cases of infectious, contagious, communicable, or dangerous diseases be reported as existing in any locality in the State, the State board of health shall, as soon as possible, investigate said disease. It shall then confer with the local health authorities and make such suggestions as it may deem proper. If these suggestions are not carried out, and the disease is, in the judgment of the State board of health, in danger of spreading to another city, town, or county, the said State board of health, or its executive officer, subject to the action of said board, shall have the right to assume exclusive control of the disease, the isolation thereof, and the quarantine of suspects, and have such powers in connection therewith as are conferred by law on the local health authorities, and the said executive officer may make and enforce such regulations as he may deem proper, subject to the action of said board, to stamp out or prevent the further spread of the disease.

He may also, subject to the action of said board, appoint such officers and agents as he may deem necessary to accomplish such, and fix their duties and compensation.



The officers and agents so appointed shall be duly sworn, and shall have the power to make arrests and to exercise all the other powers of police and constables. All the powers herein conferred upon the secretary shall be exercised by him in subordination to and subject to the action of the State board itself, which is hereby invested with full power in the premises to make such regulations and take such action as may in his judgment be necessary to regulate, control, and eradicate all such contagious diseases.

(8) *Duties and compensation of local secretary.*—The secretary of such local board of health shall act as executive or health officer for the city, town, or county, and as such shall have power to enter and inspect both public and private premises where he has reason to suppose any nuisance or any contagious or infectious disease exists, when the protection of public health demands it. He shall collect and preserve such vital statistics, including marriages, deaths, and births, as may be required of him by the State board of health, and shall execute and enforce the orders of the local board of which he is the executive officer. He shall receive such compensation as the board of supervisors of the county, or the council of the city or town may deem proper.

Sec. 1038. *General and enumerated powers of councils of cities and towns.*—In addition to the powers conferred by other general statutes, the council of every city and town shall have power \* \* \* to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gunpowder or other combustibles, and provide magazines for the same; to provide in or near the city or town waterworks and places for the interment of the dead; to prevent the pollution of the water and injury to the waterworks, for which purpose their jurisdiction shall extend to five miles above the same; to make regulations concerning the building of houses in the city or town; to make regulations for the purpose of guarding against danger from accident by fire. \* \* \* For carrying into effect these and their other powers, they may make ordinances and by-laws, and prescribe fines or other punishment for violation thereof, keep a city or town guard, appoint a collector of its taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duty and compensation. \* \* \*

#### WASHINGTON.

[Remington & Ballinger's Annotated Codes and Statutes, 1910.]

SEC. 5404. *State board—Term—Vacancies.*—The governor, with the advice and consent of the senate, shall appoint five persons who shall constitute the State board of health. The persons so appointed shall hold their office for five years: *Provided*, That the term of office shall expire on the 30th day of December of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the governor, with the advice and consent of the senate: *And provided, also*, That appointments made when the senate is not in session may be confirmed at the next ensuing session.

SEC. 5406. *Powers and duties.*—The State board of health shall have the supervision of all matters relating to the preservation of life and health of the people of the State. The board shall have supreme authority in matters of quarantine and may declare and enforce it when none exists, may modify, relax, or abolish it when it has been established. The board may have special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may admit



of and may best be controlled by universal rule. It may also make and enforce orders in local matters, when in the opinion of the State board of health an emergency exists and the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when no such local board has been established, and all expenses so incurred shall be paid by the county in which such services are rendered out of the general fund of said county. It shall be the duty of all local boards of health, health authorities, and officials, officers of State institutions, police officers, sheriffs, constables, and all other officers and employees of the State, or any county, city, or township thereof, to enforce such quarantine and sanitary rules and regulations as may be adopted by the State board of health; and in the event of failure or refusal on the part of any member of said board, or other officials, or persons, in this section mentioned to so act, he or they shall be subject to a fine of not less than \$50 upon first conviction, and upon conviction of second offense of not less than \$100. The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. It shall respond promptly, when called upon by the State or local government and municipal or township boards of health, to investigate and report upon the water supply, sewage, disposal of excreta, heating, plumbing, or ventilation of any place or public building.

SEC. 5405. *Meetings of board.*—The first meeting of the board shall be within 15 days after their appointment, and thereafter in January and June of each year and at such other times as the board shall deem expedient. The meeting in January of each year shall be at the capital. A majority shall constitute a quorum. They shall choose one of their members to be president, and they may adopt rules and by-laws for their government, subject to the provisions of this chapter.

SEC. 5414. *Accommodations.*—The secretary of the State shall provide room suitable for the meetings of the board and office room for the secretary.

SEC. 5412. *Annual report.*—It shall be the duty of the board of health to make an annual report, through their secretary or otherwise, in writing, to the governor of the State on or before the 1st of January of each year, and such reports shall include so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions on the subject as may be thought useful by the board for the dissemination among the people, with suggestions as to legislative action as they may deem necessary.

SEC. 5420. *Procedure in court.*—All prosecutions and proceedings instituted by the State board of health, for the violation of any of the provisions of this chapter, or any other laws to be enforced by this board, for the violation of any of the orders or regulations of the State board of health, shall be instituted by its proper officer, on the order of the board; and all laws prescribing the modes of procedure, courts, practice, and penalties for judgments applicable to local boards of health shall apply to the State board of health and the violation of its laws or orders, and all fines or judgments collected or received shall be paid over to the State treasurer and credited to the fund created for the support of the State board of health.

SEC. 5421. *Fines disposed of.*—All moneys recovered under the penalties provided shall be appropriated to a special fund for the carrying out of the objects of this law.

SEC. 5407. *Duty of local board—Epidemics.*— \* \* \* And when any contagious or infectious disease shall, in the opinion of the State board of health, become or threaten to become epidemic in any city, village, or county, and the



local authorities shall neglect or refuse to enforce measures which, in the opinion of the State board of health, are efficient for its prevention, the State board of health, or its executive officers, on the order of the president of said board, may appoint a medical or sanitary officer, and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary, the expense thereof to be paid by that county in which such services are rendered out of its general fund.

SEC. 3202. *State veterinary surgeon.*—There shall be and is hereby created the office of State veterinarian, whose office shall be vested in the professor of veterinary science of the agricultural college and experiment station. \* \* \* He shall be a member of the State board of health, which membership shall be in addition to that now provided for by law. \* \* \*

SEC. 3203. *Suppression diseases of animals.*—The State veterinary surgeon \* \* \* may, with the concurrence of the State board of health, make such rules and regulations as he may deem necessary for the protection against the spread and for the suppression of said (contagious or infectious) disease or diseases (of animals) \* \* \*.

SEC. 5415. *Diseases of Animals.*—The State board of health shall take cognizance of any fatal diseases which may be prevalent among the domestic animals of the State, and ascertain the nature and causes of such disease, and shall, from time to time, publish the result of their investigations, with suggestions for the proper treatment of such animals as may be affected, and the remedy or remedies therefor.

SEC. 5408. *State commissioner of health.*— \* \* \* The State board of health shall elect a State commissioner of health, who may or may not be a member of the State board of health, who shall be a physician of at least five years' experience in the practice of medicine, and who shall be learned in sanitary science and experienced in public health administration. He shall hold his office for five years and until his successor is elected and qualified, but may be removed by the State board of health for incompetency, malfeasance, or corruption, proven by evidence given under oath before the board, and for this purpose the board shall have the power to administer oaths and take testimony. He shall receive a salary of \$3,600 per year and his expenses actually incurred in the performance of his duties, to be paid monthly in the same manner as the salary and expenses of other State officers, upon vouchers signed by the president of the State board of health.

SEC. 5410. *Powers and duties.*—The State commissioner of health shall be State registrar of vital statistics and secretary of the State board of health and executive officer of said board. He shall be the custodian of all property and records of the State board of health and shall have charge of the office and all laboratories of said board. He is authorized to appoint deputy commissioners of health and such scientific, clerical, and other assistants as may be necessary to properly carry on the work of the board. He shall devote his time to the investigation of sanitary conditions and the prevalence of disease in the State and to such other duties as the State board of health may direct, or this act or any other act may require. It shall be his duty to strictly enforce all laws passed for the protection of the public health and improvement of sanitary conditions of the State and to enforce all rules, regulations, and orders of the State board of health. He shall investigate all epidemics of disease that may occur in the State and advise the local health officers as to the best measures to be taken to prevent and control such disease, and he shall supervise all measures taken by local health officers for the suppression and control of disease. He shall have the same authority to quarantine and disinfect any person, article of household goods or merchandise, building or vessel that is



conferred by law upon any local, county, or city health officers or commissioners: *Provided*, He shall not exercise such authority to quarantine and disinfect unless the local health officer or commissioners refuses or neglects to do so when in an emergency the safety of the public health demands it. He is authorized to release any quarantine whether ordered by himself or any local health officer when, in his opinion, it is no longer necessary.

SEC. 5411. *Advice*.—The commissioners of any county or the mayor of any city may call upon the State commissioner of health for advice relative to improving sanitary conditions or disposing of garbage and sewage or obtaining a pure water supply, and when so called upon the State commissioner of health shall, either personally or by an assistant, make a careful examination into the conditions existing and shall make a full report containing his advice thereon to the county or city making such request.

[Acts of 1911, chapter 44.]

SEC. 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the several funds of the State treasury hereinafter named in payment of the salaries of certain officers and employees of the State, and for the maintenance and construction of buildings at, and other expenses for, the various State institutions and officers hereinbelow designated and mentioned and for the other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1911, and ending March 31, 1913, and as hereinafter or otherwise particularly specified the amount appropriated for all buildings for State institutions, whether penal, charitable, educational or reformatory, to be expended under the direction of the board having control:

[P. 146.]

For the State board of health:

|   |          |
|---|----------|
| Salary of commissioner.....   | \$7, 200 |
| Maintenance of board and bureau of vital statistics.....                                    | 5, 600   |
| Laboratory .....  | 4, 200   |
| Control of communicable diseases and investigation and controlling<br>of public waters..... | 10, 000  |
| Total.....  | 27, 000  |

[Remington & Ballinger's Codes and Statutes.]

SEC. 5541. *County boards of health—How constituted*.—The board of county commissioners of each and every county in this State shall be constituted a county board of health for such county, and said county board of health's jurisdiction shall be coextensive with the boundaries of said county, except that nothing herein contained shall give said board jurisdiction in cities of the first class. The chairman of the board of county commissioners shall be president of the county board of health, and the county auditor shall be the clerk thereof. They shall on or before July 1, next following each general election, appoint a legally qualified physician county health officer, whose term of office shall be for two years from July 1st, next following each general election, and shall fix his compensation.

The county health officer shall be ex officio member of the county board of health and shall be the executive officer thereof and may be county physician. The county board of health may appoint as many sanitary officers as they deem necessary and fix the compensation of all appointees, who shall serve during



the pleasure of the board. In case of refusal or neglect of any county board of health to appoint a county health officer for 30 days after July 1, next following any general election, or if a vacancy shall exist in the office of county health officer for a period exceeding 30 days, the State board of health may make such appointment for such county for that term and fix the compensation, and a health officer so appointed shall have the same duty, power, and authority as though appointed by the county board of health. The county board of health shall be subject to the supervision of the State board of health and shall make such reports to the State board of health as the State board may require.

SEC. 5542. *City boards of health—How constituted.*—The mayor of every incorporated city and town, except cities of the first class, shall each appoint a legally qualified physician city health officer, whose compensation shall be fixed by the city council and whose term of office shall be until January 31 of the year following that in which he is appointed or until his successor is appointed and qualified: *Provided*, That in cities of the second class having a board of health, the board of health shall appoint the health officer: *Provided further*, That health officers of cities of the third class elected at the last city election shall hold such office until the expiration of the term for which they were elected.

SEC. 5543. *Regulations by county boards of health.*—It shall be the duty of the county board of health to make such rules and regulations as in their opinion may be necessary for the prevention, suppression, and control of any dangerous, contagious, or infectious disease, which rules or regulations shall take effect from and after the approval of the State board of health. \* \* \*

SEC. 5544. *Supervision by county health officer.*—The county health officer shall have supervision over all matters pertaining to the preservation of life and health of the people of his jurisdiction, subject to the supervision and control of the State board of health. \* \* \* He shall cause proper measures, in accordance with the rules and regulations and orders of the State board of health, to be taken to prevent, suppress, or control any dangerous, contagious, or infectious disease that may occur within the county. \* \* \*

SEC. 5548. *Removal of health officer.*—Any health officer who shall refuse or neglect to obey or enforce the \* \* \* rules or regulations or orders of the State board of health, or who shall refuse or neglect to make prompt and accurate reports to the county health officer or to the State board of health may be removed as health officer by the State board of health, and shall not again be reappointed except with the consent of the State board of health.

Any member of a city or county board of health who shall violate \* \* \* or refuse or neglect to obey or enforce any of the rules, regulations, or orders of the State or county boards of health made for the prevention, suppression, or control of any dangerous, contagious, or infectious disease, or for the protection of the health of the people of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10 nor more than \$200. \* \* \*

Any person violating \* \* \* or refusing or neglecting to obey any of the rules and regulations, or orders made for the prevention, suppression, and control of dangerous, contagious, and infectious diseases by the county board of health or health officer or State board of health \* \* \* shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$25 nor more than \$100, or to imprisonment in the county jail not to exceed ninety days, or to both fine and imprisonment.

SEC. 5547. The term "dangerous, contagious, or infectious disease," \* \* \* shall be construed and understood to mean such disease or diseases as the State board of health shall designate as contagious or infectious and dangerous to the public health.



SEC. 5535. *Organization, local boards.*—The town board or common council of every town or city in this State shall hereafter, within thirty days after the adjournment of this legislature and each year thereafter, organize as a board of health, or shall appoint wholly or partially from its own members a suitable number of competent persons who shall organize as a board of health for such town or city. Such organization shall include the election of a chairman and a clerk, and every board of health organized, as provided in this chapter, shall immediately after its organization appoint a health officer for the town or city, who shall be ex officio a member of the board of health and its executive officer, and the board of health as thus constituted shall, until their successors in office are duly organized, perform all the duties and have all powers that are given to the boards of health by the general statutes of the State. Every health officer appointed under the provisions of this chapter shall be, whenever the same is practicable, a reputable physician, and shall hold his office during the pleasure of the board and until his successor shall have been duly appointed and qualified, and in case of the occurrence of a vacancy in his office the board of health shall immediately fill the same by a new appointment. [NOTE.—Applicable only to cities with more than 10,000 inhabitants. See sec. 5442.]

SEC. 7507. *Powers, cities, first class.*—Any such city (a city of the first class or with more than 10,000 inhabitants) shall have power—

16. To establish and regulate markets and to provide for the \* \* \* inspection of all articles of food and drink offered for sale thereat or at any other place within its limits, by proper penalties \* \* \*.

17. To erect and establish hospitals and pesthouses and to control and regulate the same.

21. To regulate the burial of the dead and to establish and regulate cemeteries within or without the corporate limits and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation and to prohibit their establishment within 2 miles of the boundaries thereof.

22. To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures or the carrying on of such trades or occupations within the limits of such corporation or within the distance of 2 miles beyond the boundaries thereof.

30. \* \* \* To provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish the defilement and pollution of all streams running through or into its corporate limits and for the distance of 5 miles beyond its corporate limits and on any stream or lake from which the water supply of said city is taken, for a distance of 5 miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose.

31. To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist.



34. To regulate the carrying on within its corporate limits of occupations which are of such a nature as to affect the public health \* \* \* and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

36. To provide for the punishment of \* \* \* all practices dangerous to the public health or safety, and to make all regulations necessary for the preservation of public \* \* \* health \* \* \* within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; but said punishment shall in no case exceed the punishment provided by the laws of the State for misdemeanors.

SEC. 7612. The city council of such city (a city of the second class) shall have power and authority—

1. To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the State of Washington or the provisions of this act, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this act.

11. To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing, or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

12. To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

13. To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades and to provide for their exclusion or removal from the city limits or from any part thereof.

14. To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city or elsewhere therein.

17. To establish and regulate markets and market places.

24. To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants \* \* \*.

27. *Health board.*—To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

31. To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the State laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of \$500 or three months' imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a



misdemeanor or public offense, and all prosecutions for the same may be in the name of the State of Washington.

37. To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

38. To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; \* \* \*.

43. To erect and establish hospitals and pesthouses and to control and regulate the same.

51. To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

SEC. 7685. The city council of such city (a city of the third class) shall have power—

1. To pass ordinances not in conflict with the constitution and laws of this State or of the United States.

5. To establish, construct, and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers shall have been constructed to make proper connections therewith, and to use the same for proper purposes, \* \* \*.

8. To impose and collect an annual license not exceeding \$2 on every dog owned or harbored within the limits of the city (and may provide for the killing of all dogs not duly licensed found at large).

11. \* \* \* To purify and prevent the pollution of streams of water, lakes, or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes, or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof.

21. To make all such ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the \* \* \* welfare of the corporation \* \* \* and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

#### WEST VIRGINIA.

[Code of 1906 and supplement of 1909.]

SEC. 4378. *State board of health—Appointment—Term—Vacancies.*—There shall be a State board of health in this State consisting of two physicians residing in each of the five congressional districts thereof. Said physicians shall be graduates of reputable medical schools and shall have practiced medicine for not less than six years continuously before their appointment. The governor shall in the month of May, in the year 1901, appoint said physicians, who shall be divided into two classes, each class consisting of one physician from each district. The term of office of each class shall begin on the 1st day of June in the year of their appointment. The term of office of the first class shall continue for two years and of the second class for four years and until their successors are appointed and qualified. Thereafter the term of office shall be for four years and until their successors are appointed and qualified.



When the term of office of either class or of any of said physicians expires the governor shall appoint their successors for the succeeding term. The governor may, in like manner, appoint physicians to fill any vacancy that may occur in the board, but any appointment to fill a vacancy shall be for the unexpired term \* \* \*.

SEC. 4379. *Oath of office.*—The persons so appointed shall take the oath of office prescribed by the fifth section of the fourth article of the constitution of this State before entering upon the duties of their office and file a certificate of their having done so with the secretary of the state.

SEC. 4380. *President and secretary—Board to be a corporation—Seal—General powers—By-laws and regulations—Quorum—Meetings.*—The said board shall, on a day to be fixed by them, in every two years elect from their own number a president and secretary, who shall hold their office for the term of two years and until their successors are appointed and enter upon the duties of their office. The said board shall be a corporation by the name and style of "The State Board of Health of West Virginia" and have and use a common seal and, as such corporation, may sue and be sued, contract and be contracted with, plead and be impleaded to the extent of the powers conferred upon said board by this chapter. Said board may make and adopt all necessary rules, regulations, and by-laws not inconsistent with the constitution and laws of this State or of the United States to enable it to perform its duties and transact its business under the provisions of this chapter. A majority of said board shall constitute a quorum for the transaction of business. A meeting of the board may be called by the president or any three members thereof.

SEC. 4381. *Duties of secretary.*—The secretary shall be the recording officer of the board, and in addition to his other duties prescribed in this chapter he shall respond to all communications of the local boards of health, as well as from any member of said State board of health residing at a distance from his office, and give to them such advice and information relative to their duties as he may deem necessary and proper. He shall also do and perform such other duties as the State board may lawfully direct, and in case of the prevalence of endemics, epidemics, infectious and contagious diseases, or other unusual sickness, he shall, on the request of the local board of health, visit the locality and advise with them, and adopt such regulations for its suppression as may seem best. He shall annually report to the governor, on or before the 1st day of January, the investigations, discoveries, and recommendations of the board, which shall be printed and distributed as soon as practicable thereafter in the same manner as other public documents of the State, except that the governor may cause said report to be printed and distributed annually.

SEC. 4382. *Duties of board.*—The board of health shall take cognizance of the interests of the life and health of the inhabitants of the State, and shall make and cause to be made sanitary investigation and inquiries respecting the causes of diseases, especially endemics, epidemics, and the means of prevention, the sources of mortality, and the effects of localities, employments, habits, and circumstances of life on the public health. They shall also investigate the causes of diseases occurring among the stock or domestic animals in the State, the methods of remedying the same, and shall gather information in respect to these matters and kindred subjects for diffusion among the people. They shall also examine into and devise as to the water supply, drainage, and sewerage of cities, towns, and villages; the ventilation and warming of public halls, churches, schoolhouses, workshops, and prisons; the ventilation of coal mines and how to treat promptly accidents resulting from poisonous gases. When they believe that there is a probability that any infectious or contagious diseases will invade this State from any other State it shall be their duty to take



such action and to adopt and enforce such rules as they may in the exercise of their discretion deem efficient in preventing the introduction and spread of such disease or diseases. To better accomplish such objects, the board are empowered to establish and strictly maintain quarantine at such places as they may deem proper and may adopt rules and regulations to obstruct and prevent the introduction or spread of contagious or infectious diseases to or within the State. They may enforce inspection of persons and articles of baggage or other goods of whatever character, as well as the purification of the same; and companies or individuals operating or controlling railroads, passenger coaches, public conveyances, and steamers plying the Ohio River or its tributaries in this State shall obey the rules and regulations when made and published by the board in some newspaper printed at or near the place where the danger is; and any owner or person having charge of such railway trains, passenger coach, or steamboat, or public or private conveyance who shall refuse to obey such rules and regulations when so made and published shall be guilty of a misdemeanor, and for each offense shall be fined not less than \$50 nor more than \$500, and be confined in the county jail not less than 15 days nor more than two months, at the discretion of the court. The provisions of this section shall apply to the establishing and enforcing quarantine against the introduction into the State from another State, or the transporting from one county to another county in the State, of any cattle, hogs, horses, or sheep suffering with an infectious disease. It shall be the duty of the local board, upon request, to inspect any cattle, hogs, or sheep about to be slaughtered for domestic consumption or for shipment.

SEC. 4393. *Salaries of members of State board of health.*—The secretary of the State board of health shall receive a salary to be fixed by the board, but not to exceed the sum of \$500; he shall also receive his traveling and other necessary expenses incurred in the performance of his official duties within the limits of this State, not to exceed, however, \$100. The other members of said board shall each receive \$4 per day for each day actually and necessarily employed by them in the discharge of the duties of their office. But the whole of the expenses so incurred, the salary of the secretary, and the per diem of the members of the board shall not exceed the sum of \$1,500 in any one year. The State board shall audit all bills made out in due form and verified by the members rendering the service or incurring the expense or traveling in the performance of the duties of his office. Such bills, when approved by the governor, shall be paid out of the State treasury.

SEC. 4394. *Disposition of moneys received by State board of health—Duties of secretary and clerks of county courts—Penalties for failure to account.*—All moneys received by the State board of health, or any of its members, in payment for fees for examination, as well as the special taxes received by the sheriff under the provisions of section 14 of this chapter, shall be paid into the State treasury within one month after the same are received. And it shall be the duty of the secretary of the State board of health, on the 1st days of January and July in each year, or within five days thereafter, to certify to the auditor all such moneys received by said board, or by any member thereof, during the preceding six months. It shall also be the duty of the clerk of every county court on the same days in each year, or within five days thereafter, to certify to the auditor all moneys received by the sheriff under this chapter, shown by the receipts filed in his office as required by section 14 of this chapter, and any such secretary or clerk who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor and fined for each offense not less than \$50 nor more than \$200. And if any member of the State board of health shall fail to account for and pay into the treasury, as herein required, any moneys received



by him as aforesaid, he shall be guilty of a misdemeanor and fined double the amount of the moneys so received and which he has failed to pay as aforesaid. All moneys received from the State board of health as fees for examination, under section 11 of this act, shall be placed to the credit of the State board of health by the treasurer of this State and shall, with other moneys appropriated to the said State board of health, be used to defray the expenses of its meetings, examinations, etc.

SEC. 4395. *Authority of secretary of State board of health to administer oath and take affidavits.*—The secretary of the State board of health, or any member thereof, shall have power to administer oath and take and certify affidavits in any matter or thing pertaining to the business of the board, or any of the members thereof.

