



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 130
[2007 Assembly Bill 483]

Public Health

Act 130 makes various changes in statutes that relate to public health, as described below.

SPECIAL INSPECTION WARRANTS

Act 130 modifies the section of the statutes that relates to issuance of special inspection warrants--s. 66.0119, Stats. Under the law prior to Act 130, a peace officer may apply for, obtain, and execute a special inspection warrant for inspection purposes. That section of the statutes states that a special inspection warrant is not required in cases of emergency. The term "peace officer" in that law was defined in such a manner that it might have included local health officers or their designees. The Act modifies the definition of "peace officer" in s. 66.0119, Stats., to specifically include local health officers or their designees.

HUMAN HEALTH HAZARDS

Prior law defined the term "human health hazard" to mean "...a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated." The Act modifies the definition so that the term "human health hazard" is defined as "...a substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public."

In addition, the Act provides authorization for a county, city, village, or town with a local health department to enact an ordinance concerning abatement or removal of a human health hazard that is at least as restrictive as the state statute on human health hazards.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

LOCAL HEALTH OFFICERS

The statutes specify qualifications for local health officers. Prior to Act 130, they also provided that notwithstanding the required qualifications, in a county with a human services department, the local health officer does not need to meet these requirements if the county employs at least one person who meets the requirements. The Act repeals this exception, but makes the requirements applicable only to local health officers hired on or after the effective date of the Act.

SUBORDINATE PERSONNEL IN LOCAL HEALTH DEPARTMENTS

The statutes require a local health officer to appoint all necessary subordinate personnel and assure that they meet appropriate qualifications. The Act specifies that the term “subordinate personnel” may include a public health educator, a public health nutritionist (who is a certified dietician who meets specified credentialing requirements), or a public health dental hygienist, who meets qualifications specified by the Department of Health and Family Services (DHFS) by rule.

STATE AGENCY STATUS FOR CERTAIN PHYSICIANS

Act 130 creates a provision stating that a physician who is not an employee of a local health department and who provides services, without compensation, for programs and services provided by a local health department that require medical oversight is, for the provision of the services he or she provides, a state agent of DHFS for purposes of specified statutes. Those statutes relate to representation by the state in legal actions, payment of judgments, and limitations on damages.

COMMUNITY HEALTH IMPROVEMENT PLANS

Prior to Act 130, the statutes required local health departments to involve key policymakers and the general public in determining a set of high priority public health services and assure access to those services to every member of the community. The Act modifies this law by requiring local health departments to involve key policymakers and the general public in determining and developing a community health improvement plan that includes actions to implement services and functions specified in the statutes.

CREATION OF AN EMERGENCY MEDICAL SERVICES CHAPTER AND RENUMBERING OF OTHER STATUTES

Chapter 146, Stats., which is entitled “Miscellaneous Health Provisions,” contained a number of provisions relating to emergency medical services (EMS) prior to Act 130. The Act renumbers those provisions to be part of a new chapter of the statutes, ch. 256, Stats., which will be entitled “Emergency Medical Services.” This chapter will follow chs. 250 to 255, Stats., which generally set forth the statutes related to public health.

In addition, four other provisions in the “Miscellaneous Health Provisions” chapter of the statutes are renumbered to be part of the public health statutes. Statutes related to minority health and American Indian health are moved to ch. 250, Stats.; and statutes related to poison control and reporting of wounds and burn injuries are moved to ch. 255, Stats.

As a result of the creation of ch. 256, Stats., relating to EMS, and the other renumbering described above, numerous cross-references throughout the statutes to the prior provisions are changed to reflect the renumbered provisions.

Effective Date: April 4, 2008.

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