SEC. 4383. *Appointment of local boards—Executive officer—Vacancies—Powers and duties, etc.*—It shall be the duty of the county court to nominate and the State board of health to appoint, in each of the counties in this State, three intelligent and discreet persons residing therein, two of whom shall be citizens and one a physician qualified to practice medicine under the provisions of this chapter, and the persons so appointed shall, with the president of the county court and the prosecuting attorney for the county, constitute a local board of health for the county of their residence except as hereinafter otherwise provided, they shall hold their office for four years and until their successors are appointed, unless sooner removed from office by the State board of health. The physician of the local board shall be the executive officer of the board and the health officer of the county, and he shall out of the treasury of the county receive a yearly salary, to be fixed by the county court, and the other members of the local board shall be paid their expenses when actually employed; vacancies of the said board shall be filled by the State board for the unexpired term, upon the nomination of the county court. The said local board of health shall make and establish for their county, or for any district or place therein, such sanitary regulations or rules as they may deem proper to prevent the outbreak and spread of cholera, smallpox, scarlet fever, diphtheria, tuberculosis, and other endemic, epidemic, infectious and contagious diseases, and they or any of them may, except in the night time, in the performance of the duty imposed upon them, enter into or upon any house or premises and inspect the same whenever they have reason to believe that such house or premises is in an unclean or infectious condition; and if any house or premises so inspected is found in such condition as aforesaid, said local board of health shall direct and require the person in charge or occupying the same, if of sufficient means, to cleanse and purify same according to the sanitary rules and regulations made by the said board as aforesaid. Such local board shall enforce within their county all the lawful rules and regulations of the State board of health applicable to such county. It shall be the duty of every practicing physician in any county in which there is such local board of health to report promptly all or any diseases of the above-named character under treatment by him, and said local board shall once at least in every three months report to the State board of health the character of all such infectious, contagious, and epidemic diseases, the number of persons reported as infected with such diseases, naming the same, the action taken by the local board to arrest the progress of every such disease, and the visible effects, if any, of such action. It shall be the duty of the council of every incorporated city, town, or village to nominate, and the State board of health to appoint, in each incorporated city, town, or village within this State three intelligent and discreet persons of said city, town, or village, one of whom shall be a practicing physician, if there be such physician within the corporate limits of said city, town, or village, and the persons so appointed shall, with the



mayor and city solicitor, if there be a city solicitor, constitute a local board for the city, town, or village of their residence, whose duties and powers within the corporate limits of their said city, town, or village and terms of office shall be the same as those of the local county board of health hereinbefore mentioned. The physician of the board shall be the executive officer of the board and health officer of the city, town, or village, and he shall out of the treasury of the city, town, or village receive a yearly salary fixed by the council of said city, town, or village, and the other members of the board shall be paid their expenses when actually employed. The jurisdiction of the county board of health shall not extend thereto, but said city, town, or village board of health shall be auxiliary to and act in harmony with the State board of health. When a vacancy shall occur in the membership of either of the local boards herein provided for, either by the expiration of the term of office or otherwise, it shall be the duty of the county court or the municipal council, as the case may be, in the county or city, town or village, in which the vacancy exists, at its next regular meeting after such vacancy shall occur, to nominate, and the State board of health to appoint, a person to fill said vacancy; and if the said county court or municipal council fail or refuse to make said nomination at the time above specified, it shall be the duty of the State board of health to appoint a person to fill said vacancy notwithstanding. Any person failing or refusing to perform any duty required of him by this section shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$100.

SEC. 4384. *Local boards of health—Duties as to contagious and infectious diseases, quarantine, etc.*—The local board of health of any county may declare quarantine therein, or in any particular district or place therein, against the introduction of any contagious or infectious disease prevailing in any other State, county or place, and of any and all persons and things likely to spread such contagion or infection. As soon as such quarantine is established, such local board shall, in writing, inform the members of the State board of health residing in their congressional districts thereof, whose duty it shall be to ascertain, as soon as practicable, the necessity therefor, if any exists, and if they find that no such necessity exists, they shall declare the same raised. The said local board shall have power and authority to enforce such quarantine until the same is raised as aforesaid, or by themselves, and may confine any such infected person, or any person liable to spread such contagion or infection, to the house or premises in which he resides, or if he have no residence in the county, at a place to be provided by them for the purpose; and if it shall become necessary to do so, they shall summon a sufficient guard for the enforcement of their orders in the premises. Every person who shall fail or refuse to comply with any order made by such board under this section, and every person summoned as such guard who shall, without a lawful excuse, fail or refuse to obey the orders and directions of such board in enforcing said quarantine, shall be guilty of a misdemeanor, and for each offense be fined not less than \$25 nor more than \$100. In cases of emergency or of actual necessity, and when the court or corporate authorities are from any cause unable to meet or to provide for the emergency or the necessity of the case, all actual expenditures necessary for local and county sanitation, as provided for in this section, shall be certified by the local board of health to the county court, and the whole or as much therefore as the said court may deem right and proper shall be paid out of the county treasury. The board of health of any city, town, or village shall have the same powers and perform the same duties herein conferred upon and required of the local board of health in their county. The State board of health may also, under the provisions of this section, declare



quarantine in any part of the State, and all the provisions of this section shall be applicable to the quarantine so declared.

SEC. 1868. *Powers, municipalities.*—The council of such city, town or village, shall have plenary power and authority therein to lay off, vacate, close, open, alter, curb, pave and keep in good repair, roads, streets, alleys, sidewalks, cross-walks, drains and gutters, for the use of the public, or any of the citizens thereof, \* \* \* to order the sidewalks, footways, cross-walks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets, to prescribe the time of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep or other animals, and fowls of all kinds from going at large in said city, town, or village; \* \* \* to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; \* \* \* to provide in or near the city, town or village places for the burial of the dead, and to regulate the interments therein; to provide for \* \* \* the drainage of lots by the proper drains and ditches; \* \* \* to erect or authorize or prohibit the erection of \* \* \* waterworks in the city, town, or village; to prevent injury to or pollution of the same, or to the water or healthfulness thereof.

SEC. 1873. To carry into effect these enumerated powers, and all others conferred upon such city, town, or village, or its council, by this chapter or by any future act of the legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules, and regulations, not contrary to the constitution and laws of this State; and to prescribe, impose and enact reasonable fines, penalties and imprisonments in the county jail or the place of imprisonment in said corporation, if there be one, for a term not exceeding 30 days for a violation thereof. Such fines, penalties and imprisonments shall be recovered and enforced under the judgment of the mayor of such city, town or village, or the person lawfully exercising his function.

SEC. 1227. *Powers, counties.*—The county court of a county may offer reasonable bounties or rewards for the destruction of noxious animals, birds of prey, or weeds in the county, and provide for the payment of such bounties or rewards out of the county treasury. They may also provide for the abatement or removal of nuisances prejudicial to the health of the inhabitants in any part of the county, or may require or direct the abatement or removal of any particular nuisance of the kind.

SEC. 1228. The county court may also enforce within the county such general regulations as are necessary or proper to secure the inhabitants from epidemic, contagious, or infectious diseases, or direct in any particular case the adoption of the proper measures for that purpose.

SEC. 1229. To prevent injury from rabid animals, or animals suffering under any contagious or infectious disease, said court may require such animals, or any class of them, within the county, to be removed to or confined in an appointed place, or to be killed, and their carcasses buried or destroyed, or such other measures to be taken as will in its judgment be most effectual for the purpose.

#### WISCONSIN.

[Annotated Statutes.]

SEC. 1404. *State board of health; how constituted; terms; vacancies.*—The State board of health and vital statistics \* \* \* shall consist of seven members. Their terms of office, beginning with the first Monday of February



In the year of appointment, shall be seven years, and until their respective successors are appointed, and they shall continue as at present arranged, so that the term of office of one shall expire each year. The governor shall fill all vacancies by appointment, by and with the approval of the senate, if the legislature be in session, and if not, then subject to the approval of the senate at the next succeeding session; but in case of a vacancy before the expiration of a term the appointment shall be for the residue of such term only.

SEC. 1405. *Meetings; quorum.*—The board shall meet in January and June in each year, and at such other times and at such places as may be directed by the board or its president, except that the January meeting shall be held at Madison. A majority shall be a quorum. The board may adopt by-laws for its government not inconsistent with law.

SEC. 1406 (as amended by chapter 636, acts of 1911). *Officers—Compensation and supplies.*—A member of the board shall be chosen president thereof, and his term of office shall be fixed and determined by said board, and his duties shall be such as may be prescribed by the by-laws of said board or by the statutes of the State. The board shall also elect a secretary, either from their own number, or otherwise, who shall hold his office subject to removal at discretion by a vote of five members of the board at a regular meeting, and while in office he shall be a member of the board. The secretary shall receive an annual salary, to be fixed by the board, and he and each other member shall be reimbursed his traveling expenses actually and necessarily incurred in the performance of official duties. The members of said board, other than the secretary, shall be paid a compensation of \$10 per day and expenses when actually and necessarily engaged outside of the city or town in which such members respectively reside, on the performance of their official duties, other than attendance upon the regular meetings of the board. Such compensation to be paid on the certificate of the president and secretary of such board, but the compensation so to be paid to such members of the board other than the secretary shall not in any one year exceed the sum of \$1,200. All printing required by the board in the performance of its duties shall be performed by the State printer, upon the order of the president and secretary of said board, and the cost thereof shall be charged against the appropriation to said board.

SEC. 1407. *General authority.*—The said board shall have general supervision throughout the State of the interests of the health and life of citizens, and shall especially study the vital statistics of the State and endeavor to put the same to intelligent and profitable use. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of mortality, and the effects of localities, employments, conditions, habits, and circumstances, and shall diffuse such information as they may deem proper. They shall voluntarily, or when required, advise public boards or officers in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public building or institution, and shall recommend from time to time works of hygiene for the use of the public schools. They shall send their secretary or a committee to any part of the State whenever deemed necessary to investigate the cause and circumstances of any special or unusual disease or mortality or to inspect any public building; and such officers shall have full authority to do any necessary act therefor. The board shall in October of each even-numbered year report to the governor their transactions, investigations, and discoveries during the preceding term and such suggestions for legislation as they think fit. Before any city or village shall institute a water system, or system for water supply for the domestic use of its inhabitants, or a system of sewerage for the disposition of its sewage, such city or village shall submit to the State board of health the plans and specifications for such system, and both



of the water system and the sewerage system, if a sewerage system exists or is proposed, and the State board of health shall examine such plans and specifications for the proposed system and the sanitary and hygienic features thereof; and no such system shall be installed or put in operation until the State board of health shall issue its certificate that such proposed system will not be in any respect unsanitary or dangerous to the public health.

SEC. 1408. *Power as to contagious diseases; effect of rules.*—The board (State board of health) shall have power to establish such systems of inspection as in their judgment may be necessary to ascertain the presence of the contagion or infection of Asiatic cholera, diphtheria, scarlet fever, smallpox, leprosy, typhus or ship fever, yellow fever or other dangerous contagious disease—the words dangerous contagious disease as used in this chapter meaning such diseases as the board shall designate as contagious and dangerous to the public health; and any member or duly authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack for such time as may be necessary. The board may also, from time to time, make, alter, modify or revoke rules and regulations for guarding against the introduction of any such disease into the State, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such disease, for the transportation of dead bodies, for the speedy and private interment of the bodies of persons who have died from dangerous contagious disease, for the proper observance of the provisions of sections 4608a and 4608b, for the proper sanitary care of jails, asylums, schoolhouses, hotels, and all other public buildings and the premises connected therewith, and, in emergency, may provide those sick with any such disease with necessary medical aid and with temporary hospitals for their accommodation and also for their nurses and attendants. The board may declare any or all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole or any specified part of the State and make them applicable to any vessel, railway car or public vehicle of any kind. Such rules and regulations, if of general application, shall be published in the official State paper; but whenever, in the judgment of the board, it shall be necessary so to do, special rules, regulations or orders may be made for any city, village, or town without being so published, and the service of copies thereof upon the proper city, village or town officers shall be sufficient notice thereof. Rules, regulations or orders made in accordance herewith, shall, for the time being and until revoked, supersede all local rules, regulations, or ordinances that may be in conflict therewith. All health officers, local boards of health, sheriffs, constables, policemen, marshals, and other officers and employees shall respect and enforce the rules and regulations made in pursuance hereof in every particular affecting their respective localities and duties. Any person who shall neglect or refuse to obey such rules and regulations, or who shall willfully obstruct or hinder the execution thereof shall be punished for each offense by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. It is the duty of all city, county, town, and village officers, of all local boards of health and all officers and persons in charge of all institutions, buildings, vessels, and vehicles within this section to cooperate with the State board of health in carrying out these provisions, and if such cooperation be refused or withheld said board may



execute its rules and regulations by agents of its own appointment, and all expenses incurred in so doing shall be paid by the county, city, town or village the officers of which have failed to so cooperate and in behalf of which expenses have in consequence thereof been incurred: *Provided*, That such liability for expenses shall not exist if they are incurred for the prevention and control of Asiatic cholera and the State has created a fund for that purpose.

SEC. 1022-5 (added by ch. 636, acts of 1911). *Accommodations*.—Suitable apartments shall be provided in the capitol by the superintendent of public property for the State board of health and vital statistics, which shall be properly equipped with fireproof vaults for the safe preservation of all the official records, and the superintendent of public property shall furnish the said board with all necessary office furniture. The superintendent of public property shall also furnish the said board with all necessary office supplies, stationery, books, postage, and other material, and such office supplies, stationery, books, postage, and other material furnished shall be charged against the annual appropriation to said State board of health and vital statistics.

SEC. 1408m-1 (added by ch. 636, 1911). *Inspector*.—In addition to the officials and appointees provided for by sections 1404, 1406, and 1022-4 of the statutes, the State board of health is hereby empowered to provide for and establish in connection with the present public health organization, a State sanitary inspector.

SEC. 1408m-2 (added by ch. 636, 1911). *Duties and powers, inspector*.—It shall be the duty of the sanitary inspector to assist in promoting the work of the State board of health in such manner as the board may direct, to the end that the laws and rules adopted by said board for the preservation of the public health may be strictly enforced in the various parts of the State. The inspector shall have the same right of inspection in regard to all matters affecting the public health as has been, or may be, conferred upon the State or local boards of health.

SEC. 1408m-3 (added by ch. 636, 1911). *Investigations by inspector*.—The sanitary inspector shall, under the direction of the board and with full authority to act for the board, make thorough and complete investigations of nuisances, sources of sickness, infectious or contagious diseases, water supplies, and sewerage-disposal systems, the sanitary condition of public buildings, jails, schoolhouses, school grounds, hotels, and such other work as is found necessary to improve the general sanitary and hygienic conditions. The inspector shall make special investigations concerning the prevalence of tuberculosis in any locality. He shall assist the State board of health in enforcing the laws and rules adopted by the board for the prevention, control, and reporting of tuberculosis.

SEC. 1408m-4 (added by ch. 636, 1911). *Reports by inspector*.—The inspector shall immediately after the completion of an investigation report in writing to the secretary of the State board of health a complete account of the essential facts disclosed by the investigation, together with the recommendations made and the work done to better safeguard the public health.

SEC. 1408m-5 (added by ch. 636, 1911). *Qualifications, inspector*.—The sanitary inspector shall be a medical practitioner in good standing, holding a Wisconsin license, and must possess such other qualifications as the State board of health may determine are necessary in order to successfully carry on the work.

SEC. 1408m-6 (added by ch. 636, 1911). *Compensation of inspector*.—The compensation of the inspector appointed under the provisions of this act shall be fixed by the State board of health. All actual expenses incurred by the



inspector in the discharge of his official duties shall be paid from the fund herein provided upon verified and itemized accounts to be audited and paid as the expenses of other State officers and employees are audited and paid.

SEC. 1408m-7 (added by ch. 636, 1911). *Appropriation, State board of health.*—There is annually appropriated to the State board of health and vital statistics, out of any money in the treasury not otherwise appropriated, the sum of \$20,600, or such part thereof as may be necessary, said appropriation to be in lieu of all other appropriations now provided for by law for said board, and all other laws or parts of laws appropriating money to the State board of health and vital statistics, in so far as the same appropriate money to the said board, are repealed.

SEC. 1409. *Secretary—State board.*—The secretary shall be the executive officer of the board. He shall keep a record of its transactions and have the custody of its books, papers, and all other property. He shall, so far as practicable, communicate with other similar State boards and local State boards within this State and keep all reports of correspondence. He shall prepare and distribute to local boards blank forms and instructions as may be necessary and collect all such information and statistics as concern the work of the board and perform all other duties which may be prescribed by law or the by-laws of the board. He shall also be superintendent of vital statistics and, under the direction of the State board of health, shall collect the statistics of births, marriages, deaths, and accidents and shall biennially prepare and publish such report thereof as may be determined by said board to be important or useful.

SEC. 1416-18 (added by ch. 279, acts of 1909). *State board to take charge.*—If at any time the authorities in any city, incorporated village, or town fail, neglect, or refuse to enforce the statutes and the rules of the State board of health for the restriction and prevention of dangerous communicable diseases, the State board of health shall take charge and enforce the laws and rules, and all expenses thus incurred shall be paid by the city, incorporated village, or town in which such enforcement becomes necessary.

SEC. 1421. *Expenses in local communities.*—All expenses incurred under this chapter, except such as are herein otherwise chargeable, shall be paid by the town, city, or village in which the same are incurred.

SEC. 1406m (added by acts of 1911, chapter 519). *Laboratory of hygiene.*—1. There is established in connection with the State university a continuance of the State hygienic laboratory, to be known as the State laboratory of hygiene.

2. The director of this laboratory shall, whenever feasible, be the professor in charge of the department of bacteriology and hygiene of the State university. A bacteriologist, a chemist, and such other assistants as is found necessary to satisfactorily carry on the work of the laboratory, shall be provided by the board of regents of the State university. The director and his assistants when making investigations affecting the public health, shall have the same right of inspection in regard to all matters affecting the public health as has been and may be conferred upon the same board of health.

3. The use of this laboratory by the State board of health shall be determined by rules and regulations adopted by the director of the State laboratory of hygiene, the president of the State university, and the executive committee consisting of two members, of the State board of health.

4. The purpose of this laboratory shall be to undertake the examination of water supplies for domestic purposes, the examination of material from the various contagious and infectious diseases, or material from suspected cases of contagious and infectious diseases of men and animals when public health is concerned; to examine into the nature and cause of disease outbreaks throughout the State; to study conditions relating to diseases and their dissemination,



or any other problems that bear directly or indirectly upon the public health. The examination of water supplies shall include the establishment of a water survey of the State and shall comprehend not only the examination from a public health standpoint, but may also include the examination of water to ascertain its suitability for manufacturing and commercial purposes, as determined by the rules and regulations herein provided for.

5. There may be established and operated in connection with the State laboratory of hygiene, an institute for the preparation of vaccine for administering the Pasteur treatment for the prevention of hydrophobia.

6. The State laboratory of hygiene shall examine free of charge the following specimens when submitted in proper containers by licensed physicians, veterinarians, health officers, and health commissioners: The sputum of all persons afflicted with tuberculosis, or suspected of being afflicted with tuberculosis, when sent in proper containers; blood from suspected typhoid fever cases (Widal test), swabs from patients suspected of diphtheria for diagnosis and for the release of quarantine; rabies in man or animals, anthrax, glanders, and such other examinations as may be provided for in the rules and regulations governing the use of the laboratory. The laboratory shall be used to make such studies in sanitation and hygiene as will assist in the enforcement of the health laws of the State, or aid in improving the general sanitary condition of the State.

7. For the purpose of carrying out the provisions of this act the board of regents of the State university shall continue to annually appropriate, so far as practicable, from the university fund income a sum sufficient to properly maintain and operate such laboratory.

SEC. 1416-19 (added by ch. 465, acts of 1911). *Conferences.*—It shall be the duty of the health officer, or a representative of any local board of health, to attend a local conference called by the secretary of the State board of health when required to do so by the latter, for consultation or conference concerning the restriction and prevention of contagious and infectious diseases or for the consideration of any other important sanitary matters affecting their respective district; and the expenses of the health officer or representative shall be certified by the board appointing him and paid out of the general funds of the city, incorporated village, or town where such board is established, provided that no board of health shall be required or authorized to send a health officer or representative to more than one conference in any one year. No local conference shall be authorized under the provisions of this act except in cases where dangerous, contagious, or infectious diseases are present in the district, or when other conditions dangerous to the life and health of the people are found to exist. The secretary of the State board of health may provide biannually for a State conference of health officers and health commissioners of cities and villages to be held at such time and place as the State board of health may determine; the expense of the health officer or health commissioner in attending such conference to be paid by the incorporated village or city, upon the certification of the secretary of the State board of health.

SEC. 1411 (as amended by ch. 140, acts of 1907). *Organization, local boards.*—The town board, village board, and common council of every town, village, and city shall, within 30 days after each annual election, organize as a board of health, or appoint wholly or partially from its own members, a suitable number of competent persons who shall organize as a board of health for such town, village, or city.

In case the town board, village board, or common council fails or neglects to appoint a board of health as provided by this section, the State board of health may appoint persons to serve on such board until a board of health has



been regularly appointed as hereinbefore provided and the necessary expense so incurred shall be charged to and paid out of the treasury of such town, incorporated village, or city.

The officers of such board shall include a chairman, a clerk, and a health officer, who shall be an ex-officio member of such board and its executive officer; all such officers shall be elected by the board immediately after its organization. Every board of health as thus constituted shall exercise all the powers and perform all the duties prescribed in this chapter within the limits of the town, village, or city of which they are such officers. Every health officer so appointed shall be, whenever practicable, a reputable physician; he shall hold office during the pleasure of such board and until the qualification of his successor; if a vacancy occurs in his office the board of health shall immediately fill the same by an election. The foregoing provisions shall not apply to any city or village in which a board of health and a health officer are provided for by the charter thereof; but every such board, whether organized under the provisions of this section or otherwise, shall immediately after each annual or other organization report to the secretary of the State board of health the names, post-office addresses, and occupations of the officers thereof, and make such report whenever a new health officer is chosen. Every board of health shall take such measures and make such rules and regulations as they may deem most effectual for the preservation of the public health. To provide for the control of diphtheria and other contagious diseases, the local board of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the State board of health may direct. They may appoint as many persons to aid them in the execution of their powers and duties as they think proper, regulate the fees and charges of every person so employed by them, and fix the salary of the health officer, examine into all nuisances, sources of filth, and causes of sickness, and make such rules and regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants.

SEC. 1412. *Health officers' duties.*—It shall be the duty of every health officer, chosen under the provisions of the preceding section, or under any village, or city charter, upon the appearance of any dangerous contagious disease in the territory within the jurisdiction of the board of which he is a member, to immediately investigate all the circumstances attendant upon the appearance of such disease, make a full report to such board, and also to the State board of health; and it shall likewise be his duty at all times promptly to take such measures for the prevention, suppression, and control of any such disease as may in his judgment be needful and proper, subject to the approval of the board of which he is a member. Every health officer shall keep and deliver to his successor a record of all his official acts. The term dangerous contagious disease, as used herein, shall include smallpox, diphtheria, scarlet fever, Asiatic cholera, and such other diseases as the State board of health shall designate as contagious and dangerous to the public health. Every health officer shall make a report to the secretary of such board (State board) concerning the progress of such diseases and the measures used for their prevention and control with such frequency as to keep that board fully informed in relation thereto, or at such intervals as the secretary thereof may direct.

SEC. 1413. *Publication of rules.*—Notice shall be given by the board of health of all orders and regulations made by them by publishing the same in some newspaper, if there be one published in such town, village, or city; if there be none, then by posting up the same in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.



SEC. 1409a. *Annual report, local health officers.*—The health physician and the clerk of the board of health in every town, city, and village shall each, at least once a year, report to the State board their transactions and such facts as shall be required, upon blanks and according to instructions furnished, and shall also make special reports whenever required. All officers of the State, the physicians of all mining, manufacturing, and other companies, or associations, all presidents, officers, and agents of any company incorporated by or transacting business under the laws of this State shall, when requested, furnish, so far as practicable, the State board or its secretary any information required touching the public health; and every person refusing to comply with the provisions of this section shall forfeit \$10.

SEC. 925—107. *Appointment of commissioner of public health.*—In every city governed by this chapter (cities under general charter) the mayor shall, once in two years, nominate a regularly licensed physician as commissioner of public health; such commissioner shall hold his office for two years and until his successor shall be qualified.

SEC. 925—108. *Duties.*—The commissioner of public health shall have all the power and authority heretofore given or which may hereafter be given to boards of health by any general law, and it shall be his duty to provide such additional rules and regulations as shall be proper and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases and to cause the removal of all objects detrimental to the health of such people, and to enforce such rules and regulations as are hereinafter provided.

SEC. 925—109. *Rules to be approved.*—All rules and regulations prepared by said commissioner shall be by him reported to the council, and if the council shall approve the same by a vote of a majority of its members such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

SEC. 925—110. *Recommendations.*—The commissioner of public health shall also, from time to time, recommend to the council such sanitary measures, to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

SEC. 925—111. *Salary—Assistants.*—It shall be the duty of the council to fix the salary of said commissioner, which shall be paid out of the city treasury. The commissioner may appoint, subject to confirmation by the mayor, such assistants as may be necessary, and all such appointees shall receive such salary or compensation as the council may fix.

SEC. 925—112. *Additional duties.*—The commissioner of public health shall also discharge such duties, not herein enumerated, as may from time to time be imposed upon him by the council by ordinance or resolution, and shall make such reports to the State board of health and generally perform such duties as are or may be required of health officers by these statutes.

SEC. 925—112a. *Duty of police and other officers.*—It shall be the duty of members of the police force of the city and of all magistrates and other civil officers and all citizens to aid to the utmost of their power the commissioner of public health in the discharge of his duties, and on his requisition it shall be the duty of the chief of police to serve or detail one or more of the policemen to serve the notices issued by said commissioner and to perform such other duties as he may require.

SEC. 4608. *Penalty for violation.*—Any person who shall wilfully violate any law relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of any board of health, lawfully made



and duly published, shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding \$100.

SEC. 776—13. *Powers, towns.*—All powers relating to villages which are conferred upon village boards by chapter 40 of these statutes, excepting those the exercise of which would conflict with the statutes relating to towns and town boards, are conferred upon towns which contain one or more unincorporated villages having each a population of not less than 1,000, and may be exercised by the board of such town when directed by a resolution of the electors thereof at an annual town meeting.

SEC. 892. *Powers, villages.*—The village board shall have power by ordinance, resolution, law, or vote:

11. To lay out, open, change, widen, or extend \* \* \* sewers \* \* \* or to establish and open drains, canals, or sewers, or alter, widen, or strengthen watercourses \* \* \*.

12. To restrain the running at large of \* \* \* animals \* \* \*; to establish pounds and regulate and prohibit the same; \* \* \* to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance; to provide for the licensing and keeping of dogs \* \* \*.

13. To establish and regulate markets and restrain sales in the streets.

20. To appoint a board of health, which shall have all the powers of such boards under the general laws of the State; to provide hospitals and regulate the burial of the dead and the return of bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building, or place to remove or abate the same or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughterhouses, subject to the provisions of section 1418, and to prevent the erection, use, or occupation of the same except as authorized by them; to prevent persons from bringing, depositing, or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome substance from their premises, and to provide for the cleansing and removal of obstructions from any river, stream, slough, or watercourse within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein or the putting of anything into the same which may be prejudicial to the health of the village.

21. To make and regulate the use of public wells, cisterns, and reservoirs.

26. To ordain and establish all such ordinances and by-laws for the \* \* \* promotion of health, not inconsistent with the Constitution and laws of the United States or of this State, as they may deem expedient. \* \* \*.

27. To prescribe penalties for the violation of any ordinance or by-law, to be not less than \$1 nor more than \$200 in any case, besides the cost of suit in all cases; and in default of payment to provide for the committing of the person convicted to the watch house or place of confinement in the village or to the county jail until payment be made, but not to exceed 90 days in all; and to modify, amend, or repeal any ordinance, resolution, by-law, or other former determination of the board. \* \* \*.

SEC. 925—52. *Powers, cities.*—The council shall have \* \* \* full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such rules, by-laws and regulations for the \* \* \* benefit of \* \* \* the health of the inhabitants thereof \* \* \*; such council shall have power to declare and impose penalties and enforce the same against



any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, or regulations; and such ordinances, rules, by-laws, and regulations shall have the force of law, provided that they be not repugnant to the Constitution of the United States or of this State or of the laws thereof; and for the aforesaid purposes such council shall have authority by ordinance, resolution, by-law, or regulation:

5. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or other unwholesome or nauseous house or place to cleanse the same from time to time, or remove or abate the same, as it may deem necessary for the health, comfort, and convenience of the inhabitants of said city.

6. To direct the management of and regulate breweries, tanneries, and packing houses, and direct the location, management, and construction of, and regulate, license, restrain, abate, or prohibit within the city and within a distance of 4 miles therefrom distilleries, slaughtering establishments, glue factories, establishments for cleaning or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive, or unwholesome business may be carried on; \* \* \*.

7. To direct the location and management of public markets.

8. To regulate butchers and regulate or restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, and other provisions within the city, and appoint an inspector or inspectors of food and prescribe their duties and compensation, and cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit, or provisions.

18. To prohibit the running at large of dogs and authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

19. To provide for licensing the keeping of dogs at a rate of not less than \$1 nor more than \$10 a year for each dog, require that a badge or token be carried by each licensed dog, and provide for the secure muzzling of licensed or unlicensed dogs.

22. To regulate, control, or prohibit the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and make such disposition of such persons as to preserve the health of the inhabitants of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or the spread of the same therein; to make quarantine laws or regulations and enforce the same within the city and not to exceed five miles beyond the city limits.

23. To establish hospitals and provide for their regulation and support.

33. To make and establish public pounds, pumps, wells, cisterns, and reservoirs; provide for the erection, maintenance, and operation of waterworks for the supply of water to the inhabitants of the city; to supply such city with water for fire protection and other purposes. \* \* \*

35. To establish and regulate boards of health.

36. To provide for the abatement or removal of all nuisances under the ordinances or at common law and the punishment of the authors thereof or persons continuing the same by penalties of fine or imprisonment, and define and declare what shall be deemed nuisances; but nothing herein shall be construed to oust any court of jurisdiction to enjoin or direct the abatement and removal of nuisances in the streets or any other part of the city or within its jurisdiction by indictment or otherwise.

37. To prohibit any person from bringing, depositing, or having within the limits of the city any putrid carcass or other unwholesome substance, and require the removal or destruction of the same by any person who shall have



upon or near his premises any such substances, or any putrid or unsound beef, pork, fish, or hides, and, on his default, authorize the removal or destruction thereof by some officer or officers of the city at the expense of such person or persons.

57. To provide for the preservation of any harbor within or without the city; prevent any use of the same or of such part of any lake, river, stream, spring, or pond as is within the city or any action in relation thereto inconsistent with or detrimental to the public health or calculated to render the water of the same or any part thereof impure or offensive or tending in any degree to fill up or obstruct the same; prohibit and punish the casting or depositing therein of any earth, dead animals, ashes, or other substances, or filth, logs, or floating matter; prohibit and remove all obstructions therein and provide for the punishment of the authors thereof. \* \* \*

#### WYOMING.

[Compiled Statutes, 1910.]

SEC. 2928. *State board of health—How constituted.*—The governor, by and with the advice and consent of the senate, shall appoint three persons, electors of the State of Wyoming, one of whom shall be a physician, who shall constitute the State board of health and who shall hold office for the term of four years, and until their successors are appointed and qualified: *Provided further*, That any vacancy which may occur in said board shall be filled by the governor, and the person so appointed shall hold his office until the expiration of the term.

SEC. 2929. *Secretary, board.*—The member of the board who is a physician shall be the secretary and executive officer of the board, and it shall be the duty of the board to elect a president at its first regular meeting, who shall hold his office for the term for which he shall have been appointed.

SEC. 2931. *Compensation, members.*—The members of the State board of health shall receive an annual salary of \$200 each, to be paid in quarterly installments, and in addition shall receive their actual and necessary traveling expenses, evidenced by receipted vouchers to be filed with their account.

SEC. 2933. *Duties, secretary.*—The secretary of the board shall keep a record of the exact proceedings of the board and perform and superintend the work prescribed in this chapter, and such other duties as the board may order, under their general direction.

SEC. 2934. *Duties and powers, board.*—Said board shall take cognizance of the interests of health and life among the people of this State. They shall make sanitary investigations and inquire respecting the causes of disease, and especially of epidemics, the sources of mortality, and the effects of localities, employments, conditions, habits, and other circumstances bearing upon the public health. It shall be their duty to investigate regarding all contagious and infectious diseases that are a menace to public safety, and they shall collect such information in respect to these matters as may be useful in the discharge of their duties and contribute to the promotion of health and security of life in this State. They shall cause to be made by the secretary or by the board, inspections at such times as they may deem best; and whenever directed by the governor or the legislature, of all public hospitals, prisons, asylums, or other public institutions, in regard to the location, drainage, water supply, disposal of excreta, heating, ventilation, and other circumstances in any way affecting the health of their inmates, and shall also suggest such remedies as they may consider suitable for the removal of all the conditions detrimental to health in said institutions, in writing, to the officers thereof.



SEC. 2946. *Regulations.*—The State board of health shall also have authority to make rules and regulations for its own government and the direction of its officers for the better prevention of disease and the promotion of public health: *Provided*, That the rules so formulated, as provided for in this and the next preceding section, shall be published once annually in one newspaper of general circulation in each county in the State.

SEC. 2947. *Meetings.*—The board of health shall hold one regular meeting every six months, and as often as occasion requires, and it shall be the duty of the members of said board to convene upon the call of the governor at such time and place as he may direct.

SEC. 2948. *Special meetings.*—It shall be the duty of the members of said board to convene upon the call of the president at such time and place as he may direct.

SEC. 2955. *Secretary of board—Authority in emergencies.*—In case of emergencies, when the board is not in session, the secretary, as the executive member of the board, shall have full authority to act for and on behalf of the board in carrying out and enforcing all rules and regulations of the board, and in directing the various county health officers, and in cooperating with said county health officers in enforcing the law, rules, and regulations of the board in their respective counties. And at each regular meeting of the State board of health the secretary shall make a full and complete report to the board for its approval.

SEC. 2952. *Power of board to prescribe rules and regulations.*—The State board of health shall have power to prescribe rules and regulations for the management and control of communicable diseases, and to prescribe and fix penalties for the violation or refusal to obey such rules and regulations. And any person or persons violating or refusing to obey such rules and regulations or resisting or interfering with any officer or agent of said State board of health while in the performance of his duties shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by the imposition of such penalty as may have been designated by the said State board of health for the violation of said rule or regulation. Or in the discretion of the court said person may be punished by a fine of not more than \$100, or imprisonment not exceeding 30 days, or both such fine of \$100 and imprisonment for 30 days.

SEC. 2936. *Duty of health officers.*—Said board shall give all information that may be reasonably requested concerning any threatened danger to the public health, and the local health officers and all State, county, city, and town officers in the State shall give the like information to the said board, and said board and said State, county, city, and town officers shall, so far as legal and practicable, cooperate to prevent the spread of disease, and for the protection of life and the promotion of health within the sphere of their respective duties.

When in any county a case of smallpox, cholera, typhoid fever, scarlet fever, diphtheria, or other epidemic or contagious or infectious disease is known to exist, it shall be the duty of the county health officer of such county to immediately notify the secretary of the State board of health of the existence of the same, with such facts as to its cause and continuance as may then be known.

SEC. 2935. *Exchange of sanitary information.*—Said board shall cause all proper sanitary information in its possession to be promptly forwarded to the county health officers, adding thereto such useful suggestions as the experience of said board may supply, and it is also hereby made the duty of said county health officers to supply the like information and suggestions to said board of health, and the said board of health is authorized to require reports and



information at such times of such facts and of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons, schools, and from managers, principals, and officers thereof, and from all other public institutions, their officers, managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State, but such reports and information shall only be required concerning matters or particulars in respect to which they may in their opinion need information for the proper discharge of their duties. Said board shall, when requested by public authorities, or when they may deem it best, advise the officers of the State, counties, cities, or towns or local governments in regard to sanitary drainage and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

SEC. 2951. *Investigations—Recommendations.*—It shall be the duty of the State board of health, upon petition of at least 20 taxpayers in any community, to visit as a board or send a competent representative to any incorporated city or town in this State for the purpose of inspecting and thoroughly investigating the sanitary condition of such city or town, and the board shall have the power and it shall be the duty of the board to condemn, in any such city or town, any buildings, sewers, water connections, or other things that in their judgment are in such condition as is likely to produce or cause the spread of epidemic diseases. And the board shall give notice to the mayor and council of such city or town to repair, remove, cleanse, or remedy such defect or defects within 10 days, and if the same shall not be done within the time specified in said notice, as directed by the board of health, it shall be the duty of the said board to have same done; and the board is authorized to employ sufficient labor and furnish all necessary materials for the performance of such work, and it shall be the duty of the board, upon the completion of such work, to issue certificates to the person or persons performing such work and furnishing material therefor, and to file a report of the expense incurred in the performance of such work with the clerk of said city or town; and it shall be the duty of the council of such city or town where such work has been performed to issue warrant or warrants to the proper parties for the payment of all such expense. Said warrant or warrants to be paid by the treasurer of such city or town as other warrants are paid.

SEC. 2937. *Public buildings.*—It is hereby made the duty of all boards and agents having the control, charge, or custody of any public structure, work, ground, or erection, or of any plan, description, outlines, drawings thereof, or relating thereto, made, kept, or controlled by any public authority, to promote and facilitate the examination and inspection and the making of copies of the same by any officer or person by said board (State board of health) authorized; and the members of the State board may, without fee or hindrance, enter, examine, and survey all such grounds, erection, structures, buildings, and places.

[Acts of 1911, chapter 109.]

SEC. 2. \* \* \* There is hereby appropriated \* \* \* the following sums, or so much thereof as may be necessary in each case, to pay the salaries of the State and district officers and employees from March 31, 1911, to and including March 31, 1913, as follows, namely:

[P. 184.]

For members, State board of health, \$1,200.

SEC. 3. \* \* \* There is hereby appropriated \* \* \* the following sums, or so much thereof as may be necessary in each case, to pay the necessary con-



tingent expenses of State and district officers and employees and the various State boards and commissions from March 31, 1911, to and including March 31, 1913, namely:

[P. 185.]

For the State board of health, including the per diem of its secretary, \$2,500

[P. 193.]

SEC. 48. The sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, for the contingent expenses of the State registrar of vital statistics, including the purchase of blanks and the payment of other expenses necessarily incurred in carrying out the provisions of law, for two years ending March 31, 1913.

[Compiled Statutes, 1910.]

SEC. 2930. *County health officer.*—It shall be the duty of the board as soon as organized to designate a practicing physician in each county in the State who is hereby designated as the county health officer for the county for which he shall have been appointed. Such county health officers shall hold their offices until their successors are appointed by the board.

SEC. 2932. *Compensation of county health officer.*—Each county health officer shall receive a compensation of \$8 per day and actual traveling and other expenses when actually engaged in the duties of his office: *Provided*, That when engaged for a shorter period than one-half day at any one time his compensation shall be \$4. Upon the certificate of the president and secretary of the State board of health the per diem and expenses of the county health officers of their respective counties shall be allowed by the board of county commissioners of such county, and a warrant shall be issued to the county health officer for the same upon the county treasurer.

SEC. 2945. *County health officer under board.*—The county health officers of this State shall be under the direction and supervision of the State board of health, and the State board of health shall have authority to make such rules and regulations for the government and direction of said county health officers as in their judgment may be best suited to maintain the public health.

SEC. 2949. *Penalty for failure in duty.*—Any member of the State board of health, any county health officer, or any officer, superintendent, or principal of any city, town, county, or institution named in this chapter, who shall fail or neglect to perform any of the duties herein required of them, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than \$100 nor more than \$1,000, or shall be confined in the county jail for a period of not less than six months nor more than one year, or both.

SEC. 1702. *Powers, cities.*—They (the city council) shall have power to prevent the introduction and spreading of contagious, infectious, or malignant diseases into the city, and to create a board of health, to make quarantine and other laws for the purpose, and to make and establish all quarantine ordinances or regulations as may be deemed necessary, and to enforce all such ordinances, laws, and regulations within the city and within 2 miles of the city; to acquire and hold land and property within and without the city for pesthouses, hospitals, and own and regulate the same.

SEC. 1682. They (cities over 4,000) shall have power to collect a license tax of not less than one nor more than \$5, upon the owners and harborers of dogs, and enforce the same by appropriate penalties, and to cause the destruction of any dog, the owner or harborer of which shall refuse or neglect to pay such license tax. To regulate, license, or prohibit the running at large of dogs, and guard against injuries or annoyances therefrom, and to authorize the de-



struction of the same when running at large contrary to the provisions of any ordinance, and to make regulations concerning vicious dogs, and to prohibit the keeping or harboring thereof.

SEC. 1686. They (cities over 4,000) shall have power to define, declare, abate, and remove nuisances, and to impose penalties upon persons guilty of creating, continuing, or suffering nuisances to exist in the premises which they occupy or control; to regulate the disposal and removal of ashes, garbage, or other offensive matter in any street, alley, or upon any public ground or on any premises, and to provide for levying the cost of such removal as a special tax against the property from which such deposited matter is removed; to prevent and punish injury or annoyance from anything dangerous, offensive, or unhealthy; to provide for the destruction of weeds or other obnoxious growth upon any of the lots or park lines therein, and in case the property owner fails to destroy same, to assess the cost thereof against the property on which, or in front of which (being the park line), such weeds or obnoxious growth are destroyed by the city; to make and prescribe regulations for the construction, location, and keeping in order of all packing and slaughter houses, stock yards, warehouses, renderies, or other places where offensive matter is kept or is likely to accumulate within the corporate limits or within two miles thereof; to prescribe limits within which dangerous or obnoxious or offensive business may not be carried on; to prevent any person from bringing, depositing, having, or leaving upon or near his premises, or elsewhere within the city, any dead carcasses, and putrid meats, skins, or any other unwholesome substance whatever, and compel the removal of the same; to compel owners of occupied premises to provide receptacles for ashes and offal, and in general to make such other regulations as may be necessary to secure the general health of the city.



## COURT DECISIONS.

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### APPOINTMENT AND COMPOSITION.

Appointment of health officer by common council without nomination by mayor as disposed by law, invalid. (*Braman v. New London*, 74 Conn., 695.)

Officers appointed by State board of health for towns must be residents of town for which appointed. (*Nay v. Underhill*, 42 Atl. Rep., 610.)

The legislature in requiring that 3 out of 5 members of a board of health shall be physicians did not prohibit the organization of any municipal board with more than 3 physicians as members. (*State ex rel. Weber v. Kohnke*, 31 So. Rep., 45.)

A board of health having appointed a new health officer, thereby indicates its pleasure that the former health officer shall no longer serve. (*State v. Craig*, 69 N. E. Rep., 228.)

Law providing that boards of health may appoint health officers, etc., and for payment of expenses of boards of health, is mandatory in character. (*State v. Massillon*, 24 Ohio Cir. Ct. Rep., 249.)

A city physician, though duly elected by the city council, is not ex officio a member of the board of health, where the ordinance making him such is invalid. (*Attorney General v. McCabe*, 52 N. E. Rep., 717.)

It is competent for the legislature, in the preservation of the public health and prevention of the spread of disease, to appoint or direct the manner of appointing persons to act as health officers and to impose the expenses incurred by them in the performance of their duties on the municipality for which they are appointed. (*Keefe v. Union*, 56 Atl. Rep., 571.)

It is competent for the governor to appoint women as members of the State board of health. (*In re Opinion Justices*, 136 Mass., 578.)

Law giving preference to veterans does not apply to members of boards of health of villages. (*People v. Board of Trustees*, 159 N. Y., 568.)

In the absence of statutory authority, the city council of a city can not delegate to the mayor its power to appoint a board of health. A person elected under St. 1873, ch. 246, sec. 13, city physician of Gloucester, which city is not shown to have accepted St. 1877, ch. 133, relating to the board of health in cities, appears to have been duly elected; but he is not ex officio a member of the board of health under the provisions of an ordinance which purports to delegate to the mayor the power of the city council to appoint a board of health. An alien is eligible to the office of city physician of a city, if he is not ex officio a member of the board of health. (*Attorney General v. McCabe*, 172 Mass., 417.)



In the cities and towns of this Commonwealth there is no power to remove public officers except that which is given by the statutes. Public officers, even when elected by the voters of a town to perform statutory duties which involve the expenditure of money properly raised by local taxation, are not the agents of the town. The members of the board of health of a town can not be removed by a vote of the inhabitants of the town. (*Attorney General v. Stratton et al.*, 194 Mass. 51.)

Boards appointed by mayor under ordinances not specifying manner of appointing members legal. (*City of Taunton v. Taylor*, 116 Mass., 254.)

A board of health is legally organized if there is a substantial compliance with the requirements of the law. (*Board of health of Trenton v. Hutchinson*, 39 N. J. Eq., 218.)

When law provides manner of appointment and number of members an ordinance changing these provisions is illegal. (*Lozin v. Newark Board of Health*, 48 N. J. Law, 452.)

Residence of members of board of health when necessary to appointment. (*People v. Platt*, 117 N. Y., 159.)

When county judges make appointment to membership in boards of health they may exercise their discretion in filling vacancies without delay. (*In re Board of Health*, 64 Hun, 634.)

Members of village board of health constitute a board de facto, notwithstanding irregularity in the passage of ordinance creating the board. (*Smith v. Lynch*, 29 O., 261.)

Act enabling borough council to establish boards of health not in conflict with constitutional provision forbidding legislature to delegate to any commission power to interfere with municipal duties or functions. (*Smith v. Baker*, 14 Pa. Co. Ct. R., 65.)

Under law authorizing county to make and enforce police and sanitary laws and regulations, boards of supervisors have power to appoint health officers and provide for the payment of their salaries. (*Valle v. Shaffer*, Cal., 81 Pac. Rep., 1028.)

It was contended that the health commissioner of St. Louis was disqualified from sitting as a member of the board of health, when, before the board met, in the written notice issued by him to the relators, calling them to appear before the board to answer the charge as to their works being a nuisance, he stated that in his opinion the works as operated constituted a nuisance and were detrimental to the public health. It was contended that in a proceeding of this kind the party to be affected is entitled to the same degree of impartiality and freedom from preconceived opinions in the members of the board as the law prescribes for a juror who is to try a cause in a court of justice. The court does not agree to the proposition. Proceeding of this kind from necessity must be conducted with less strictness than the trial of a lawsuit in a court of justice. Such proceedings must be conducted honestly and fairly, and with good common sense, but not necessarily with judicial strictness. If a juror has expressed or formed an opinion in a cause to be tried, the court puts him aside, and calls another; but if it puts the health commissioner aside, whom will it call in his place; and if several other members of the board have seen the object complained of, and have formed the opinion that it was a nuisance, and said so, how is the city to proceed to condemn it? The health commissioner is a city officer exercising duties appertaining to his office alone, in-



dependent of his membership in the board of health. But he is also a member of the board of health, and in addition to his duties as health commissioner, he has the duties of a member of the board to perform. Under the provision of the city charter making it the duty of the health commissioner, when a matter injurious to public health is brought to his notice or comes under its observation, to declare it a nuisance by force of his own official judgment and give notice to the offending parties to appear before the board and show cause why the offense should not be abated, he does not by discharging that duty disqualifying himself from the performance of other duties imposed by law in furtherance of the same subject. (*State ex rel. Parker-Washington Co. v. City of St. Louis*, 207 Mo., 354.)

Under a city ordinance, providing for the appointment of a quarantine physician by the local board of health, subject to the order and direction of the board, and eligible to receive compensation for his services, the board could not lawfully and properly elect one of themselves to this office. The ordinance contemplates the existence of a relation between the physician and the board which requires that he shall not be a member of it. He is to make frequent reports to the board, and from time to time is to make recommendations. His charges to the sick are to be only such as the board approve. His personal interest in these charges is inconsistent with the proper performance of his duty, as a member of the board of health, to fix their amount, in the interest of the public and for the protection of his patients.

Action of mayor of city upheld in removing from office, on account of this appointment, members of the board of health, for conduct prejudicial to the welfare of the public service, and inconsistent with and contrary to public policy. (*Gaw v. Ashley*, 195 Mass., 173.)

There being no provision in the charters of cities of the fourth class with reference to the election of health boards, or health officers, sections 2059 and 2060 of the Kentucky statutes apply to such cities. Under the statute, the appointment or removal of health officers is not lodged in the city council. The only authority the council has is to provide for the health officer a reasonable compensation for his services. The power of appointment as well as removal of this officer is vested in the board of health.

The court does not doubt the authority of the council in a proper state of case to enter, independently from the board of health, into a valid contract with a physician to conserve the health of the city, nor does it doubt that a municipal corporation is liable for a breach of valid contract entered into by the city.

It may well be questioned whether a mayor not authorized by ordinance or resolution of the board or council has authority to enter into any contract with any physician to conserve the health of the city or to define or prescribe his duties, unless his action is ratified or approved by the council. (*Young v. City of Ashland*, (Ky.) 125 S. W. Rep., 737.)

#### POWERS.

Laws relating to boards of health apply to all boards of health in existence with the only exception of those specifically exempted. (*People v. Board of Supervisors of Monroe County*, 18 Barb., 567.)

Boards of health retain their powers until successors are appointed. (*Board of Health of Kortright v. Cease*, 53 Hun, 638.)

For powers of municipal authorities acting as boards of health. (*Rae v. Flint*, 51 Mich., 226; *Murray v. Grass Lake Village*, 125 Mich., 5.)



A statute which gives a board of health "all the powers necessary and proper for the preservation of the public health and the prevention of the spreading of malignant diseases," and makes it the duty of such board "to examine into all nuisances, sources of filth injurious to the public health, and cause to be removed all filth found within the town which in their judgment shall endanger the health of the inhabitants," gives express power to decide what is filth; and if a board merely errs in judgment there can be no redress given a party who complains of its acts. (*Raymond v. Fish*, 51 Conn., 80.)

The board's determination of questions of discretion and judgment in the discharge of its duties is in the nature of a judicial decision and within the scope of the powers conferred, and for the purposes for which the determination is required to be made, it is conclusive. It is not to be impeached or set aside for error or mistake of judgment, nor to be reviewed in the light of new or additional facts. The officers or board to whom such determination is confided, and all those employed to carry it into effect or who may have occasion to act upon it, are protected by it and may safely rely upon its validity for their defense. (*Salem v. Eastern Ry. Co.*, 98 Mass., 431.)

Power of the executive committee of the Mississippi State Board of Health. (*Wilson v. R. R. Co.*, 77 Miss., 714.)

Where plans for plumbing installations have been approved by local board, owner must conform thereto. (*Johnston v. Belmar*, 13 Dick., 354.)

Law giving State board of health authority to make rules and regulations does not authorize it to delegate its powers to another board. (*Commonwealth v. Staples*, 77 N. E. Rep., 712.)

A borough board of health may not sue or be sued. It is not a corporation. (*Com. v. Olyphant Borough*, 2 Lack L. N., 181.)

Municipal body may legally prescribe a maximum penalty (within the limits of the charter) and leave it to the trial court to adjust the penalty to the circumstances of the case. (*Atlantic City v. Crandol*, 38 Vr., 488.)

A statute authorizing a board of health to forbid the exercise within the city limits of any trade which is a nuisance or hurtful to the inhabitants, or dangerous to the public health, or the exercise of which is attended by noisome or injurious odors, or is otherwise injurious to their estate, and providing that during the pendency of an appeal to the jury the trade shall not be exercised, is constitutional. (*Taunton v. Taylor*, 116 Mass., 254.)

A town board of health transcends its powers in attempting to award a contract under R. L., chapter 25, section 14, for the removal of ashes and garbage in violation of a direction contained in the vote of the town making the appropriation that the work should be let out to the lowest responsible bidder. (*Oliver et al. v. Gale et al.*, 182 Mass., 39.)

Boards of health have no power to require that wagons used for gathering and removing slaughterhouse refuse and the like be licensed by them, and the imposition of a license fee is an exercise of the taxing power unwarranted by the statutory powers of boards of health. (See *Shoemaker v. Bd. of Health of Gloucester, N. J.*, 81 Atl. Rep., 349.)

Provisions of the Washington State Code creating city boards of health do not apply to any city in which a board of health is organized and a health officer appointed under a special charter. (See *State ex rel. Rose v. Hindley, etc.*, 121 Pac. Rep., 447.)



The health officers of a city are officers of the State, their functions are governmental and are conferred in the interest of the public at large. (*White v. City of San Antonio*, 60 S. W., 427.)

The establishment by the legislature of general and local boards of health is not to be regarded as detracting from the general powers of municipal governments unless that legislative intent clearly appears. (*Nicoulin v. Lowery*, 20 Vr., 391.)

Legal provisions making all necessary expenses and charges for local sanitation a public charge and authorizing local boards of health to bring writ of mandamus to secure proper action by the city, do not confer on the boards unrestricted power to determine by themselves how much money it should expend in any one year, the amount of such appropriation being according to the law to be determined by the mayor and council. (*State v. New Orleans*, 27 So. Rep., 572.)

Law providing that proceedings and actions of boards of health shall be regarded as judicial and prima facie just and legal, does not make the board a court whose orders are final and conclusive. (*Golden v. Health Department of New York City*, 47 N. Y. Sup., 623.)

The secretary of the State board of health is its executive officer and when he is conducting business of the board, within the scope of his authority, he speaks for, acts for, and virtually is the board itself. (*Commonwealth v. Yost*, 13 York Leg. Rec., 33.)

In the exercise of the police power, the legislature may create boards of health and invest them with the powers necessary and proper to prevent the spread of disease and may confer upon cities authority to make regulations for the health of the community. (*Hengehold v. Covington*, 57 S. W. Rep., 495.)

Constitutional provision conferring supervision of matters of public health on the State board of health has no application when the board declines to interfere with municipal ordinances. (*Logan v. Child*, 41 So. Rep., 197.)

Law vesting in the State board of health powers possessed by preceding board do not limit the new board to the exercise of those powers only if the new law has modified and changed previous law. (*Compagnie Française, etc., v. Louisiana State Board of Health*, 25 So. Rep., 591; 186 U. S. 380.)

The police power, which includes control over everything essential to the public health, has been left to the individual States, and the municipal code has vested its authority in a municipality and a board. (*Klopfer v. Board of Health*, 9 N. P. N. S. O., 33.)

\* \* \* it follows that boards of health may not deprive any person of his property or his liberty unless the deprivation is made to appear, by due inquiry, to be reasonably necessary to the public health, and such inquiry must include notice to the person whose property or liberty is involved and the opportunity to him to be heard, unless the emergency appears to be so great that such notice and hearing could be had only at the peril of public safety.

\* \* \* \* \*  
Inasmuch as it is the province of the legislative branch to determine what laws and regulations are necessary to the public health, statutes and regulations made and measures taken under such statutes and intended and adopted to that end are not subject to judicial review; but the courts must determine whether there is any real relation between the preservation of the public



health and legislative enactment or the regulations and proceedings of boards of health under authority of the statute. (*Kirk v. Wyman*, 65 S. E. Rep., 387.)

Notice must be given to the State board of health of an appeal from an order of that board, under Statutes, 1878, chapter 183, section 6. (*Pebbles v. City of Boston*, 131 Mass., 197.)

A person aggrieved by an order of the State board of health, under Statutes of 1871, chapter 167, section 2, prohibiting his carrying on a certain trade, and adjudging it to be a nuisance, has a right of appeal to a jury, although such right is not expressly given by this statute.

A petition for a jury to "either alter or annul in full" an order of the State board of health alleged that the petitioner carried on the business of slaughtering and set forth the order which directed the discontinuance of the business of "slaughtering and rendering." The jury returned a verdict that they did not affirm the order in full and made certain "special findings" that the "jury alter the order" by permitting the continuance of the business of "slaughtering" under certain restrictions enumerated, both the verdict and findings being signed by the foreman and affirmed in court. *Held*, that the verdict and findings were sufficiently clear and formal.

Under General Statutes, chapter 26, section 5, providing that a board of health "shall make such regulations as it judges necessary for the public health and safety respecting nuisances, sources of filth, and causes of sickness," a jury, on appeal from an order of the State board of health prohibiting the business of slaughtering and rendering on certain premises, may alter the order by permitting the business of "slaughtering" under restrictions that the cellar under the slaughterhouse be concreted in concave form; that no swine be kept in or under the slaughterhouse; that all offal and offensive matter be removed from the premises before a certain hour of the day of killing in covered, water-tight boxes or tanks; and that the premises be kept at all times in a condition of neatness and cleanliness acceptable to the local board of health.

The same power by this section is given to the boards of health of towns and cities as is given by Public Statutes, chapter 80, section 93 (R. L., ch. 75, sec. 109), to the State board of health. The only difference is this: That by section 93 (sec. 109) the State board is bound to give notice to a party and allow him a hearing before it can pass an order of prohibition, but under this section the local boards may pass an order of prohibition without any previous notice. (*Belcher v. Farrar*, 8 Allen, 325; *Sawyer v. State Board of Health*, 125 Mass., 182.)

Provision of law authorizing a board of health to employ such persons as shall be necessary to enable it to carry into effect its orders and regulations does not authorize a village board of health to employ regularly an attorney and counselor. (*Reynolds v. Ossining*, 92 N. Y. Sup., 954.)

There are two general principles underlying the administration of government of municipal corporations. The one is that a municipal corporation, in the preservation of the peace, public health, maintenance of good order, and the enforcement of the laws for the safety of the public, possess governmental functions and represents the State. The other is where the municipal corporation exercises those powers and privileges conferred for private, local, or merely corporate purposes, peculiarly for the benefit of the corporation. Under the former the city is not liable for malfeasance, misfeasance, or nonfeasance of its officers. Under the latter it is. With reference to the matters alleged in the petition of appellant, the city, by its officials, was acting for the preserva-



tion of the public health and in a governmental capacity and as an arm of the State government and not in its private capacity peculiarly for the benefit of the corporation.

All the authorities support this conclusion, and there is no deviation from these principles except where the city is made liable by an express statute. (24 Ky. Law Rep., 1804; 13 Bush., 226; 17 B. M., 728; 89 Ky., 279; Dillon on Mun. Corp., 2d vol., 1200; 88 N. W., 695; Am. & Eng. Enc., 2d ed., vol. 20, 1193; 57 Fed. Rep., 905, and 62 Minn., 278; *Having v. Covington*, 78 S. W. Rep., 431.)

Upon their reappointment by the State board the county board had authority to resume charge of the epidemic and to employ physicians for the treatment of patients confined in the pesthouse. This necessarily involved the power and right to discharge those who had been employed by the fiscal court during the interregnum, and it was the duty of the fiscal court to make fair and reasonable compensation to the persons so employed, whether they approved their employment or not. The power to determine what physicians, nurses, guards, and attendants are necessary is left to the discretion of the board of health; but the power to fix the compensation of the persons so employed, like the compensation of the members of the county board themselves, is vested in the fiscal court of the county. But neither the county board nor the fiscal court have arbitrary power in the discharge of their respective duties. The county board could not employ persons grossly in excess of the number required. Neither can the fiscal court refuse to make compensation to persons whom the county board in the exercise of an ordinary discretion thought necessary under the emergency to employ. As appellant was regularly employed by the county board to render the services sued for, he is entitled to be paid by the fiscal court the fair and reasonable value of such services, and the fact that the physician appointed by the fiscal court refused to surrender charge of the pesthouse to appellant by direction of the fiscal court, or to permit him to take charge, is no sufficient reason for refusing to pay him, as the county board had undoubtedly the right to appoint and to continue his employment as long as his services were needed in the treatment of the diseased. It is not denied that he abandoned all his business and stayed during all the period of his appointment at the pesthouse and was at all times able, ready, and willing to discharge the duties for which he had been employed. (*Walker v. Henderson County*, 65 S. W. Rep., 15.)

It was contended that the statute authorizing the State board of health of Illinois issue or refuse licenses to itinerant vendors of drugs, etc., was unconstitutional because it delegated legislative and judicial powers to the board by giving it right to refuse a license for sufficient cause without laying down any rule for its guidance. And the court says that it is the province of the legislature, alone, to enact law, and that power can not be delegated to any other body. A law must be complete in all its terms and conditions when it leaves the legislature, so that every one may know, by reading it, what his rights are and how it will operate when put into execution. But this section is complete in all its terms, and it does not confer on the State board of health any power to legislate or to make any law. The only powers delegated to the board pertain to the execution of the law. Had this section given the board arbitrary power, in its discretion, to refuse to issue a license in any case it would then be open to the objection urged. As it stands, this section merely confers on the board, by express terms, that power and authority which it would have possessed had the clause complained of been entirely omitted.

This statute is designed to protect the public health and is a proper exercise of the police power of the State.



Under this act the State board of health is not vested with an arbitrary discretion, but on the contrary, is only authorized to refuse a license for sufficient cause. Should the board exercise this discretion unreasonably or unfairly its action would be subject to review by the courts. The act is not subject to the objection that it confers legislative powers on the State board of health. (*People v. Wilson*, 249 Ill., 195.)

Assuming, without deciding that the Indiana State board of health has authority to condemn a school building and prevent its use for school purposes in its then present condition on purely sanitary grounds, such an assumption does not carry with it the inference that such condemnation requires the destruction of the building. At most all the State board of health can require is that the building be made sanitary. Whether this shall be done by repairing the old or rebuilding the new one is for the proper local authorities to determine. (*Advisory Board of Coal Creek Township v. Lewandowski*, 84 Ind., 346.)

Board of health records not evidence between private parties. Within its legitimate objects and purposes the record in question is proper evidence. In the absence of positive declaration on the part of the legislature, it will not be presumed that the right of private citizens are to be foreclosed by the opinion of a public health officer contrary to the general rule of evidence, however learned or conscientious that officer may be. (*Brotherhood of Painters, etc., v. Barton*, 92 N. E. Rep., 64.)

It must now be conceded that a court is not authorized to adjudge a statute unconstitutional where the question of its constitutionality is at all doubtful. The question of the constitutionality of every law is first determined by the legislature itself, and every presumption is in favor of its constitutionality. Therefore it must clearly appear that the law is in direct conflict with the inhibitions of the constitution before a court will declare it unconstitutional. Nor has the question of the wisdom of the legislation anything to do with determining its constitutionality. That question is for the legislature, and whether the court agrees with it in that particular or not is of no consequence. It is solely a question of power. If the legislature has the constitutional power to enact a law, no matter whether the law be wise or otherwise, is no concern of the court. If the legislature has not the constitutional power to enact the law, it is not important how wise, necessary, or beneficent the legislature may be, it is necessarily void as being in conflict with the organic law of the State. The court will not measure its opinion with the opinion of the legislative branch of the government upon questions of the expediency, justice, or necessity of a law. In the case of *Lindsay v. Commissioners* (2 Bay., 61) the court used this language: "In exercising this high authority the judges claim no judicial supremacy; they are only the administrators of the public will. If an act of the legislature is held void, it is not because the judges have any control over the legislative power, but because the act is forbidden by the constitution and because the will of the people, which is therein declared, is paramount to that of their representatives expressed in any law."

This particular legislation now under consideration is designed to preserve and protect the public health and comfort, and therefore falls directly within the police power of the State. This power includes anything which is reasonable and necessary to secure the peace, safety, health, morals, and best interests of the public. It is now the settled law that the legislature of the State possesses plenary power to deal with these subjects so long as it does not contravene the Constitution of the United States or infringe upon any right granted



or secured thereby, or is not in direct conflict with any of the provisions of the constitution of this State and is not exercised in such an arbitrary and oppressive manner as to justify the interference of the courts to prevent wrong and oppression. The right of a court to interfere with the legislature of a State in the exercise of police power is very clearly expressed by Mr. Justice Harlan in the case of *Jacobson v. Massachusetts* (197 U. S., 11): "If there is any such power in the judiciary to review legislative action in respect of a matter affecting the general welfare, it can only be when that which the legislature has done comes within the rule that if a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the constitution." This doctrine has also been declared in the case of *Mugler v. Kansas* (123 U. S., 623); *Minnesota v. Barber* (136 U. S., 313, 320); *Atkins v. Kansas* (191 U. S., 207, 223). The possession and enjoyment of all rights guaranteed to the citizen under the Constitution of the United States and the State of Ohio are subject to such reasonable conditions as may be deemed by governing authority of the State essential to the safety, health, peace, good order, and morals of the community. It is said by Mr. Justice Field in the case of *Crowley v. Christensen* (137 U. S., 86) that "even liberty itself, the greatest of all rights, is not unrestricted license to act according to one's will. It is only freedom from restraint under conditions essential to the equal enjoyment of the same right by others. In the case of *Holden v. Hardy* (169 U. S., 366) it was held that "it is as much for the interest of the State that the public health should be preserved as that life should be made secure. With this end in view quarantine laws have been enacted in most, if not all, of the States; insane asylums, public hospitals, and institutions for the care and education of the blind established, and special measures taken for the exclusion of infected cattle, rags, and decayed fruit. In other States laws have been enacted limiting the hours during which women and children shall be employed in factories; and while their constitutionality, at least as applied to women, has been doubted in some of the States, they have been generally upheld." In this State the authority of the general assembly to exercise the police power of the State is no longer an open question. It has been settled by numerous adjudications that such power may be exercised by the general assembly of the State according to their judgment and discretion in any manner not inconsistent with or repugnant to provisions of the State or Federal constitutions. (*Commissioners of Champaign County v. Church*, admr., 62 Ohio St., 344; *Railway v. Cook*, 37 Ohio St., 265; *Railroad Company v. Sullivan*, 32 Ohio St., 152; *Railroad Company v. Railroad Company*, 30 Ohio St., 604; *Railroad Company v. Troy*, 68 Ohio St., 510.)

It is true that the mere assertion by the legislature that a statute relates to the public health, safety, or welfare, does not bring that statute within the police power of a State. It must appear from the statute itself that its real intent and purpose is the conservation and preservation of public health, public safety, or public morals, and when this fully and clearly appears, then the doctrine announced in the case of *Jacobson v. Massachusetts*, supra, applies, and a court will then only inquire whether such legislation is "beyond all question a plain, palpable invasion of right secured by the fundamental law." The legislation we are considering admits of no doubt as to the purposes to be subserved thereby. It is clearly an effort on the part of the legislature of the State to preserve and protect the public health and comfort, and the only remaining



question for this court is, whether it clearly appears that this legislation is in conflict with organic law.

The powers of a municipal corporation are delegated powers. It is a creation of statute over which the general assembly of Ohio has as sovereign control as it has over any other part of the territory embraced within the State limits, and the municipal legislature has such power only as the legislature of the State sees fit to confer upon it, and it may grant or withhold at pleasure. A municipality is at best but a mere agency of the State, and its right to control its own local affairs rests only on the general grant of powers by the general assembly of the State. The State is still the sovereign and may extend, limit, or revoke these powers at will. In granting to a municipality certain powers to be exercised for the benefit of the public health of that municipality the State has not relinquished its authority and control in this important particular over any of the territory comprised within the limits of the State. The duties and powers of the State board of health extend throughout the State, irrespective of political divisions or territories embraced within municipalities.

The general provisions for the preservation of the life and health of the people of this State are no more suspended in the territory comprised within a municipality than are the criminal laws of the State, and the case now under consideration would illustrate the folly of a State delegating to any municipality full and complete control of matters pertaining to the public health. A municipality might then in the preservation of sanitary conditions in its own territory work incalculable mischief to the health and comfort of people living in adjacent territory. To prevent this being done, it is primarily necessary that there should be one central authority clothed with the power of affording equal protection to all. The provision in this legislation by which a municipality may challenge the judgment of a State board of health and submit the question to a board of arbitration composed of men skilled in sanitary work is a most liberal provision so far as municipalities are concerned, and far more liberal than many of the statutes relating to the powers of a State board of health. There is no theory upon which a mere agency of the State has a right to litigate the right of the State to enforce through any agency it pleases sanitary rules and regulations for the preservation of the health and comfort of all the people of the State.

The State does not seek to control the discretion of the municipal authorities in this matter, but on the contrary refuses to commit to them any discretion touching the particular matters committed to the care and control of the State board of health. In so far as they are charged with any duty in reference to the carrying out of the orders and directions of the State board of health they are ministerial officers only, and it is fully settled that a public officer may be required to perform a ministerial act and that a failure or refusal by such officer to perform a ministerial act may be made a criminal offense and punished as a misdemeanor. The question whether he is guilty of this misdemeanor is a proper question for judicial inquiry, and if he be innocent of any dereliction, neglect, or refusal on his part, the courts will protect him. The law in this respect does not seek to deprive him of liberty or property without due process of law, nor does it deny to him equal protection of the laws. In our system of government there is nothing anomalous in the fact that an officer that is vested with official discretion in many matters and things pertaining to his office may nevertheless be required to perform certain ministerial duties. In so far as official discretion is concerned, courts will not interfere unless he is guilty of a plain abuse of discretion, but ministerial acts may always be enforced, and there is no constitutional objection to imposing upon him, for failure to perform ministerial duties, a fixed penalty, or a penalty within fixed limits, to be imposed by the tribunal authorized to determine his guilt or innocence.



If the city possessed the absolute right to discharge its sewage into a living stream of water, thereby polluting the same and destroying all riparian rights below and creating a menace to the health and comfort of those living on the banks of this stream below the point of discharge, then it might be said that any change in the manner of sewage disposal would not be for the benefit of the city, but for those citizens of the State residing below the outlet of the city sewers. But the city has no such absolute right, and whenever this condition of affairs exists it is right and proper for the State to interfere and to prevent it from a further continuance of this nuisance, and the city then having no other means for the disposal of its sewage, it is primarily for its benefit that such disposal plant must be established. While it then becomes largely a local improvement, yet it is not one that the State has delegated to the municipal authorities complete and absolute control thereof. The health of the inhabitants of the city is still a matter of concern to the State, and of such vital concern that the general assembly has not thought proper to commit it exclusively to the control and discretion of men who may not have any particular ability or experience in sanitary affairs. The loss of a single life is a direct economic loss to the State, and, therefore, it wisely refrains from committing to inexperienced people final discretion as to the means and methods of preserving the life and health of its citizens, but aside from the concern of the State for the health and comfort of the residents of any one city, its vigilance seeks to serve a larger purpose. Cities are no longer enclosed by stone walls and separate and apart from the balance of the State. The sanitary condition existing in any one city of the State is of vast importance to all the people of the State, for if one city is permitted to maintain sanitary conditions that will breed contagious and infectious diseases, its business and social relation with all other parts of the State will necessarily expose other citizens to the same diseases. But with the wisdom or folly withholding from the local authorities final discretion over these matters, we are not concerned. It is beyond question the right of the general assembly to do so, and the court need not and ought not to inquire what motives moved it in withholding such power.

It will be seen that municipal corporations have not plenary power to levy taxes, but are subject in that behalf entirely to the will of the general assembly of Ohio as expressed in the statutory laws of this State. This law does not pretend to clothe the State board of health with the power to levy taxes, but it does confer on that board the power to determine, subject to the right of appeal to a board of arbitrators, as therein provided, the right to require the city to install works or means satisfactory to the board for purifying or otherwise disposing of its sewage, and leaves to the municipal authorities the duty of complying with this order and of providing by taxation the means with which to comply therewith. This legislation does not differ in any particular with many other provisions relating to the power of the State board of health. We must not overlook the fact that the general assembly is sovereign. It creates this State board of health as an agency to assist it in that important function of government looking to the preservation of public health and comfort, and authorizes it to determine what will best conduce to such ends, and then it directs other agencies of the government to carry into effect the orders and directions of that board. It could do all this without the aid of any agency. The fact that a principal employs an agent in the conduct of his business in no way curtails the power and authority of the principal. This provision in section 6 of article 13 of the constitution is not unlike the provision contained in section 7 of article 10 relating to counties and townships.

In this case it is apparent that the tax is levied for governmental purposes clearly within the powers of the general assembly, notwithstanding it is espe-



clally for the needs and the benefits of the city of Greenville and is primarily for the corporate purposes of the city of Greenville. This fully appearing, it is not arbitrary or unfair to require that city to bear the burden and to conform to the orders and requirements of the State board of health by discontinuing the discharge of its sewage into a living stream and providing a proper disposal plant, so that the health of not only the citizens of the State residing in that city shall be preserved and protected, but of all the people in the State coming in business or social relation with them. The State would be powerless to perform this important function of government if the local officers were permitted to exercise their discretion in levying or refusing to levy a tax for that purpose. (*State Board of Health v. City of Greenville, Ohio, Sup. Ct., April, 1912.*)

By legislative act, the State has said that no polluting sewage and no human excrement shall be discharged into any stream which is the source of water supply for a city or town until such deleterious matter is rendered harmless by some means of sewage purification acceptable to the State board of health. The board is also authorized to make or cause to be made a thorough investigation in a case of this character; and if in the judgment of the board the public health so requires, the board may make an order prohibiting any city from extending a sewer into a river, and directing that the city at as early date as practicable dispose of its sewage in some sanitary manner acceptable to the board. This act does not contemplate a public trial, but rather an *ex parte* investigation; and the legislature, being the repository of the police power of the State, could designate the State board of health as its agent and prescribe the manner in which such police power should be exercised. If the board informs itself by any means, the fact that testimony is not taken is altogether immaterial. (*Miles City v. Montana State Board of Health, 102 Pac. Rep., 696.*)

The public good is an extraordinary right, justified only by absolute necessity. Where the public good can be conserved by the regulation of a right, the power to destroy does not exist. It would seem undoubted that the harvesting of ice might be placed under such regulations as to give substantial guaranty that the purity of the water would not be endangered. With the possibility of efficient regulation, to prohibit the cutting of ice, or of the necessary means thereto, is beyond the power of the health officer. A contrary holding would work both private and public mischief. Much of the ice throughout the State is harvested from lakes or ponds, which are to an extent the source of the water supply of cities and villages. The power to prohibit the taking of ice from such sources would deprive the public of a large part of the ice which is now furnished for its health and comfort. These considerations are not without weight in the condemnation of a health order so drastic as the one involved in this case, which prohibited the cutting of ice with men and teams on lakes and ponds used as a source of water supply for cities and villages. (*People v. Kirk, 119 N. Y. S., 862.*)

Section 142 of the Alabama act of August 13, 1907, confers on municipalities the power to adopt ordinances to prevent the introduction of contagious, infectious, or pestilential diseases, to establish and regulate a sufficient quarantine not inconsistent with the laws of the State, to adopt ordinances and regulations to insure good sanitary conditions in public and private places, and to prescribe the duties and fix the salaries and compensation for such health officials as they may deem necessary. This section is an amplification in one direction of the general power conferred by section 80, by which municipal corporations are given power to adopt ordinances not inconsistent with the laws of the State, to carry into effect or discharge the powers and duties conferred, and to provide for the safety, health, prosperity, morals, order, comfort, and convenience of the inhabitants of the municipality.



Bacteriology is the science which investigates bacteria and other microbes, especially their life history and agency in the production of disease. Ordinances providing for bacteriologic investigation and research have a just and reasonable, not to say necessary, relation to the health and safety of communities. It will not be denied therefore that the general and special powers conferred by the two sections of the act referred to are amply broad to justify the ordinance of the city of Birmingham creating the office of city bacteriologist.

The health and quarantine law and the municipal code law cover in part the same field so far as cities and towns are concerned. The fact that they were passed by the same legislature and so nearly together creates a strong presumption that no conflict was supposed to exist. The court finds no conflict in the letter of the two statutes, nor does it think the duties imposed by the ordinance on the bacteriologist are of such a nature as to give rise to conflict between that official and the health officer provided for in the health and quarantine law. The former is nothing more than an agent for gathering information, as the ordinance shows. Such information will be valuable to the officers and people of the municipality in the conduct of its government within the limits of its unquestioned powers. It can in no wise curtail the powers of the health officer, nor interfere with their complete beneficial exercise, that one or a dozen bacteriologists appointed or elected by the city may cover the same ground for the purpose of getting information. The court discovers in the health and quarantine laws of the State no expressed or implied purpose to deny to a municipal corporation the authority to procure for the use of its officers and people in the administration of their affairs expert knowledge of things which may affect the safety, health, and comfort of the community. (*State ex rel. Sholl v. Duncan* (Ala.), 50 So. Rep., 265.)

The authority to preserve the health of the inhabitants is lodged in the municipality, and the members of the board of health are officers of the city. It is for this reason that suits to enforce the orders of a board of health are uniformly brought in the name of the city or town since the decision in *Winthrop v. Farrar* (11 Allen, 398). (*Trowbridge v. Tupper* (Mass.), 96 N. E. Rep., 1096.)

A health officer who is expected to accomplish results must possess large powers and be endowed with the right to take summary action, which at times must trench closely on despotic rule. The public health can not wait on the slow processes of a legislative body or the leisurely deliberation of a court. Executive boards or officers who can deal at once with the emergency under general principles laid down by the lawmaking body must exist if the public health is to be preserved in cities. (*State ex rel. Nowotny v. Milwaukee* (Wis.), 121 N. W. Rep., 658.)

The Missouri State Board of Health is not a court—is not a judicial tribunal. It can issue no writ. It can try no case—render no judgment. It is merely a governmental agency, exercising ministerial functions. It may investigate and satisfy itself from such sources of information as may be attainable.

To guard and protect the health and welfare of its people the State must have its ministerial agents or officers and intrust them with power. If every administrative act that looks to the enforcement of the law should be required to be reduced to the compass of a lawsuit and be put in effect only after a court had at the end of a formal trial stamped its judgment on it, the Government would make slow progress. There must be trust reposed somewhere and the power to execute the law. The general assembly has taken great care to secure trustworthy men to perform the duties that are devolved on the State board of health. The duties of the board are of an administrative or min-



isterial character, and therefore, as long as its acts are within the scope of the exercise of a reasonable discretion, it is free to act. If perchance, through a misunderstanding of the law, the board should refuse to perform a given duty, the writ of mandamus will right the wrong, but the writ of prohibition does not go against such a body. It goes only against a court or tribunal exercising judicial functions. (*McAnally v. Goodier*, 195 Mo., 551.)

The rule of construction applicable to the charters of municipal corporations is equally applicable to the charter of the State board of health. As to municipal corporations, it is well understood that they may exercise not only the powers expressly granted but those necessarily or fairly implied in or incident to the powers expressly granted, and also those which are essential to the declared objects and purposes of the corporation.

The functions for the discharge of which the State board of health is established are of vital consequence to the whole people of the State, affecting them in the manner of health and safety; and there is no reason why a narrower rule of construction should be applied to the power of the board than to those of corporations of comparatively minor importance. (*Louisiana State Board of Health v. Standard Oil Co.*, 107 La., 713.)

The defendant board is not an ordinary corporation. It is a "body politic" with corporate powers. It is a governmental public agency, representing the State in respect to the matters with which it stands intrusted. (*Compagnie Francaise, etc., v. State Board of Health*, 25 So. Rep., 591.)

#### NUISANCES.

Statutes 1897, chapter 510, does not give the State board of health exclusive jurisdiction of nuisances affecting the purity of the sources of water supply. There is nothing in that statute which takes away or limits the power of local boards of health to deal with nuisances in their respective jurisdictions.

Under Public Statutes, chapter 80, section 20 (R. L., ch. 75, sec. 65), giving town boards of health the power to examine into, destroy, remove, or prevent "all nuisances, sources of filth, and causes of sickness" within the town, those boards have jurisdiction over nuisances affecting the purity of the water supply as well as other causes of sickness.

The jurisdiction over nuisances given to town boards of health by Public Statutes, chapter 80, sections 20-27 (R. L., ch. 75, secs. 65, 67-69, 71-74), is summary in its nature, and the orders made thereunder are not subject to judicial examination and revision at the instance of parties affected by them before they are carried out. After they are carried out, however, the questions whether there was a nuisance and, if so, whether it was caused or maintained by the parties charged therewith, may be litigated. (*Stone v. Heath*, 179 Mass., 385.)

Under Revised Laws, chapter 75, sections 65, 67, an order from the board of health of a city or town to the owner or occupier of private premises to remove a source of filth or cause of sickness can not direct that the nuisance shall be abated in a specific way, and the owner may abate the nuisance in any proper manner. (*Belmont v. New England Brick Co.*, 190 Mass., 442.)

An action to recover money expended from the treasury of a city or town by its board of health to remove a nuisance may be maintained in the name of the city or town.

An order of a board of health, under General Statutes, chapter 26, section 8, for the removal of a nuisance, is valid without previous notice to the parties interested and opportunity for them to appear and be heard.



An order of a board of health, under General Statutes, chapter 26, section 8, for removing a nuisance, need not prescribe a mode for the removal, and if it does prescribe a mode the owner of occupant of the property on which the nuisance is found is not restricted thereto. (*Salem v. Eastern R. R. Co.*, 98 Mass., 431.)

An order of a board of health of a city, under General Statutes, chapter 26, section 8 (R. L., ch. 75, sec. 67), directing the owner (or occupant) of land to remove a nuisance in a specific manner, is void. (*Watuppa Reservoir v. Mackenzie*, 132 Mass., 71.)

In the absence of statutory authority, neither the board of health nor the city council of a city has any power to erect a dam on a person's land without his consent for the purpose of abating a nuisance on adjacent land. (*Cavanagh v. Boston*, 139 Mass., 426; cf. *Huse v. Amesbury*, 163 Mass., 240.)

A notice issued under Public Statutes, chapter 80, section 21 (R. L., ch. 75, sec. 67), by the board of health of a town to the occupant of certain premises, ordering him to remove the nuisance existing thereon, may be served by a constable, although he is a member of the board of health and signs the notice. (*Commonwealth v. Alden*, 143 Mass., 113.)

Under Statute 1868, chapter 160 (R. L., ch. 75, sec. 75, *et seq.*) a board of health may act by a committee in abating a nuisance. (*Grace v. Newton Board of Health*, 135 Mass., 490.)

*Liability of health officer.*—The determination by a health officer that a nuisance or cause of sickness dangerous to health exists affords no protection to persons destroying private property, which in fact is no such nuisance or cause of danger, in pursuance of such determination, and does not preclude a recovery by the owner of the property for damage sustained by its destruction if it be found that he has been unjustly deprived of it. (*Lowe v. Conroy*, 97 N. W., 942.)

*Powers of board; rights of property owner.*—Before a final and conclusive determination can be made that property is a nuisance and its destruction can be ordered and enforced, the owner of it must have a hearing, as a matter of right, and the right to a hearing must be found in the statute. Boards of health can not, as to any existing state of facts, by their determination make that a nuisance which is not so in fact. It is the actual existence of a nuisance which gives them jurisdiction to act; if that actually exists and the jurisdiction of the board is regularly exercised, its order has all the operation and effect given it by statute, and the persons who abate the nuisance have the protection which they would not have as private persons abating, not a private nuisance especially injurious to them, but a public nuisance injurious to the general public. If there is doubt as to whether property is a nuisance or not the board should proceed by action to restrain or abate the nuisance and thus have the protection of a judgment for what it may do. If property is threatened with destruction or is actually destroyed, the owner of it may have his action in equity to restrain the destruction, if equity has jurisdiction under the facts, or he may bring a common-law action against all persons engaged in the abatement of the nuisance to recover his damages, and if he shows that the alleged nuisance did not in fact exist he will be entitled to judgment notwithstanding the action of the board. (*People v. Board of Health*, 140 N. Y., 1.)

If the selectmen of a town, acting as a board of health, after passing a general order, under General Statutes, chapter 26, section 52, forbidding the



exercise of an offensive trade or employment therein, without first giving notice to those who at the time were engaged in carrying on the same, and after giving notice of the passage of such order to a person so employed, subsequently, and before the expiration of the three days allowed by section 56 for an appeal therefrom, give notice to such person of the presentation of a petition to them, praying for the passage of a similar order upon him, and appointing a time and place for a hearing, and if they do this with the intention of preventing him from availing himself of his right of appeal from the order which they have already passed, and he is thereby so prevented, and thereby loses his right of appeal, this court will not enforce the order of the board of health by a process in equity. And if they have done this without an intention to mislead him or to deprive him of his right of appeal, but he and his counsel have been actually mistaken in regard to his right to appeal from the order, and he has lost his appeal by reason of this mistake, and the consequences to him will be serious, this court in its discretion may and will refuse to enforce the order. (*Winthrop v. Farrar*, 11 Allen, 398.)

In the above case (*Belcher v. Farrar*, 8 Allen, 327) Bigelow, C. J., says: "If, as preliminary to the exercise of any jurisdiction over the subject matter, the selectmen were required to give notice to all persons exercising offensive trades or employments within the limits of the town of their intention to prohibit the continuance of them, it would follow necessarily that such persons would have a right to appear and object, and ask for a hearing and trial on the question whether the use of their property was hateful or noxious, so as to fall within any of the classes contemplated by the statute. This would often lead to protracted examinations, which might occupy days or weeks. If, in the meantime, the alleged offensive and noisome trades might be carried on, great injury to health might be occasioned; and it would be impossible to prevent the evils which it was the manifest object of the statute promptly to suppress."

It is questionable whether the prohibition of offensive trades is a proper subject of a by-law or ordinance, because that matter is specially provided for by statute; and to prohibit their exercise in any particular locality in a town or city by by-law or ordinance would interfere with the right of appeal to a jury which the statute secures. (*Commonwealth v. Patch*, 97 Mass., 223.)

An order of the board under this section is not in the nature of an adjudication of a particular case, but of a general regulation of the trade or employment mentioned therein. It is not to be construed with technical strictness, but with the same liberality as all votes and proceedings of municipal bodies or officers who are not presumed to be versed in the forms of law; and every reasonable presumption is to be made in its favor. It need not state in direct terms that the trade which it prohibits is a nuisance. It is sufficient if the order clearly shows that, in the opinion of the board, the exercise of such trade will be hurtful to the inhabitants, or injurious to the public health, or be attended by noisome and injurious odors. (*Taunton v. Taylor*, 116 Mass., 261.)

A board of health may regulate as well as prohibit the exercise of offensive trades. (*Sawyer v. State Board of Health*, 125 Mass., 195.)

Power may be conferred on boards of health to abate nuisances, when. (*Waters v. Townsend*, 65 Ark., 613; *Gaines v. Waters*, 64 Ark., 609.)

It is not necessary that a complaint to recover the forfeiture provided by Public Statutes, chapter 80, section 21 (R. L., ch. 75, sec. 67), for permitting



a nuisance to remain on the premises after the time prescribed by the board of health of the town for its removal, should be made by the town treasurer, but it may be made by an agent of the board of health, appointed under Public Statutes, chapter 80, section 16 (R. L., ch. 75, sec. 13).

An omission in a complaint, under Public Statutes, chapter 80, section 21 (R. L., ch. 75, sec. 67), for permitting a nuisance to remain on the premises after the time prescribed by the board of health of the town for its removal, to allege that the complainant is an agent of the board of health, he being in fact such agent, is at most a formal defect, which can be availed of only by a motion to quash.

A notice issued, under Public Statutes, chapter 80, section 21 (R. L. ch. 75, sec. 67), by the board of health of a town to the occupant of certain premises, ordering him to remove the nuisance existing thereon, may be served by a constable, although he is a member of the board of health and signs the notice. (*Commonwealth v. Alden*, 143 Mass., 113.)

A board of health has no authority to enter upon the lot of a property holder for the purpose of digging a cesspool thereon as a receptacle for drainage from the property which collects in pools on the streets and becomes stagnant. There are other adequate remedies to abate a nuisance of this kind. The board may remove the nuisance from the street. (*Smith v. Baker*, 14 Pa. C. C., 65 (1893); S. C., 3 D. R., 626.)

The board of health or municipality has abundant powers to declare to be a nuisance and to abate whatever is per se a nuisance at common law, and while such determination may not be final and conclusive, the court should declare it if the uncontradicted evidence establishes a nuisance per se; if not, the case is for the jury. (*Commonwealth v. Yost*, 11 Pa. Sup. Ct., 323 (1899).)

The power to designate a place for the deposit of night soil, although not given to health boards in express terms, is necessarily incident to the general jurisdiction of such bodies over cesspools and the removal of their contents. (*Courter v. Newark*, 25 Vr., 325.)

Sections 2143-2146 of the Revised Laws of Minnesota providing for abatement by the State board of health of premises and occupations menacing to public health are an exercise of the police power of the State, a sovereign power, for the protection of public health, comfort, and safety. They are clearly constitutional unless it is an arbitrary and unnecessarily oppressive use of the power.

A sufficient answer to the argument about the right of appeal being arbitrarily burdened with oppressive and unnecessary conditions is that the right of appeal is neither a natural nor a constitutional right but a statutory one which the legislature may give or not in its discretion, and if it gives the right it may give it on such conditions as it may deem proper. (*J. L. McMillan Co. v. Minnesota State Bd. of H.*, 110 Minn., 145.)

By section 1713d of the Virginia Code, the local board of health is authorized, among other things, to see to the abatement of nuisances. But there is no provision in that section, or elsewhere in the Virginia statute law, which makes the county liable for the value of property destroyed as a nuisance by the local board of health. Without such a statute, it seems to be well settled that there can be no recovery against a city, and still less against a county. (*Louisa County v. Yancey's Trustee*, 109 Va., 229.)



## COMMUNICABLE DISEASES.

The statutes and ordinance referred to are intended as an exercise of the police power of the government to promote the public welfare, even at the expense of private rights. The preservation of the public health has always been held a proper exercise of police power. Said Mr. Justice Bradley, in *Boston Beer Co. v. Massachusetts* (97 U. S., 25): "Whatever difference of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection of the lives, health, and property of the citizens."

There can be no doubt in order to prevent the spread of disease, and to provide healthful conditions for the public, boards of health and like commissions may be created and invested with power necessary and proper for such purposes. And in determining the validity of the acts of such boards and their officers, a liberal construction is justified, in view of the public good to be accomplished. (*Perth Amboy v. Smith*, 19 N. J., 52.)

There can be no doubt of the power of the State legislature to create State boards of health for the preservation of the general health of the State, to confer upon cities and counties authority to make regulations for the health of their communities, and even to create separate corporations, differing from political subdivisions, with like powers within their limits. (*Wilson v. Sanitary Dist.*, 133 Ill., 466; *Nicoulin v. Lowery*, 19 N. J. L., 391.)

Both in England and the United States such powers have been almost uniformly delegated to boards of health of municipal corporations to enact rules for the preservation of public health, having the force of law within their respective communities, and it would seem that, in the absence of express authority, municipalities have an implied power to enact reasonable ordinances to preserve the public health and to prevent and to remove nuisances. (*Dillon Mun. Corps.*, sec. 308; *Baker v. Boston*, 12 Pick., 193; 22 Am. Dec., 421.)

Under its general powers to guard against epidemic diseases, a board of health may control and isolate persons affected with the disease; and this power seems expressly delegated to the local boards by the provision that they are empowered "to inaugurate and execute" \* \* \* such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of \* \* \* epidemic disease, and to this end may bring the infected population under prompt and proper treatment during premonitory and other stages of disease." \* \* \* It is certainly a reasonable regulation which provides for the removal of such cases to a pesthouse in good sanitary condition, provided with nurses and physicians, for the treatment of patients suffering with the disease. We are, therefore, of opinion that the local board, or a quorum thereof, has undoubtedly power to order the removal of an infected patient to the pesthouse.

It is a narrower question, in view of the fact that the legislature has given this power to the board, whether the municipality can confer such power upon less than a quorum, or upon the health officer appointed by the quorum. But the charter of cities of the second class gives power "to establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious disease in the city and within two miles thereof; \* \* \* to establish and maintain public hospitals within or without the city, \* \* \* and to secure the general health of the inhabitants by any necessary measure."

The general rule upon this subject is that laws establishing State boards and laws establishing local boards shall be construed together, so as to give effect



to both. We think this rule should be applied in this case to the general law as to the powers of local boards, and the city charter expressly authorizing the municipality to enact regulations in their behalf. It follows, therefore, that the city is authorized to make additional and reasonable regulations to prevent the spread of epidemic diseases.

The only remaining question, therefore, is whether a regulation empowering three members of the board, or the health officer elected by the board, to order the removal of a smallpox patient is a reasonable regulation. We think it is, especially as there is provided an appeal to the board, and a requirement of action by the board itself upon a certificate by the attending physician that the removal would endanger the patient's life. In such case the necessity for immediate action is imperative, and it is not unreasonable to permit the health officer, or less than a quorum of the board, to order such removal, in a case where it does not appear that the removal would endanger the patient's life. For the reason given the judgment is affirmed. (*Hengehold v. Covington*, 57 S. W. Rep., 495.)

Local boards of health have ample power to prevent spreading of contagious skin diseases in barber shops. (*La Porta v. Board of Health*, 42 Vr. 88.)

By section 2059 of the Kentucky Statutes it is made the duty of every city of the State with over 2,500 inhabitants to appoint a board of health, and these boards are given the same power and jurisdiction in their territory as have the county boards, and are burdened by the same duties and obligations; and by section 2060 it is provided that each city, town, or county shall pay its own board of health.

By section 3490, subsection 6, cities of the fourth class are empowered to provide by ordinance for the regulation and prevention of contagious diseases, and all necessary powers given to provide for the city board of health provided by section 2059.

We are of opinion that, construing these two provisions of the law, it is clearly the duty of the cities of the State of over 2,500 inhabitants to care for and maintain, through their own board of health, all cases of contagious disease, and of such other matters as come within the jurisdiction of the board of health.

The jurisdiction of the city boards of health, being equal in all cases to that of the county boards, must be held to be, so far as the territory of the city is concerned, exclusive of the county board, and the expenses of the city must be borne by the city and not by the county.

If, as alleged in the answer, all the cases of smallpox attended by appellee were in and of the city of Middlesboro, they come within the jurisdiction of the city board, and without the jurisdiction of the county board of Bell County, and for services rendered therefor appellant is not bound. (*Bell County v. Blair*, 50 S. W. Rep., 1104.)

It was undoubtedly proper for the fiscal court to take charge of the epidemic during the time there was no local board. But it seems to us undeniable that, under the grant of power to "bring the infected population under prompt and proper treatment during premonitory or other stages of disease," the board had authority to take charge of those suffering from the epidemic or suspected of infection, and this necessarily implies the custody and charge of the pesthouse wherein the patients were confined. In executing this power it was of course necessary to employ physicians, nurses, etc. The board had no power to fix their compensation. That compensation, like the compensation of the members of the board themselves, was left to the discretion of the fiscal



court—not to its arbitrary discretion, but to a discretion governed by the value of the services. (*Stephens, County Judge, v. Allen*, 19 R., 1707; *Nelson County v. Town of Bardstown*, 7 R., 41.)

While the board is not by statute made a corporation, it is created as an agency of the State. A similar agency has been, in the case of *Gross v. Ky. Board of Managers World's Columbian Exposition* (49 S. W., 458), held suable as a corporation. And while penalties are imposed for failure to observe the regulations and orders of the board, we do not think the enforcement of such penalties by the criminal courts is their only remedy. The board is a high governmental agency, endowed by law with distinct legal rights, and charged with corresponding important duties. In order to the performance of those duties its rights must be enforced, and the courts of the Commonwealth afford the proper means for their enforcement. (*Henderson County Board of Health v. Ward*, 54 S. W. Rep., 725.)

The statutes (secs. 2047-2072, Kentucky Statutes) provide a State board of health, with large and important duties and powers conferred upon it. Its members, excepting the secretary, are appointed by the governor and upon the advice and with the consent of the senate. They, besides personal duties devolved, are required to appoint local or county boards of health in each county to assist in the execution of such sanitary and precautionary measures against epidemics and contagious diseases as the State board may promulgate or the county boards deem necessary. The powers conferred upon these boards by the statute are extraordinary and justified, in so far as they will be sustained, only by the extreme exigencies calling for their existence. Among the duties of these boards is to require sanitary cleansing and disinfection of premises and the isolation and quarantine of persons afflicted with certain highly contagious diseases, such as smallpox. The State board is composed of doctors of medicine supposedly qualified to deal intelligently with that particular situation. It is true there is no express provision of the statute for paying any of the expenses necessarily incurred by these county boards except for the services of the members. It can scarcely be supposed that the legislature has done a thing so idle as to provide such an elaborate system for dealing with infectious diseases which threaten the health of the public without intending that the expenses necessarily incurred by the boards should be paid for. It was competent for the legislature, in the exercise of the police power of the State, to provide for the detention of persons infected with contagious diseases and for their treatment at the public expense. If the legislature had required the several counties or cities to do it, as they do with reference to these paupers, it would not be questioned that the counties and cities would be liable for the expenses.

The State board of health are State officers, with fixed terms, jurisdiction, and duties. The State pays them and provides for their expenses. The county boards of health are county officials, having duties to perform toward the public within their counties; their compensation is required to be fixed and paid through the fiscal courts of the counties. It was competent for the legislature to create these governmental agencies, and to impose upon them the discharge of certain duties to the State and counties. If the legislature sees proper to have the police laws of the State looking to the preservation of the health of the public executed by a body of officials selected and chosen with reference alone to their fitness for that delicate and important task, instead of imposing it on the fiscal courts or town councils, it is clearly within their power to do so. But when they do so, the county board becomes an auxiliary department of the county government. The express authority with which they



are clothed by statute carries with it every implied authority necessary to execute it. As they could not execute the statute for the benefit of the county without incurring a liability to pay it, and as no other means are provided, it follows that the liability must be paid by the county, as its other obligations are, by money derived from county taxes, levied by the fiscal court, the only tribunal authorized by statute for levying county taxes. The judgment and action of the county board of health concerning matters within their jurisdiction ought to be, and are, as conclusively binding upon the county as would be the judgment and action of the fiscal court in making allowances for paupers. A corrupt abuse of their power would be and ought to be punished as other official corruption is.

Probably it would have been better if the county board of health had called on the fiscal court in the first instance for the necessary aid in executing the quarantine and support of the subject. It was doubtless an honest error of the board as to which municipality would ultimately have the bill to pay that led to their calling on the town council instead of the fiscal court. But that error does not change the liability of the one legally bound for it. It merely subjected the town to the chance of losing part of the bill, if any of it should be unreasonable in its charges.

The county board of health seems not to have kept a record of its proceedings at that time. It is urged, with much earnestness and force, that a body exercising the power and duty of incurring almost unlimited debt against the municipality for whom they were acting, must make and keep a record of it—not only for the protection of the people who must pay it, but as a basis of impeachment, if they act improvidently or dishonestly. It is pointed out that no county, or city, or even school district, can become indebted by contract, or act at all, save as it speaks through its records; and that impliedly this governmental agency, if it would bind the public for whom it acts, must likewise act by record. We would be glad if we could hold that such was the law. But we find that in all the instances enumerated where the municipality is bound only when its records bind, it is because of an express statute to that effect. It is a singular oversight in legislation that a similar safeguard, found wise and proper in the instance in every other body that contracts debts on behalf of the public it serves, should have been omitted. But it has not been required, and we can not hold that those furnishing the services and goods for the county at the proper instance of the county board of health should lose their claim because those officials have not done what they were not required to do. (*City of Bardstown v. Nelson County*, 78 S. W. Rep., 169.)

In a suit to enjoin the enforcement of quarantine regulations adopted because of the supposed existence of a contagious disease, the court will not, under ordinary circumstances, undertake to review the findings of the proper health authorities that the disease exists and the quarantine is necessary. (*Jew Ho v. Williamson*, 103 F., 10.)

Under the sections relating to the quarantine of vessels, while the board of health may make regulations relating thereto, extending to all persons, goods or effects thereon, or all persons visiting or going on board the same, they are not authorized to take possession of, control, or appropriate the same, or any part thereof, to the use of a hospital.

Under Public Statutes, chapter 80, sections 40, 41, 75 (R. L., ch. 75, sec. 36), the board of health of a town has no authority to take possession of a dwelling house and the furniture therein, without the consent of the owner and occupant and to his exclusion, and use the house as a hospital for a person found therein



who is infected with a contagious disease, and is too sick to be removed without danger to his health; and the owner can not maintain an action of contract against the town for the use and occupation of the house during the time it was so held by the board of health. (*Spring v. Hyde Park*, 137 Mass., 554.)

A member of the board of health of a town has no authority, against the consent of the owner or occupant, to take possession of a dwelling house in which a contagious disease exists, and of the furniture therein, to the exclusion of such owner or occupant, and to carry away and destroy portions of the furniture, or to station a person on the premises with instructions to prevent ingress to and egress from the same, except in the manner pointed out in Public Statutes, chapter 80 (R. L., ch. 75). (*Brown v. Murdock*, 140 Mass., 314.)

While, when such a disease exists in a town, the board of health are to use all possible care in preventing the spread of infection, and to give public notice "by displaying red flags," and "by all other means which in their judgment shall be most effectual for the common safety," this care is to be exercised in the mode prescribed by law, and with that regard to the rights of others in their persons and property which is shown by other sections of the statute to be required. By the general authority to take such measures as are deemed necessary for the safety of the inhabitants, it is not intended to confer unlimited authority on the board to control persons and property at its discretion. (*Brown v. Murdock*, 140 Mass., 323.)

The board of health of a city can not, without the consent of the owner, lawfully establish and use premises as a hospital for patients sick with the smallpox, except under a warrant issued in accordance with the provisions of Public Statutes, chapter 80, section 43 (acts of 1902, ch. 206, sec. 2).

An owner of land, who is not in possession and has no right of possession thereof, can not maintain an action of trespass *quare clausum fregit*, but may maintain an action for an injury to the reversion.

The owner of a house in a city, which, while in the possession of a tenant at will, is taken and used, without the owner's consent, by the board of health of the city as a hospital for parties sick with the smallpox, may maintain an action against the members of the board for the injury to his reversion, if it appears that such use of the house diminished its rentable value.

A tenant at will in possession of a house in a city can not, as against the rights of the owner, authorize the board of health of the city to establish in the house a hospital for patients afflicted with an infectious disease, and to maintain such a hospital there to the damage of the reversion. (*Hersey v. Chapin*, 162 Mass., 176.)

In carrying out the measures for the stamping out or prevention of contagious diseases, county boards of health are not empowered to interfere with the privilege citizens have of employing their own physicians in case of sickness, or to interfere with the right of regularly licensed physicians to practice their profession when so employed.

The court agrees that, in spite of such employments, the board of health may regulate proper quarantine security and may require reasonable treatment to be administered or taken to eradicate such diseases; but to enforce the regulation is not to monopolize the practice of medicine in such matters, any more than it would be to monopolize that of nursing, feeding, or housing, or of labor necessary to carry quarantine into effect.

The health officer is the executive officer of the local board. He acts for it to execute its lawful demands in such matters. His duty is that of oversight



and direction more than personal execution. The resolution in question was far beyond the jurisdiction of the board to adopt. It may be necessary, and the court thinks it is, that for indigent persons infected with such diseases treated of by the statute the health officer is authorized to treat them, especially in the absence of adequate provision therefor by the fiscal court. But whether he treats them or not, he is authorized to oversee their treatment, and to require it to conform to that prescribed by the State board, if it has prescribed any, or by the county board, in so far as such treatment tends to prevent the spread of the disease among others. The first object of the statute was to prevent the spreading of these highly contagious diseases, and not to take out of the hands of the people the selection of their own means to cure such diseases in themselves, provided such means are reasonably calculated to prevent the spread of the disease to others. (*Trabue v. Todd County*, 125 Ky., 809.)

A health officer who has authority to pass on the sufficiency of the health certificate of a passenger on a railroad train, to entitle the latter to enter a city under quarantine regulations, has also, by necessary implication, authority to prevent him from entering such city, if the certificate, under the health regulations in force, was not such as to entitle him to do so. The conductor is not bound to contest with the health officer the propriety or legality of the exercise of his power and authority in the particular instance, as the sufficiency of the health certificate is a question for the health officer and not for the conductor. (*Baldwin v. Seaboard Air Line R. R. Co.*, 128 Ga., 567.)

A health officer appointed by a local board of health, having knowledge of any infectious or contagious disease, is required to immediately exercise and maintain supervision of such case, seeing that it is properly cared for and isolated. The performance of these duties involves expense, and the power to care for such diseased persons implies the authority to contract for medical attendance and nursing in an emergency which requires immediate action.

The county board has authority to examine and settle all accounts chargeable against the county, and to determine whether services which it is claimed were rendered by the order of the health officer were properly performed under his direction, and their reasonable value. It has the general control of the situation of the expenditures, but in the circumstances disclosed in this case (where it was alleged that the existence of smallpox created an emergency requiring immediate action before a meeting of the board could be held) a previous employment by order of the board itself was not a condition precedent to the liability of the county.

The provisions of the Kansas statutes designed to enforce the quarantine and to prevent the spread of contagion evince the legislative purpose to protect the health of the people through the prompt and vigorous action of the officers intrusted with these important duties. County commissioners are elected from the several districts of their counties, and some time is usually necessary in order to call and hold a meeting. If it should be held that formal action of the board is necessary in order to establish a quarantine, obtain medical attention, and perform the like duties required by the law in each particular case, the law might, and probably would, prove inadequate to secure the end manifestly intended. The law therefore devolves these administrative duties on the health officer, requiring him to immediately exercise and maintain a supervision over such case or cases, seeing that all such cases are properly cared for and isolated. (*Hawthorne v. Bd. of Co. Commrs. of Cherokee County*, 79 Kans., 295.)

The powers conferred by section 2055 of the Kentucky statutes seem sufficient to authorize a county board of health to establish and maintain quaran-



time in behalf of one city or county against another city or county within the State, but such power can not be exercised by a county board or the State board as against another State or county thereof without express legislative authority, specifying the conditions and limits on which such quarantine shall be maintained. In the absence of such legislative authority, the enforcement of quarantine regulations by one State against another would violate the comity that should exist between them, and perhaps constitute an interference with interstate commerce.

A board of health is an instrumentality of government created for convenience and invested with such powers as will enable it to protect the general health of the State, county, or community over which it is given jurisdiction.

It seems to be well settled that health officers, when by statute authorized to take action for the prevention of the spread of disease, are not liable for injuries resulting from such reasonable and customary measures as they may in good faith adopt or direct for that purpose with regard to persons or matters subject to his jurisdiction. (*Allison v. Cash* (Ky.), 137 S. W. Rep., 245.)

It was the duty of the board of health of the town to guard against the introduction of contagious and infectious disease, to require the isolation of all persons infected with, or exposed to, such disease, and to provide suitable places for the treatment of sick persons who could not otherwise be provided for. All expenses incurred in the performance of that duty are a charge on its municipality and shall be levied, collected, and paid in the same manner as other charges against it.

Exhaustive powers are given to boards of public health because of the necessity which from time to time arises, requiring, for the public good, prompt and radical action. No question is made as to whether a person unfortunate enough to come within their jurisdiction is rich or poor, high or low; whether he is a town charge, a county charge, or a State charge. The health law contemplates only that, when necessity arises, the power vested in boards of public health shall be promptly exercised for the public good.

The board of health of the town was authorized to do and to furnish everything which was done and provided for this man and his family, not because he was a poor person, but because he was suffering from a disease which might become communicated to others to the harm of the public; and no different treatment would have been accorded him had he resided in the town for 10 years instead of a few months. The physician in charge was employed by the board of health, the nurse was employed under its authority, and the messenger who took care of the temporary wants of the family was employed by it, while every article of food, fuel, medicine, and raiment furnished was on an order signed by the authorized messenger of the board of health, expressly stating that it was to be furnished on the credit of that board. This was properly so, for the entire expenses were those incurred by that health board, not for the support of this man, but for the protection of the public from infection from the dangerous disease with which he had become infected. They were incurred under the authority of the health law only, and were properly to be charged to and paid by the town. (*Bellows v. Board of Sup. of Seneca Co.*, 133 N. Y. S., 586.)

#### REGULATIONS.

The State board of health is a creation of the statute, and has only such powers as the statute confers. It has no common law powers. The powers of the State board of health, though quite general in terms, must be held to be limited to the enforcement of some statute relating to some particular condition or emergency in respect to public health; and, although they are to be fairly



and liberally construed, yet the statute does not, either expressly or by fair implication, authorize the board to enact a rule or regulation which would have the force of a law changing the statute in relation to the admission and the right of pupils of a proper school age to attend the public schools. The State board of health has no legislative power properly so called, and none could be delegated to it. It is purely an administrative body. It can not be doubted but that under proper general provisions of law in relation to the prevention and suppression of dangerous contagious diseases, authority may be conferred by the legislature upon the State board of health, or local boards, to make reasonable rules and regulations for the carrying into effect such general provisions which will be valid and may be enforced accordingly. The making of such rules and regulations is an administrative function, and not a legislative power. As to the matter of inspection authorized by section 1409b (S. & B. A. S.) to ascertain the presence of the introduction of Asiatic cholera, or other dangerous and contagious diseases, and the power conferred upon the inspector to enter any building, vessel, railway car, etc., as well as the quarantine authorized by section 1409b (S. & B. A. S.), the power of the State board of health to make proper rules and regulations to effectuate the general purposes thus declared would seem to be free from doubt. (*State v. Burdge*, 95 Wis., 390.)

Whether, under Revised Laws, chapter 75, section 113, authorizing the State board of health to "make rules and regulations to prevent the pollution and to secure the sanitary protection of all such waters as are used as sources of water supply," that board have power to make a regulation forbidding the cutting of ice on a great pond so used, without a permit in writing from that board, *quære*.

Under Statutes 1897, chapter 510, section 1 (R. L., ch. 75, sec. 113), authorizing the State board of health to "make rules, regulations, and orders for the purpose of preventing the pollution and securing the sanitary protection" of such waters as are used as sources of water supply, that board have no power to make a regulation forbidding the cutting of ice, in a great pond so used, without a permit in writing from the board of water commissioners of the city in which the pond is situated, thus attempting to delegate to another board the right to grant or withhold such a permit. (*Commonwealth v. Staples*, 191 Mass., 384.)

[NOTE.—The power to delegate such authority was granted later by acts of 1907, ch. 467.]

Validity of regulations by State board of health of Vermont to protect water supply. (*State v. Morse*, 80 Atl. Rep., 189.)

It (the State board of health) has and could have no legislative power. Its duties were purely ministerial, and the provision of the statute authorizing the board to make such rules and regulations as it should from time to time deem necessary for the preservation or improvement of public health, can not be held to confer that broad discretionary power contended for.

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We are of the opinion that the powers of the board are limited to the proper enforcement of the statutes or provisions thereof, having emergencies requiring action on the part of the agencies of government to preserve the public health and prevent the spread of contagious or infectious diseases.

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Its duty to recommend legislation is repeated more than once in the act in connection with specifications of the powers and duties of the board \* \* \*. (*Potts v. Breen*, 167 Ill., 67.)



In order to secure and promote the public health, the State creates boards of health as an instrumentality or agency for that purpose, and invests them with the power to adopt ordinances, by-laws, rules, and regulations necessary to secure the objects of their organization. While it is true that the character or nature of such boards is administrative only, still the powers conferred upon them by the legislature, in view of the great public interests confided to them, have always received from the courts a liberal construction, and the right of the legislature to confer upon them the power to make reasonable rules, by-laws, and regulations is generally recognized by authorities. (*Blue v. Beach*, 155 Ind., 121; see also *Isenhour v. State*, 157 Ind., 517.)

The orders of the State board of health must stand the test of reasonableness; and whether an order is reasonable or unreasonable is a judicial question. (*Wilson v. R. R. Co.*, 77 Miss., 714.)

The creation by legislative authority of boards of health, with the discretion lodged in them of summary inquiry and action, is a reasonable exercise of the police power and the rules and regulations within the scope of the authority of such boards have the force of legislative enactment. Legislative power lodged by the Constitution exclusively in the general assembly is not delegated to such boards, but they are merely the agency for carrying out the legislative enactment.

Arbitrary power over persons and property could not be conferred on a board of health, and no attempt is made in the Constitution or statutes to confer such power. On the contrary, it is implied in all such legislation that the board shall exercise the police power conferred in view of the constitutional guaranty that no person shall be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws. It is always implied that the power conferred to interfere with these personal rights is limited by public necessity. From this it follows that boards of health may not deprive any person of his property or his liberty, unless the deprivation is made to appear, by due inquiry, to be reasonably necessary to the public health; and such inquiry must include notice to the person whose property or liberty is involved, and the opportunity to him to be heard, unless the emergency appears to be so great that such notice and hearing could be had only at the peril of the public safety.

To the end that personal liberty and property may be protected against invasion not essential to the public health—not required by public necessity—the regulations and proceedings of boards of health are subject to judicial review, by an action for damages or an injunction or other appropriate proceedings, according to the circumstances. In passing on such regulations and proceedings the courts consider, first, whether interference with personal liberty or property was reasonably necessary to the public health, and second, if the means used and the extent of interference were reasonably necessary for accomplishment of the purpose to be attained.

In exercising the jurisdiction to review the regulations and actions of such boards by injunction or other proceeding, the courts can not invade the province of the legislative branch of the Government. Inasmuch as it is the province of the legislative branch to determine what laws and regulations are necessary to the public health, statutes and regulations made, and measures taken under such statutes, and intended and adopted to that end, are not subject to judicial review; but the courts must determine whether there is any real relation between the preservation of the public health and the legislative enactment, or the regulations and proceedings of boards of health under authority of the statute. If the statute or the regulations made or the proceedings taken under it are not



reasonably appropriate to the end in view, the necessity for curtailment of individual liberty, which is essential to the validity of such statutes and regulations and proceedings, is wanting, and the courts must declare them invalid, as violative of constitutional right.

In all judicial inquiry, with respect to health laws and regulations, every intendment is to be allowed in favor of the validity of the statute and the lawfulness of the measures taken under it. (*Kirk v. Wyman* (S. C.), 65 S. E. Rep., 387.)

The right of the people of the State by their legal representatives of governing and regulating the internal police of the State embraces such reasonable rules and regulations, established directly by legislative enactment, as will protect the public health and the public safety. And the State may invest local or State boards created for administrative purposes with authority in proper way to safeguard the public health and the public safety. The way in which these results are to be accomplished is within the discretion of the State, provided the powers and functions of the General Government are not thereby infringed, nor any constitutional provision of the State or the United States.

If the mode adopted by the State for the protection of the public health and safety of its local communities proves objectionable, inconvenient, or even distressing to some, if nothing more can reasonably be affirmed against the statutes, the answer is that it is the duty of the constituted authorities primarily to keep in view the welfare and safety of the many, and not to permit their interests to be subordinated to the wishes or the convenience of the few. (*State Board of Health of Vermont v. Village of St. Johnsbury*, 73 Atl. Rep., 581.)

He (the accused) challenges the constitutionality of said provision (Act 98, 1906, requiring the State board of health to prepare and promulgate a sanitary code, and making it a penal offense to violate any of its provisions) on the ground that the legislature could not validly delegate to the State board of health the power to declare and provide what conduct shall constitute a crime; that the power by which conduct otherwise innocent is made criminal is legislative, and that legislative power for State purposes can be exercised only by the legislature itself, can not be constitutionally delegated to some subordinate functionary.

The contention would be well founded if it were not for article 296 of the Constitution \* \* \*. Here the legislature is authorized to "prescribe the powers" of the board of health. This can only mean to delegate to the board of health such powers as may be deemed to be necessary for efficiently carrying out the purposes for which a board of health is created, and the power most obviously necessary in such a case is that to make health regulations that shall have the force of laws. And nothing more than this has been done in the present case. (*State v. Snyder*, No. 19, 418, Sup. Ct. La., 1912.)

Section 2573 of the Iowa Code is not unconstitutional in providing that anyone who knowingly fails, neglects, or refuses to comply with and obey any order, rule, or regulation of the State board of health is guilty of a misdemeanor. It was contended in this case that the crimes which are punishable under the statutes of the State must be prescribed by statute, and that they can not be left for determination to boards or tribunals whose rules and regulations are not prescribed by the legislature itself. In support of this contention cases were cited in which it has been held that the power of the legislature to enact and repeal laws can not be delegated. The court does not see the applicability of that well-recognized principle to this case. The offense defined by section 2573



of the code, the punishment for which is provided in section 4906 of the code, is not made to depend in any way on any other legislative authority than that on which the code itself is founded. The act to be punished is the violation of the rules of the State board of health, a tribunal constituted by law and having authority conferred on it by law, and no other authority. The court thinks it clear that the legislature may provide for the punishment of acts in resistance to, or violation of, the authority conferred on such subordinate tribunal or board.

Every person affected by the rules and regulations of such a board or tribunal is required to govern himself in accordance with such rules or regulations if within the scope of the authority granted by the legislature and adopted and published as required by law. It was competent for the secretary of the State board of health to show what the rule in question, relative to the reporting of scarlet fever, was; and if shown that the accused had notice and knowledge of such rule the violation thereof by him would constitute a crime. A certified copy of the publication containing the rules of the State board of health was properly admitted in evidence. (*Pierce v. Doolittle*, 130 Iowa, 333.)

The validity of these statutes (regulations made by the local board of health), which has long been recognized, stands upon one or both of two grounds: They may be considered as being within the principle permitting local self-government as to such matters, the board of health being treated as properly representing the inhabitants in making regulations, which often are needed at short notice and which could not be well made in all kinds of cases by the voters in town meeting assembled. Perhaps some of these statutes may also be justified constitutionally on the ground that the work of the board of health is only a determination of details in the nature of administration, which may be by a board appointed for that purpose; and that the substantive legislation is that part of the statute which prescribes a penalty for the disobedience of the rules which they make as agents performing executive and administrative duties. (*Brodline v. Revere*, 182 Mass., 598.)

Power of board of health of New York City to make regulations to protect water supply. (*City of New York v. Blum*, 131 N. Y., Sup. 87.)

Rules and regulations of a borough board of health, vetoed by the chief burgess, may be passed by council over such veto. When the charter of a borough does not confer the veto power upon the chief burgess, and he is not a member of council, his concurrence in the rules and regulations of the board of health is not necessary. (Board of health rules in boroughs, 14 Pa., C. C., 116 (1893); S. C., 3 D. R., 225.)

The violation of the regulations of borough boards of health may not be punished by indictment, the proper procedure being a civil suit for the penalty. (*Com. v. Clark* (No. 1) 14 Lanc. L. Rev., 41 (1896.)) Summary convictions had in such cases will be set aside upon appeal. (*Com. v. Clark* (No. 2) 14 Lanc. L. Rev., 42, (1896.))

The provision of Statutes 1897, chapter 510, section 4, giving to any person aggrieved by an order passed by the State board of health under that act the right to appeal and file a petition for a jury within 10 days from the service of such order upon him, or, in case of failure to do so, by mistake, within 30 days from the service of the order upon him, applies only to orders made under section 3 of that act which are quasi judicial, and does not apply to rules, regulations, and orders made by the board under section 1 of the act which are quasi legislative in character. (*Nelson v. State board of health*, 186 Mass., 330.) (See now R. L., ch. 75, sec. 119.)



The regulations required to be passed by ordinance are such as prescribe general rules with respect to the several matters intrusted to local boards, and a particular permit authorizing the doing of that previously authorized by ordinance may be granted by resolution. (*Courter v. Newark*, 25 Vr., 325.)

A resolution of a board of health aimed at securing a pure milk supply is not unconstitutional. (*Kaim v. Walsh*, 4 N. P. N. S. O., 507; 7 O. L. R., 80.)

The functions of a board of health are executive and advisory, and not legislative or judicial in character, and hence a resolution passed by it declaring a certain tannery to be a nuisance is void. (*Marshall v. Cadwalader*, 36 N. J. law, 283.)

The legislature in the exercise of its constitutional authority may confer on boards of health power to enact sanitary ordinances having force of law within the district over which their jurisdiction extends. (*Polinsky v. People*, 73 N. Y., 65.)

Regulations made by boards of health are not obligatory until published (See *Reed v. People*, 1 Parker Cr. R., 481.)

Under Statutes 1816, chapter 44, and Public Statutes, chapter 80, sections 18, 64, 65, 67, 69 (R. L., ch. 75, secs. 65, 132, 133, 135), the board of health of a city may pass a regulation without a hearing, ordering rags imported into the city to be disinfected, and the expense of such disinfection to be borne by the owner of the rags; and it is not competent for the owner of the rags, as a defense to the claim for charges for disinfection, to show that the rags did not require disinfection, and could not have transmitted disease, if they were of the class concerning which the regulation was made.

Under a regulation of the board of health of a city, made in pursuance of the authority conferred by Statutes 1816, chapter 44, and Public Statutes, chapter 80, sections 18, 64, 65, 67, 69 (R. L., ch. 75, secs. 65, 132, 133, 135), ordering rags imported into the city to be disinfected at the expense of the owner, the work of disinfection may be delegated by the board to a third person, who is entitled to claim a lien upon the rags for his charges. (*Train v. Boston Disinfecting Company*, 144 Mass., 523.)

The powers given to boards of health are large and general to make regulations for the interment of the dead and respecting burying grounds. (*Withington v. Harvard*, 8 Cush., 68.)

In default of the appointment of a board of health the city council of Springfield have power, under General Statutes, chapter 26, sections 2, 5, to pass by-laws prohibiting the keeping of swine within particular districts of the city; and in the absence of evidence to the contrary this court will presume that by-laws so passed are reasonable. (*Commonwealth v. Patch*, 97 Mass., 221.)

Cities and towns may adopt ordinances and by-laws for the preservation and promotion of the health of their inhabitants as an exercise of the police power.

The reasonableness or sufficiency of an ordinance or by-law is not to be tested always by its application to extreme cases. (*Commonwealth v. Cutter*, 156 Mass., 52.)

Under General Statutes, chapter 26, section 52, the selectmen of a town, acting as a board of health, may by a general order forbid the exercise of an offensive trade or employment therein, without first giving notice to those who at the time are engaged in carrying on the same. (*Belcher et al. v. Farrar*, 8 Allen, 325.)



The common pleas has no jurisdiction to hear an appeal from the judgment of a police justice in a suit for a penalty for violating an ordinance of a board of health. (*Holzworth v. Newark*, 21 Vr., 85.)

It is a principle not questioned that, except where authorized by the constitution as in respect to municipalities, the legislature can not delegate legislative power—can not confer on any body or person the power to determine what shall be law. The legislature only must determine this. (*State v. Young*, 29 Minn., 551.)

The authority of boards of health legally organized in cities and villages of this State, or other boards designated to act as boards of health, is prescribed, as a rule, by general enactments of the legislature or by municipal charters. Power is usually conferred in ample measure to secure the preservation of the public health, and to provide for the enforcement of all proper and necessary sanitary regulations, and for the summary suppression of all conditions detrimental to the lives and health of the people. In view of the importance of the interests confided to the care of health officers the various statutes confiding such powers should, notwithstanding the individual liberty of the citizens is in a large measure involved, receive a broad and liberal construction in aid of the beneficial purposes of their enactment (*Parkes & W.*, Pub. Health, sec. 79), and the courts should be cautious in declaring any curtailment of their authority except upon clear grounds. (*State v. Zimmerman*, 86 Minn., 357.)

The health commissioner (of the city of Chicago) is a purely ministerial officer, and has no legislative powers whatever. The ordinance does not purport to give him authority to exercise such powers, or to make rules or regulations, except in cases of emergency, until they can be reported to the city council for approval or rejection. He can only be authorized to perform administrative duties in pursuance of some ordinance of the city. (*People v. Board of Education*, 234 Ill., 422.)

The legislature may confer upon boards of health the power to enact sundry ordinances having force of law. (*Cartwright v. Cohoes*, 165 N. Y., 631.)

The legislature may enact general laws upon public health without granting hearings to parties affected; and it may delegate this power to boards of health. (*Health Department v. Rector*, 145 N. Y., 32; see also 140 N. Y., 12.)

Provisions of New York Sanitary Code are reasonable enactments, and not in violation of State or Federal Constitution. (*People v. Van de Carr*, 67 N. E. Rep., 913.)

Laws or ordinances enacted under the police power for the protection of the public health, if reasonable, are not inconsistent because they may incidentally operate to deprive people of their property, or its use without compensation, or interfere with their personal liberty. (126 F., 29; 199 U. S., 306.)

Where legislature has vested in boards of health authority to make regulations and ordinances to preserve the public health, ordinances made by county commissioners are invalid. (*State v. Beacham*, 34 S. E. Rep., 447.)

In the absence of specific law, a board of health has no power to establish rules and regulations for dealing with a supposed serious epidemic. (*Wong Wai v. Williamson*, 103 F., 1.)

If the board should be certain that the smoking of cigarettes by boys affects their health injuriously it would have no power to make a regulation forbidding



the smoking of them by boys under a certain age or the sale of them to such boys. It has no power to make general regulations as to conduct or practices injurious to health which, if indulged in by many persons, affect the health of the public. The statute above quoted gives the board jurisdiction to deal with "nuisances, sources of filth, and causes of sickness within its town." Plainly, the milk in question was not a nuisance or a source of filth. In determining the meaning of the words "causes of sickness" the doctrine of *noscitur a sociis* is to be applied. It is a little broader term than the two terms that precede it, but it is of the same general character. Primarily it refers to something local, and the board is directed "to destroy, remove, or prevent the same." In section 67 we have another indication of the meaning of these words in the requirement that the board shall order the owner or occupant of private premises to remove any "nuisance, source of filth, or cause of sickness found therein." So, under section 74, he may obtain a warrant directed to an officer or to a member of the board commanding him to destroy, remove, or prevent any "nuisance, source of filth, or cause of sickness," in reference to which they have made complaint to a magistrate. We are of opinion that, within the meaning of the language in these sections, milk kept in a vessel, as this was kept by the defendant, was not a "nuisance, source of filth, or cause of sickness," which gave the board of health jurisdiction to take any action or make any regulation under the Revised Laws, chapter 75, section 65.

The latter portion of this section gives the board jurisdiction to make "regulations relative to articles which are capable of containing or conveying infection or contagion, or of creating sickness, which are brought into or conveyed from its town, or into or from any vessel." This has reference to the bringing into the town or conveying away of articles capable of containing or conveying infection in such a way as to affect injuriously the public health or safety. The legislation is found in the Revised Statutes, chapter 21, section 6, in which the language is "when such articles shall be brought into or conveyed from their town, or into or from any vessel." In the General Statutes, chapter 26, section 5, the words "when such articles shall be" are omitted and the section reads in this part "brought into or conveyed from its town, or into or from any vessel." In Public Statutes, chapter 80, section 18, the language is the same. We are of opinion that this part of the section relates to articles of such a kind as to be dangerous in reference to their capability of containing or conveying infection or contagion, or of creating sickness, in connection with their removal from one town to another. The case of *Train v. Boston Disinfection Co.* (144 Mass., 523), relative to the disinfection of rags, furnishes an illustration of what is meant by the statute. (*Commonwealth v. Drew*, 208 Mass., 493.)

Boards of health are empowered by the statutes of the State of New Jersey to prohibit the sale of milk from diseased cows. Whether cows from which a municipality is supplied with milk are diseased is a question which may in the first instance be determined by the local board of health. Since no other tribunal is provided the natural inference is that this question should in the first instance be determined by the board, which is the body called on to act. (*Borden v. Board of Health of Montclair, N. J.*, 80 Atl. Rep., 30.)

When the city has the power to license, restrain, and regulate the sale of milk it also has power to revoke licenses, and it may vest such power in the health commissioner, with the right to exercise the same summarily and even without notice. (*State, etc., v. Milwaukee (Wis.)*, 121 N. W. Rep., 658.)

The city of Jacksonville may regulate the sale of milk within its territorial limits and require a license tax therefor, and it may also authorize a board of



health created by it to prescribe the forms to be used by applicants for licenses. If the board should add unreasonable and improper overinquisitorial questions to be answered, and the applicant should refuse for that reason to comply with the form, the question of the propriety of those questions might be raised by him. A board of health may be given power to withhold licenses to sell milk for proper cause based on the existence of defective sanitary conditions. (*State ex rel. Niles v. Smith*, Fla., 57 So. Rep., 426.)

Where the general council of a city is authorized by statute to establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases in the city, to regulate hospitals, infirmaries, etc., within the city, and to secure the general health of the inhabitants of the city, under this provision the city has power to pass an ordinance to the effect that no person dying in the city should be interred in the city cemetery without a burial permit from the board of health. The board of health being authorized to make reasonable regulations as to the issuing of such permits, it is not an unreasonable regulation to require the certificate of the attending physician as to the cause of the patient's death. (*Myers v. Clarke*, 122 Ky., 866.)

The city council, under its legislative authority to prescribe the terms and conditions on which milk, cream, and butter might be exposed for sale in the city, determined that the tuberculin test of cows was the most feasible and practicable method of insuring a pure milk supply. This involved a matter of legislative judgment and discretion, and was within the powers of the council.

To enforce the regulation the council had the power to impose such penalties as would render the regulation effective and serve the purpose intended. It provided, in addition to fine and imprisonment, a destruction of the condemned milk. The authorities sustain regulations of this character. (*Nelson v. Minneapolis*, 127 N. W. Rep., 445.)

For validity of city ordinances requiring tuberculin test, see also *Adams v. City of Milwaukee* (129 N. W. Rep., 518).

There are many unpleasant and annoying things that must be borne by those living in a state of organized society, in order that others may enjoy their equal rights under the law, but the preservation of the public health and safety is one of the chief objects of local government, and every citizen holds his property subject to a reasonable exercise of the police power of the State. In the court's opinion, this ordinance was a reasonable and proper application of the maxim, "So use your own as not to injure another's," and was sustained by the maxim "The welfare of the people is the supreme law," in which the police power of the State finds its chief support.

The contention that the ordinance (regulating the location and maintenance of private hospitals and sanatoriums) was void because it was admitted that it was enacted at the solicitation of persons residing in the vicinity of said premises and solely in their behalf as a local and special regulation, is answered by the court's saying that it was not permitted to inquire into the motives of the city council. If the ordinance was valid on its face, the reasons or arguments that might have moved the city council to act were not pertinent. (*Sheppard v. Seattle* (Wash.), 109 Pac. Rep., 1067.)

It can not be seriously contended that an ordinance which deals with garbage, house offal, or other refuse, animal or vegetable matter, is not one which has a direct relation to the police power, or that it is not the duty of the city, in the interest of the public health or comfort, to assume the regulation and control of such matters. It is a valid exercise by the mayor and city council of the city of Baltimore of the police power vested in the city by its charter to pass an ordinance providing that no person, except city employees engaged in public



work, or persons under contract with the city engaged in public work, should convey garbage, etc., through any street, etc., of the city without first obtaining a permit from the commissioner of health, and then only in the manner prescribed in the permit. (*Schultz v. State* (Md.), 76 Atl. Rep., 592.)

When an incorporated town or city has been invested with power to pass an ordinance by the legislature for the government or welfare of the municipality, an ordinance enacted by the legislative branch of the corporation in pursuance of an act creating the corporation has the force and effect of a law passed by the legislature and can not be regarded otherwise than as a law and within the incorporation. An ordinance is the law of the inhabitants of the municipality. (*Mason v. Shawneetown*, 77 Ill., 533.)

A city may regulate and control by ordinances not in conflict with the State pure-food law, the sale of foods, and may adopt an ordinance punishing the sale of adulterated food though the ordinance attaches a less penalty for its violation than the food law. (*Chicago v. Union Ice Cream Co.*, 96 N. E. Rep., 872.)

An ordinance prohibiting the collection of garbage by persons not having a contract with the municipality is not invalid though it grants a monopoly since it is a valid exercise of the police power and would be so even if it would deprive owners of their property without compensation, as it is designed for the protection of the public health. (*City of Rochester v. Gutberlett*, 133 N. Y. Sup., 541.)

Validity of ordinances for the protection of fruits, candies, etc., from flies, etc. (*Ex re Bacigalupo*, 132 N. W. Rep., 303.)

#### CONTRACTS, EXPENDITURES, ETC.

The act of April 28, 1880, amending the act of March 16, 1878, establishing a board of health, provides for local boards of health, and declares that they "are empowered, and it shall be their duty to inaugurate and execute, and require the heads of families to execute, such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria, and other epidemic diseases; and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of diseases; and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition; and said boards are authorized to enforce the rules and regulations adopted by the State board of health." The local board is to be paid by the county court.

No provision is made as to the means by which the board may enforce the execution of sanitary regulations, or "bring the infected population under prompt and proper treatment." It provides no fund to pay the expense involved in the discharge of the duty imposed, and it does not declare upon whose credit the board shall act.

While the act in question does not create a new or additional duty in the county, it does create a new agent in regard to matters of general health and makes its decision as to what ought to be done conclusive on the county, so far as to charge it with the expenses incurred in caring for the indigent afflicted with any of the contagious or infectious diseases referred to by the statute. Any other interpretation makes the board merely an advisory body, incapable of doing those things which the statute declares it has power to do and which its duty requires it to do.



It is in discharge of the ordinary social duty to care for the helpless, but it goes further. If the poor man is neglected, he may starve or freeze, but the calamity is personal and his grave hides it; but if, having an infectious disease, which poisons the air, he is left where he lies, the entire community is menaced. In such case the statute confers on the board the power to do what it may deem necessary to prevent the spread of the disease. It has no fund given it out of which to pay. It is the duty of the county to provide for poor, and the board is the constituted agent to see that provision is made in such cases. On its order the town did what it required, and having, under the order of the proper agent, done what the law gave the agent power to have done, the county was properly held liable. The judgment is affirmed. (7 Nelson County v. City of Bardstown, Ky. Law Rep., 41.)

This brings us to the question whether, for the services so by him rendered, the appellee was entitled to compensation from the city. The appellant disputes the right on two grounds: First, that the appellee did the service as a member of the board of health of the city, and is, therefore, entitled to no compensation beyond his salary, and second, that the board of health had no power and, on grounds of public policy, was forbidden to employ one of its own number to do such service; and especially that the appellee's employment was invalid because made by himself and one other only of the members of the board. We do not assent to the proposition that the services were such as came within the appellee's duties as a member of the board of health. The ordinances which were put in evidence, on which the appellant makes this claim, do not impose on the board or its members the duty to do, but only to provide for the doing of, such services. The second ground, however, seems tenable. The board and its members held positions of trust and confidence toward the city. Their responsibilities in reference to the services, for which the appellee claimed compensation, were at once important and delicate. It was for them to decide whether an emergency had arisen, and what children were entitled to be treated at the public expense. The emergency, if it existed at all, was such as called for immediate and authoritative decision upon the case of each applicant. According to his own testimony the appellee took upon himself his share of this responsibility. \* \* \* The antagonism between the appellee's private interest and his public duty, it is manifest, was very great and calculated to cast suspicion upon his discharge of duty, no matter how faithfully and conscientiously it was done. Let it be understood that such personal advantage may result to a member of the board, and suspicion not only attaches to his selection of those who may be served at public expense, but it extends to and taints the original decision and declaration of the board that an emergency existed which required the work to be done.

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\* \* \* An agent, in reference to the subject of the agency, must not put himself in a position which is adverse to that of his principal. As agent he can not contract with himself personally. He can not buy what he is employed to sell. If employed to procure a service to be done, he can not hire himself to do it. This doctrine is generally applicable to private agents and trustees, but to public officers it applies with greater force, and sound policy requires that there be no relaxation of its stringency in any case which comes within its reason.

It follows that the services rendered by the appellee were not rendered at the request of the city, or of an authorized agent who could employ the appellee. They were, therefore, voluntary services, and they conferred upon the city no



value or benefit which could have been rejected, and by keeping which the city can be said, within the authorities on the subject, to have ratified the contract and to be liable upon a quantum meruit or quantum valebat. (*City of Ft. Wayne v. Rosenthal*, 75 Ind., 156.)

Contract of board of health with its own members void. (*Spearman v. Texarkana*, 24 S. W. Rep., 883.)

Contracts with own members permissible, when. (*St. Johns v. Board of Supervisors*, 70 N. W. Rep., 131.)

A health officer without the approval of the board of health can not bind a town by the employment of a physician to attend a person afflicted with a contagious disease. (*Collier v. Town of Scott*, 102 N. W., Rep. 909.)

It is the settled law of Iowa, as well as the general rule, that municipal corporations are not liable for the negligence of their officers or agents in executing health regulations adopted for the purpose of preventing the spread of contagious diseases. In so far as a municipality undertakes the duty of making and enforcing quarantine regulations and other laws for the promotion of the public health, it is performing governmental functions and its officers are not agents for whose action or inaction it is liable unless such liability is imposed by its charter, or by the laws of the State under which it exists. Furthermore, it was probably true that the officers in question were not strictly municipal officers or agents so as to render the county liable for their acts in any event. They became health officers by virtue of the statute which fixed the tenure of office also. While such officers are elected in townships, they are elected in obedience to the statute, to perform a public service not peculiarly local or corporate, but as State officers with such powers and duties as the statute confers on them.

Section 2568 of the Iowa Code creates local boards of health, and makes it the duty of such boards to make such regulations as are necessary for the protection of the public health, and to proclaim and establish quarantine against all infectious or contagious diseases dangerous to the public, and section 2570 provides for the care of infected persons and for the payment of the expenses incurred on account thereof. The statute neither expressly nor by implication provides for anything more, and the court is not at liberty to read into it an enlarged liability. It is also very clear that the members of the local board of health had no power to create a liability not imposed by law, even if they had acted under the direction of the board of supervisors. The liability that may be incurred by such boards is fixed by law and beyond this neither can go.

The statute makes it the duty of health officers to quarantine against "all infectious or contagious diseases dangerous to the public," and it can not well be questioned that the defendants were acting within the scope of their duty as such officers, and that in establishing the quarantine they were acting in a quasi (as it were) judicial character. They were vested with the power to determine whether an infectious or contagious disease existed in the plaintiff's family, and if found to exist, their duty under the statute required them to take the proper steps to prevent its spread, and had they neglected to do so they would have been culpable in a high degree. They were, therefore, acting judicially, and it is the general rule that officers so acting are not liable for injuries which may result from such acts performed in the honest exercise of their judgment, however erroneous or mistaken the action may be, provided there be no malice or wrong motive present.

In some cases an exception to this general rule has been recognized, and the individual officers have been held liable because of the maxim that where



there is a wrong there is a remedy. This court is of the opinion, however, that where the public health is involved this rule should not be applied, notwithstanding the fact that courts of great ability have so held. It is the modern tendency of judicial opinion to hold that the public health is the highest law of the land and "whenever a police regulation is reasonably demonstrated to be a promoter of public health all constitutionally guaranteed rights must give way to be sacrificed without compensation to the owner."

Nor does this doctrine necessarily conflict with the maxim referred to. As already stated, this board of health was a creation of the statute and its paramount duty was to protect the public health; its duty, then, was to the public and not to any individual member thereof, except to act honestly and without design to injure him. If a health officer fails to do his duty, no individual may complain, for the duty is public and the officer is not charged with any individual duty to any particular person. If there be no liability for an omission of public duty, it would seem to follow without question that an erroneous performance should not subject the officer to personal liability. It may, it is true, cause an injury to the individual, but it is not a wrong because the officers owe the individual no duty beyond that already stated. This rule should not be so extended as to protect health officers who act without the scope of their authority, or who act with gross negligence amounting to malice.

It is unfortunate that any individual should suffer loss because of a mistake as to the existence of a dangerous contagious disease, and yet the welfare of the public is of such paramount importance that a rule should not be established which will have the necessary effect of increasing the public danger. If health officers, acting in perfect good faith and as their judgment dictates, are held liable for a mistake in judgment, the effect on the public health can not be doubted. For instance, many competent physicians have never been brought into actual contact with smallpox, and many mistakes have been made in diagnosing diseases which later prove to be highly contagious. Whole communities have been exposed and suffered because of mistakes in judgment and overcaution for the liberty of the individual. If a civil liability is to be imposed because of a quarantine, which is later proved unnecessary, the danger to the public will be greatly enhanced, and the effectiveness of the statute greatly impaired. This court does not feel like announcing such a rule, nor does it believe justice to the individual requires it. (*Beeks v. Dickinson County*, 131 Iowa, 244.)

When president of a local board of health does not more than to see that the requirements of the board in regard to quarantine are carried out, he is not personally liable. (*Kirby v. Harker* (Iowa), 121 N. W. Rep., 1071.)

The auditing of bills incurred by the public in case of communicable diseases is lodged by law in the board of supervisors of the county. The local board of health is required to keep an itemized and separate statement of expenses and render the same to the board of supervisors by filing the same with the county clerk. The entire responsibility then rests on the board of supervisors to pass on the necessity of such expenses, the services performed, the justice and reasonableness thereof, and to allow such parts thereof as the board shall deem just. (*Dawe v. Board of Health of Monroe*, 146 Mich., 316.)

Under the Kentucky statutes relative to the treatment and guarding of persons afflicted with communicable diseases, both city and county are responsible for the expense involved, when smallpox exists within the jurisdiction of both; the city for the expense incurred in treating those within the city limits, and the county for those afflicted without the city. (*Pulaski County v. City of Somerset, Ky.*, 98 S. W. Rep., 1022.)



Contracts with public officers are forbidden by section 5032 of the Revised Laws of Minnesota, and are void. The rule that such contracts are void and can not be enforced rests on a wise public policy, and it must be enforced without reference to the merits of the contract, the intention of the parties, or the hardship of exceptional cases. Nor does the court agree with the contention that the statute and the rule do not apply to a board of health, and that it may employ one of its members its health officer for the purpose of controlling and suppressing an epidemic of contagious or infectious disease. As to the suggestion that the board of health was confronted by an emergency which justified it in making the contract in question, the court answers that an emergency confronts a board of health in every case of an epidemic of contagious or infectious disease; but this affords no reason why such cases should be exempted from the statute by the court, for the board may employ, when the emergency justifies it, a physician other than one of their own member to render the extra medical service. (*Bjelland v. Mankato* (Minn.), 127 N. W. Rep., 397.)

One member of a board of county commissioners can not bind the county to pay for the services of a physician without first having been authorized thereto by a majority of the board while in session. (*Mahr v. Board of County Commissioners of Pottawatomie County* (Okla.), 110 Pac., 751.)

A municipal corporation is not liable for the acts of a board of health created by public statute for the public benefit, even though its members are appointed by the municipal authorities.

Members of a board of health, acting in the performance of a public duty under a public statute to prevent the spread of an infectious or contagious disease, are not personally liable in a civil action for damages arising out of their acts in establishing a quarantine, even where the disease does not actually exist, provided they act in good faith. The exemption of officers from liability extends only to matters in which they have jurisdiction under the statutes, and it may be said that the board of health has no jurisdiction unless a cause of disease actually exists. But this view is too narrow. It is enough if the matter is colorably, though not really, within their jurisdiction.

Section 15 of the New Jersey board of health act, which forbids suits against the board, its officers or agents, unless on proof that the board acted without reasonable and probable cause to believe that the alleged cause of disease was in fact prejudicial and hazardous to the public health, does not infringe the constitutional provisions protecting private property and individual liberty. That section in effect gives an action against the board on proof of the facts therein set forth, but in such suits the question of reasonable and probable is for the court. (*Valentine v. Edgewood*, 76 N. J. Law, 509.)

When the health officer destroyed the infected bedding used by the smallpox patient he was not acting as the agent of the town, but as a public officer, under legislative authority for the benefit and protection of the public. He was as much a public officer as highway surveyors, police officers, etc., for whose act, while in the discharge of a public or governmental duty, even if wrongful, the town is not responsible in the absence of a statute making it responsible therefor. (*Crier v. Town of Fitzwilliam* (N. H.), 83 Atl. Rep., 128.)

It is not true that a public officer is exempt from liability for all acts done in his official capacity. In fixing the location of a smallpox hospital, the members of a city board of health exercise a discretion which the legislature has required them to exercise as public officers, and their decision on the ques-



tion, being quasi judicial or quasi legislative, is final, and it is not competent to make them liable for a mistake or for negligence in the exercise of it; that is, in the location of the hospital. But if the defendants were personally negligent in the maintenance of the hospital, and in consequence of that negligence the hospital became a nuisance to the plaintiff's adjoining houses and land, the defendants were liable, provided their negligence was a misfeasance, as distinguished from a nonfeasance. If they were guilty of a nonfeasance only no action would lie against them. (*Barry v. Smith* (Mass.), 77 N. E. Rep., 1099.)

If persons afflicted with a contagious disease are confined in a pesthouse by the order of health officers acting under authority, such officers may employ nurses as servants of the town to take care of such persons. The statute is based upon the idea of public protection, and the power to confine carries with it the power to provide for those confined. (*Labrie v. Manchester*, 59 N. H., 120.)

The requirement that there shall be a board of health in every township and an examination of the law indicate that their duties can not be discharged without the expenditure of money. It is therefore the duty of a town meeting to raise funds to meet such expenditure. (*Allen v. Township of Bernards*, 28 Vr., 303.)

Towns not liable for acts of board of health acting in good faith and doing no unnecessary damage. Members of board not liable for error of judgment when acting in good faith. (*Raymond v. Fish*, 51 Conn., 93.)

Under law creating boards of health it becomes the duty of the board of health to audit and allow, or reject or modify, charges against county incurred by board and certify them to the board of commissioners. Individual members of the board have no power to certify to county commissioners. (*Cooke v. Board of County Commrs.*, 13 Okla., 11.)

Itemizing of expenses incurred by boards of health. (*Sawyer v. Manton*, 145 Mich., 272.)

See also 46 N. E., 699; 50 N. E., 776; 60 N. E., 998; 67 N. E., 711; 72 N. E., 652; 75 N. E., 13; 68 N. W., 921; 94 N. W., 479; 97 N. W., 1077; 101 N. W., 766; 102 N. W., 148; 67 S. W., 16; 78 S. W., 169; 27 S. W., 572; 53 Atl., 384; 61 N. E., 53; 64 N. E., 411; 72 N. E., 943; 74 N. W., 1050; 93 N. W., 1074; 95 N. W., 535; 97 N. W., 409; 99 N. W., 1132; 100 N. W., 896; 105 N. W., 771; 107 N. W., 725; 93 N. W., 1052; 89 N. W., 221; 92 N. W., 405; 95 N. W., 221; 97 N. W., 888; 99 N. W., 427; 100 N. W., 734; 101 N. W., 164; 77 S. W., 560; 54 Atl., 944; 57 Atl., 686; 52 Atl., 372; 51 N. E., 512; 68 N. E., 868; 92 N. Y. Sup., 954; 50 S. E., 574; 15 O. Cir. Ct., 627; 27 O. Cir. Ct., 822; 28 Pa. Sup. Ct., 407; 64 S. W., 1062; 61 S. W., 291; 71 S. W., 610; 74 S. W., 811; 102 N. W., 909.

#### COMPENSATION.

The appellee, John R. Allen, was duly appointed and qualified as a member of the local board of health for the county of Kenton and was chairman of the board. He served as a member of the board for two years, and for the services which he rendered he brought this action against the fiscal court of the county for the sum of \$100, which amount was adjudged him.

Section 2055, Kentucky Statutes, among other things, provides: "That the local board shall receive such compensation for such services as the county court in which the local board is established shall, in their discretion, determine."

The fiscal court refused to allow anything for his services. The legislature intended that the members of the local board of health should be fairly com-



compensated for the services they are required by law to render. The discretion of the fiscal court with reference to the compensation to which such board is entitled, is not an arbitrary one, but is a sound judicial discretion, and one that can be controlled. If the fiscal court has an arbitrary discretion in the matter, they could refuse to allow any compensation, however valuable and meritorious might be the services of the members of the local board of health.

The city of Covington is situated in the county of Kenton, and being a city of over 10,000 inhabitants, it is the duty of the city council to appoint a board of health for the city. It does not appear in this record whether or not the council performed its duty in that respect, but we presume that it did; but whether it did or not is not important to determine in this case, because the appellee is seeking to recover from the county of Kenton compensation for his services rendered as a member of the local board of health for that county. It is insisted that under the system of government that obtains in the county of Kenton in respect to its county and fiscal affairs, that if the plaintiff was entitled to anything it should be paid proportionately by the county outside of the city of Covington and by that part embraced in the corporate limits of the city of Covington, according to the taxable property in the respective territories.

We understand, as the court did below, that the plaintiff does not seek in this action pay from the county for his services performed in the city. It is the fiscal court of the county which has charge of the fiscal affairs of the county, levies taxes, allows claims against the county, and makes appropriations to pay them; and the plaintiff properly sued the fiscal court for his services.

It is contended that as the appellee lived in the city of Covington he was not eligible to a position on the local board of health for the county. All that is necessary to say on this question is that no such issue was made by the pleadings; hence we do not consider the question as to whether or not he was eligible to hold the position as member of the local board of health.

The judgment is affirmed. (*Stephens v. Allen*, 44 S. W., 386.)

When statutes creating boards of health invest them with discretionary powers as to the fixing of compensation of health officers, no appeal lies from ordinances of county board of health relative to salary. (*Waller v. Wood*, 101 Ind., 138.)

A sanitary commission appointed by a board of health can not recover for its services, as the board has no authority to establish commissions. (*Barton v. City of New Orleans*, 16 La. Ann., 317.)

Payment of claims of local health officers. (*Mc. Killop v. Sup.*, 116 Mich., 614; *Pease v. Saginaw City*, 126 Mich., 440.)

Compensation of health officers. (*Yandell v. Madison Co.*, 81 Miss., 288; *Pass Christian v. Washington*, 81 Miss., 470.)

It is mandatory upon council to create a board of health, and it is mandatory upon a board of health to appoint a health officer and fix his salary, and the necessary appropriation to meet the expense must be made. (*State ex rel. Miller v. Massillon*, 2 C. C. (N. S.) O., 167.)

Where powers and duties of a public nature are required to be performed by a law of the State, they fix the character of the individual authorized to perform them, and whether paid or not, he holds an office. (*State ex rel. Atty. Gen'l v. Kennon*, 7 O., 547.)



Before a health officer may sue a city of the third class to recover for services rendered in attending a family afflicted with smallpox, he must show that his salary was fixed as provided by law. (*Cawley v. Allentown*, 2 Leh., 58 (1906).)

A county health officer, appointed by the board of supervisors under this section, is only entitled to the salary fixed in advance by the board of supervisors as compensation for official services rendered by him, and he can not maintain an action of assumpsit upon a quantum meruit for such services, however great. (*Yandell v. Madison County*, 81 Miss., 288 (32 So., 918).)

Health officer entitled to salary while he is not removed, irrespective of whether he had properly discharged duties. (*People v. Sipple*, 96 N. Y. Sup., 897.)

If the board of health did not have the authority to fix the compensation of the health officer for his salary in advance of his rendering the services, or did not in fact fix the same, it might agree with the board of auditors that the claim for services presented should not have been allowed, or at least not allowed in full. But he did not base his claim on the specific services rendered. His claim was founded on the stated compensation fixed by the board of health, and if he was right there was no necessity for his keeping an account or furnishing a detailed statement of services rendered by him. The record before the court showing that the board of health did so fix the compensation, the court is of the opinion that it had the authority to fix the same, and that it acted providently in so doing.

Section 21 of the public health law of New York provides that every local board of health "shall prescribe the duties and powers of the local health officer, who shall be its chief executive officer, and direct him in the performance of his duties and fix his compensation. In addition to his compensation so fixed the board of health may allow the reasonable expenses of said health officer in going to, attending, and returning from the annual sanitary conference of health officers, or equivalent meeting, held yearly within the State," etc. It seems quite obvious from this provision, the court says, that it was competent for the local board of health to fix the compensation of its health officer at a yearly salary, as was done in this case, and to allow him his reasonable expenses in addition to the sum so fixed for attending the sanitary conference.

With regard to the contention that the health officer was entitled to no salary for the reason that the local board of health failed to prescribe the duties and powers of the health officer, the court says that it was true that no formal resolutions were adopted prescribing his duties, but it did not follow from this that he performed no services. The statute made him the chief executive officer of the local board of health and he was subject to the direction of the board in the performance of his duties. There was no claim that he was not ready at all times to do what was required of him by the local board of health, or did not in fact discharge the duties imposed on him by law or required of him by the local board. Merely because the board of health failed to prescribe his duties in a formal manner afforded no good reason for withholding his compensation.

Neither was the board of auditors justified in rejecting these claims because it did not agree with the board of health as to his rate of compensation or the value of his services. That question was for the local board of health, and the court can not say, nor was the board of auditors warranted in determining, that the board of health acted improvidently in fixing the compensation as it did. (*People v. Blood*, 105 N. Y. Supp., 20.)



The health officer is an officer of the city, and must be paid by it. Section 2060 of the Kentucky statutes does not fix the amount of his compensation, further than it shall be reasonable, and be allowed and paid as other city officers' salaries are paid. Perhaps no other officer of the city renders services of such fluctuating and uncertain value as does its health officer. Absence of epidemics and a general disposition on the part of the population to cleanliness of their premises would relieve that officer of the necessity for rendering any services, other than perfunctory. In that event his compensation would doubtless be but little. On the other hand, where there occur epidemics of contagious diseases, requiring the health officer's services to a considerable extent, his compensation would be increased in proportion. It would be difficult, if not impossible, to show in advance just what such services might be worth. If the municipality charged with their payment fixes in advance a schedule of fees, as it should, or even fixes a sum per annum which would seem to cover the ordinary services rendered or required to be rendered by the health officer, unless it could then be shown that the allowance or salary so fixed is unreasonably small, it ought not to be interfered with, especially after the officer has accepted it through the term as payment.

Before an allowance for such services, or the fixing of a salary for that office, not unreasonably small on its face, will be set aside, it must clearly appear that the allowance or salary is unreasonable and inadequate. Not by a mere preponderance of testimony from those in the profession as to what is customarily charged for such services by physicians, but from all the circumstances and evidence, it should appear that there has been a palpable abuse of discretion, amounting to injustice, by the board or tribunal vested with the duty and power of fixing the compensation. (*Graves v. City of Paducah (Ky.)*, 89 S. W. Rep., 708. See also *Trabue v. Todd County*, 125 Ky., 809.)

Chapter 35 of the acts of 1904 provides that the local board of health shall appoint a competent physician, who shall be the health officer of the county and secretary of the board, and receive a salary, the amount of which is to be fixed by the fiscal court at the time or immediately after his election and in no case shall he claim or receive from the county any compensation other than the salary fixed by the fiscal court. The county contends that the order of the fiscal court is final, and that no appeal lies therefrom. The court holds that under existing statutes the party aggrieved had clearly the right of appeal. The court also declares that it was clearly the intention of the lawmakers in the draft of chapter 35 of the acts of 1904 that the fiscal court, in fixing the salary of the health officer, should fix it a "reasonable amount," an amount commensurate with the services estimated from past experience and present conditions, which he would be required to perform during the year. (*Butler County v. Gardner (Ky.)*, 96 S. W. Rep., 582.)

Health officers not entitled to extra compensation for disinfecting and fumigating houses in which cases of contagious diseases had occurred, this being one of the duties of the health officer as specified in the Michigan statutes. (*Tabor v. Bd. of Supervisors of Berrien County*, 120 N. W. Rep., 588.)

The court does not consider that the plaintiff was a city official, for the city charter did not provide for any such office, and it was beyond the power of the common council to create an office which the statute made no provision for. Nor could he be counted an employee of the city. The common council did not have power to enter into a contract with him to give medical treatment to the members of the various city departments, including fire and police, and to attend on the indigent poor of the city. The provision of the charter quoted fell far short of giving even implied authority to enter into a binding contract with him



for the rendering of services for a specified time. The common council had no more power to bind the city by a contract with the plaintiff than it had to create the office of city physician and agree to pay a salary. And, while a municipality is bound by contracts which it has the power to make, it is not bound by contracts which the officials have no authority to enter into.

Furthermore, if the plaintiff is deemed a mere employee whom the council had authority to employ at a fixed compensation, the term of his employment must be deemed to be at the pleasure of the appointing power, notwithstanding a definite term was fixed. In other words, the plaintiff, even if the common council had power to employ him, could have resigned before the expiration of the time specified without making himself liable for damages; and so could the common council terminate his employment without subjecting the city to damages for failure to fulfill the contract on its part. The city made an offer of judgment to the amount of the plaintiff's salary for the time he actually served and until his successor was appointed. That sum was the only sum which he was entitled to recover. (*Jacobs v. Elmira*, 132 N. Y. Sup., 54.)

Under section 2509 of the Mississippi Code of 1906, it is the duty of the board of county supervisors to fix the salary of a county health officer in advance of his appointment; but in the event it fails to do so, it may fix his salary at a later date. To hold otherwise would result in depriving such officer of any compensation for services which he might have rendered after his appointment and before his salary was fixed, for the reason that he can receive no compensation except at a salary fixed by the board. There is no conflict herewith in the prior decision that, where a salary of a health officer has been fixed by order of the board, it can not be subsequently reduced to such an amount as virtually to abolish the office. (*Adams County v. Aikman* (Miss.), 52 So. Rep., 513.)

Extra compensation allowed to health officer when performing duties other than those contracted for. (*Allen v. De Kalb County*, 61 S. W. Rep., 291.)

Health officer can not delegate his duties to another person so as to give the person employed the right to make services a county charge. (*Copple v. Davie County*, 50 S. E. Rep., 574.)

A law creating a State board of health is not void because it provides for the compensation of its secretaries by fees which are not required to be accounted for or paid into the State treasury, even if it be held that such provision was void. (*Munk v. Frink*, 106 N. W. Rep., 425; *Walker v. McMahn*, and *State v. Walker*, 106 N. W. Rep., 427.)

A member of a village board of health may claim compensation, even if no appropriation had been made at the time of his appointment, if a statute authorizes village trustees to make an annual appropriation to pay services of members of board of health. (*People v. Haverstrom*, 43 N. Y. Sup., 135.)

No extra compensation for services rendered by health officer coming within his duties. (*Bourke v. San. Dist. of Chicago*, 92 Ill. App., 333; *Sloan v. Peoria*, 106 Ill. App., 151; *Reynolds v. Mt. Vernon*, 164 N. Y. Sup., 592.)

Health officer not entitled to compensation when called in consultation to see, for purposes of diagnosis, patient afflicted with disease dangerous to the public health. (*Browne v. Livingston Co.*, 85 N. W. Rep., 748.)

Compensation of clerk employed by health commissioner not a charge against board of health. (*Goodson v. Detroit Board of Health*, 72 N. W. Rep., 185.)

See also for compensation of health officer: 70 N. W., 131; 80 S. W., 820; 84 S. W., 299; 89 S. W., 708; 57 Atl., 686; 105 N. Y. Sup., 20.



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[Those marked (\*) are no longer available for distribution. Those marked (†) may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C.]

- \*1. Report on Trichinæ and Trichinosis. By W. C. W. Glazier. 1881. 212 pages. 87 il. 1 map. Paper. Senate Executive Document No. 9, Forty-sixth Congress, third session. Out of print.
- \*2. Report on the Etiology and Prevention of Yellow Fever. By George M. Sternberg. 1890. 271 pages. 21 pl. 20 il. Cloth. Out of print.
- \*3. Mortality Statistics in the United States for the year ending December 31, 1897. From Annual Report Marine-Hospital Service, 1898. 24 pages. Paper. Out of print.
4. Yellow Fever: Its Nature, Diagnosis, Treatment, and Prophylaxis and Quarantine Regulations Relating Thereto. By officers of the Marine-Hospital Service. Reprint from Annual Report Marine-Hospital Service, 1898. 176 pages. 1 il. Paper.
- \*5. Shipment of Merchandise from a Town Infected with Yellow Fever. By H. R. Carter. 1899. 15 pages. Paper. Out of print.
- †6. Report of Commission of Medical Officers Detailed by Authority of the President to Investigate the Cause of Yellow Fever. By Eugene Wasdin and H. D. Geddings. July, 1899. 98 pages. 26 charts. 2 il. Paper. Superintendent of Documents. 5 cents.
- \*7. The Bubonic Plague. By Walter Wyman. January, 1900. 50 pages. Paper.
- †8. Report of Commission Appointed by the Secretary of the Treasury for the Investigation of Plague in San Francisco. By Prof. Simon Flexner, Prof. F. G. Novy, and Prof. L. F. Barker. January 23, 1901. 23 pages. 1 map. Paper. Superintendent of Documents. 5 cents.
- \*9. Report Relating to the Origin and Prevalence of Leprosy in the United States. By a Commission of Medical Officers of the U. S. Marine-Hospital Service. 1902. 119 pages. 25 il. Paper. Senate Document No. 269, Fifty-seventh Congress, first session.
- \*10. Plague Conference. Containing a copy of the address of the chairman, and resolutions passed by a conference called in accordance with requests from a number of State boards of health, and under authority of section 7, act of Congress approved July 1, 1902, to consider the plague situation. Reprint from P. H. R. No. 4, Vol. XVIII, January 23, 1903. 9 pages. And February 6, 1903. 41 pages. Paper. Out of print.
- †11. Transactions of the First Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. June, 1903. 120 pages. Cloth. Superintendent of Documents. 20 cents.
- †12. Transactions of the Second Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. June, 1904. 95 pages. Cloth. Superintendent of Documents. 20 cents.



- †13. The Public Health and Marine-Hospital Service of the United States. A Brief History. Prepared for the Louisiana Purchase Exposition. December, 1904. 16 pages. Paper. Superintendent of Documents. 5 cents.
- †14. Sanatorium for Consumptives, Fort Stanton, N. Mex. By P. M. Carrington. Reprint from Annual Report Public Health and Marine-Hospital Service, 1904. 19 pages. Paper. Superintendent of Documents. 5 cents.
- †15. Transactions of the Third Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. May, 1905. 52 pages. Cloth. Superintendent of Documents. 30 cents.
16. How to Prevent Yellow Fever—No Mosquitoes, No Yellow Fever. By Walter Wyman. July 31, 1905. 3 pages. Circular.
- †17. Transactions of the Fourth Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. May, 1906. 75 pages. Cloth. Superintendent of Documents. 35 cents.
- †18. Transactions of the Fifth Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. May, 1907. 47 pages. Cloth. Superintendent of Documents. 25 cents.
19. Trachoma, Its Character and Effects. By Taliaferro Clark and J. W. Scherschewsky. 1907. 34 pages. 6 il. Paper. (Second edition.)
- \*20. The Public Health and Marine-Hospital Service of the United States. A Brief History. Prepared for the Jamestown Ter-Centennial Exposition. 1907. 12 pages. Paper. Out of print.
- †21. Transactions of the Sixth Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine-Hospital Service. April, 1908. 79 pages. Cloth. Superintendent of Documents. 50 cents.
- †22. The Present Pandemic of Plague. By J. M. Eager. 1908. 30 pages. Paper. Superintendent of Documents. 5 cents.
- \*23. Pellagra—A Précis. By C. H. Lavinder. July 24, 1908. 22 pages. 1 il. Paper. Revised. See Bulletin No. 48, this series.
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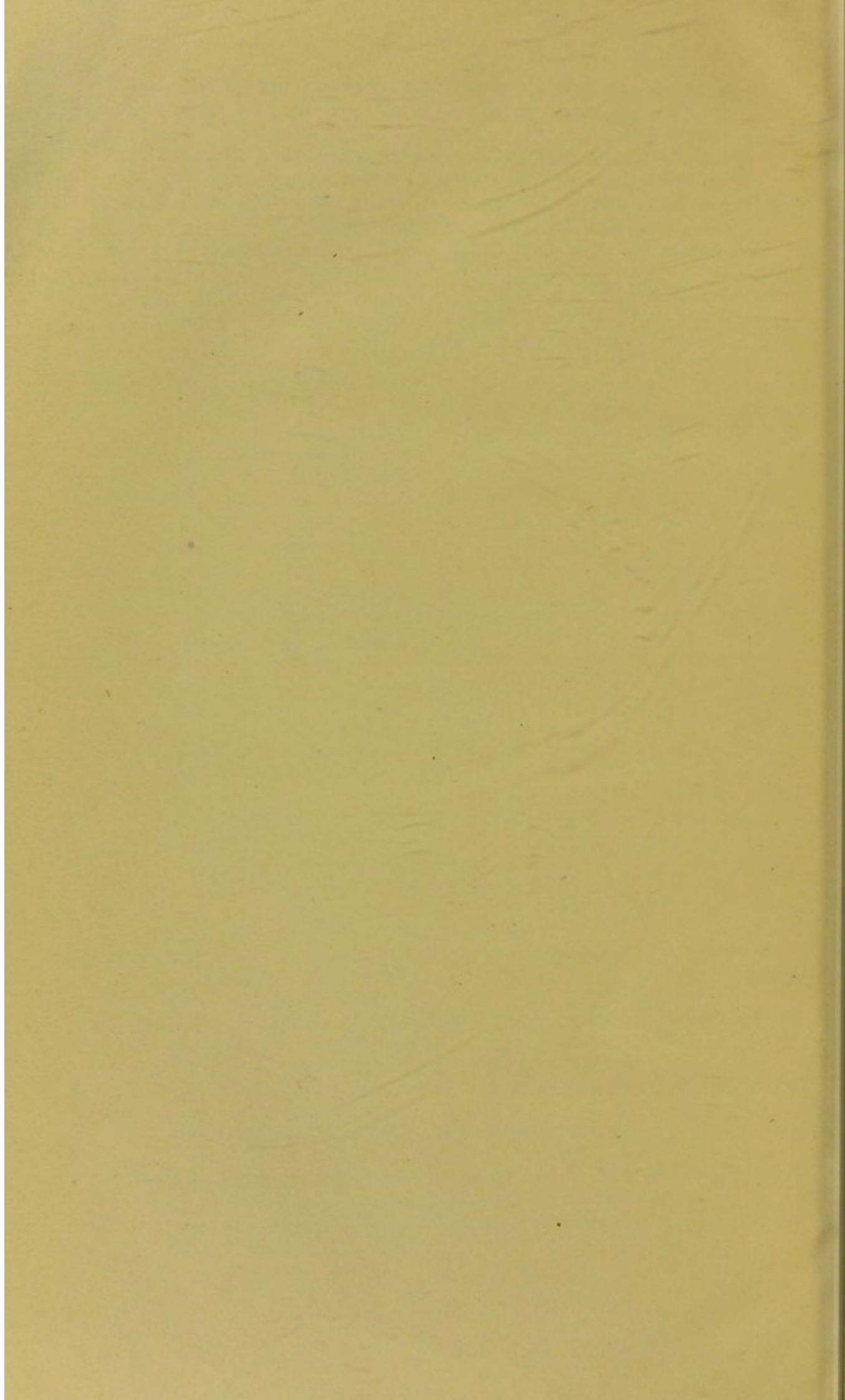




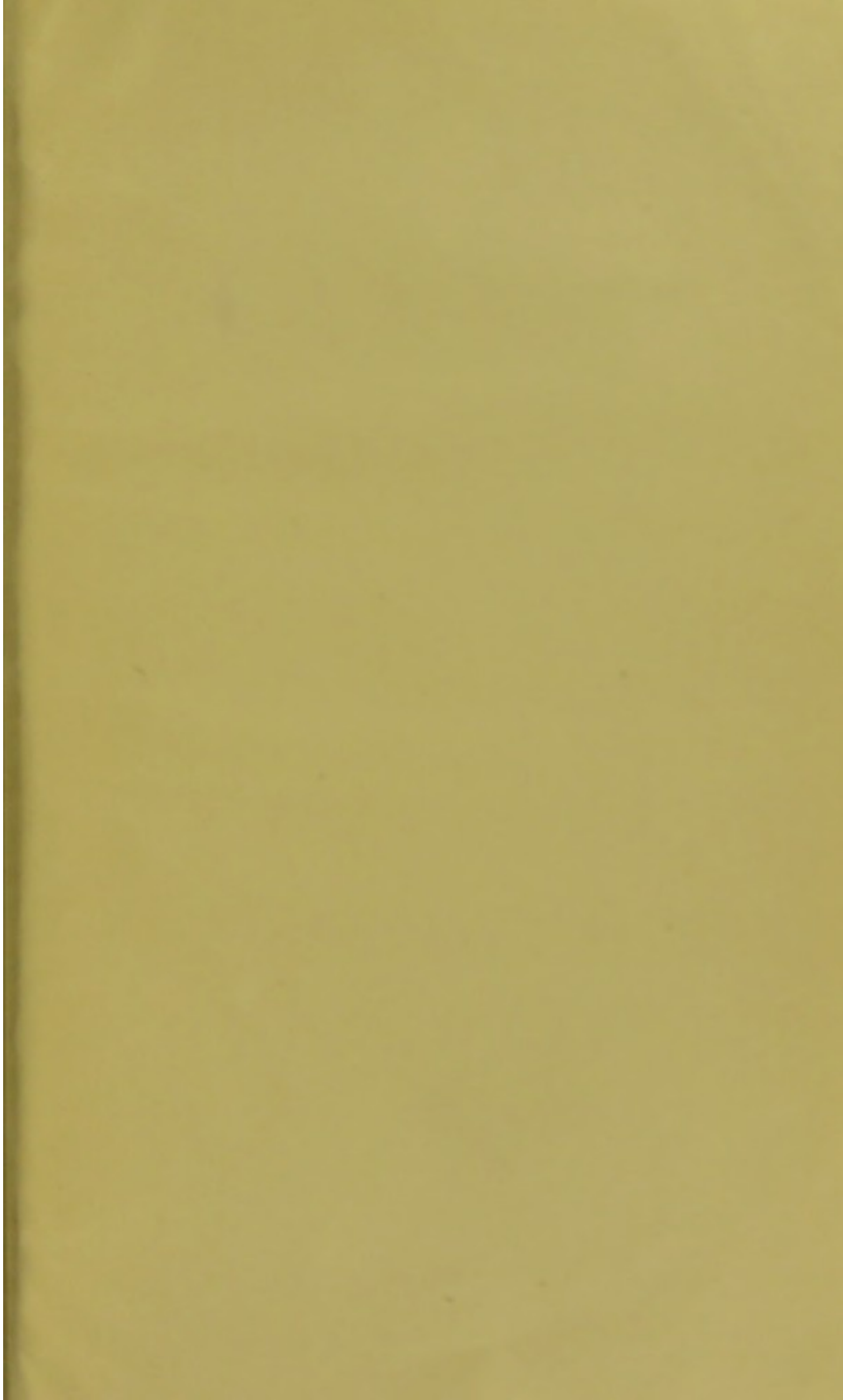






























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