

139.30 History: 1965 c. 67; Stats. 1965 s. 139.30; 1969 c. 276.

Revisor's Note, 1965: This section is important. The definitions have been redrawn to more clearly reflect trade functions. The person who performs more than one function will have to obtain a permit for each. This is not clearly stated in the old law.

Any person who acquires unstamped cigarettes and stamps them (except for exempt sales) will have to get a distributor's permit even though he may also have to have another permit for other types of operations.

The definition of vending machine operator has been changed to eliminate the old exemption of persons operating less than 5 machines. [Bill 112-S]

139.31 History: 1965 c. 67, 163; 1965 c. 433 s. 121; Stats. 1965 s. 139.31; 1967 c. 179; 1967 c. 291 s. 14; 1969 c. 154, 353.

139.32 History: 1965 c. 67, 163; 1965 c. 433 s. 121; Stats. 1965 s. 139.32; 1967 c. 179; 1967 c. 291 s. 14; 1969 c. 211; 1969 c. 276 s. 590 (3); 1969 c. 392, 424.

139.33 History: 1965 c. 67, 163; 1965 c. 433 s. 121; Stats. 1965 s. 139.33; 1967 c. 179; 1967 c. 291 s. 14; 1969 c. 154; 1969 c. 276 s. 590 (3); 1969 c. 353.

Revisor's Note, 1965: This is a restatement of old s. 139.51. It has been shortened and modernized. [Bill 112-S]

139.34 History: 1965 c. 67, 218; Stats. 1965 s. 139.34; 1967 c. 179; 1969 c. 252; 1969 c. 276 s. 590 (3).

Revisor's Note, 1965: Since warehouse permits are combined with the other types, the warehouse permit fee is raised from \$10 to \$50 a year.

The revision makes it clear that permits are needed for each place of business and no permit is transferable.

Subsection (10) eliminates the old requirement that vending machine operators inform the department of the location of each machine and its number. This requirement was unworkable. [Bill 112-S]

Questions relating to the interpretation of 139.50, Stats. 1939, as to persons required thereby to have a permit to purchase cigarette tax stamps, are considered and answered in 28 Atty. Gen. 637.

139.50, Stats. 1939, is applicable to sales of cigarettes on boats on the Great Lakes while within the territorial boundaries of Wisconsin. 29 Atty. Gen. 283.

139.35 History: 1965 c. 67; Stats. 1965 s. 139.35; 1969 c. 276 s. 590 (3); 1969 c. 392 s. 87 (9).

139.36 History: 1965 c. 67, 625; Stats. 1965 s. 139.36; 1967 c. 291 s. 14; 1969 c. 276 ss. 588 (10), 590 (3); 1969 c. 424.

139.37 History: 1965 c. 67; Stats. 1965 s. 139.37; 1969 c. 252.

139.38 History: 1965 c. 67, 218; Stats. 1965 s. 139.38; 1969 c. 276 s. 590 (3).

Revisor's Note, 1965: Monthly reports will be required from all permittees, not just man-

ufacturers and wholesalers. Permission to mail reports on the due date is new but is the standard provision now used as to most tax returns. [Bill 112-S]

139.39 History: 1965 c. 67; Stats. 1965 s. 139.39; 1969 c. 276.

139.40 History: 1965 c. 67, 433; Stats. 1965 s. 139.40; 1969 c. 276 s. 590 (3).

Revisor's Note: Old s. 139.50 (33) and (35) restated. They overlapped and were confusing, and in some particulars conflicted. [Bill 112-S]

139.41 History: 1965 c. 67; Stats. 1965 s. 139.41.

139.42 History: 1965 c. 67; Stats. 1965 s. 139.42.

139.43 History: 1965 c. 67; Stats. 1965 s. 139.43; 1967 c. 26.

139.44 History: 1965 c. 67; Stats. 1965 s. 139.44; 1967 c. 26, 179; 1969 c. 276 s. 590 (3).

139.60 History: 1931 c. 96; Stats. 1931 s. 98.39; Spl. S. 1931-32 c. 3, 17; 1935 c. 210; 1935 c. 550 s. 240, 241, 282 to 285; Stats. 1935 s. 97.41, 97.72 (2); 1939 c. 432; 1943 c. 61, 174, 229; 1945 c. 33; 1947 c. 9 s. 31; 1949 c. 340; 1951 c. 223 s. 9; 1951 c. 261 s. 10; 1953 c. 560, 605; 1959 c. 459; 1959 c. 659 s. 69; Stats. 1959 s. 139.60; 1967 c. 42; 1969 c. 276 s. 590 (2), (3); 1969 c. 286; 1969 c. 392 s. 87 (22).

The U.S. circuit court of appeals will judicially notice legislation in Wisconsin and other states of large vested interests in dairying imposing heavy restrictions upon the competition of oleomargarine with butter. *Vitamin Technologists v. Wisconsin A. R. F.* 146 F (2d) 941.

Forty per cent dairy-margarine blend products, legally salable under 97.46 and 97.39, Stats. 1967, are oleomargarine products as that term is defined in 139.60, and are subject to regulation and taxation under that section. 57 Atty. Gen. 58.

CHAPTER 140.

Health; Administration and Supervision.

140.01 History: 1969 c. 366; Stats. 1969 s. 140.01.

140.02 History: 1969 c. 366; Stats. 1969 s. 140.02.

140.05 History: 1876 c. 366 s. 2, 3; R. S. 1878 s. 1407; 1887 c. 452 s. 5; Ann. Stats. 1889 s. 1407; Stats. 1898 s. 1407; 1899 c. 351 s. 22; 1905 c. 433 s. 2; Supl. 1906 s. 1407; 1913 c. 674; 1917 c. 145; 1921 c. 422 s. 46; 1923 c. 448 s. 2; Stats. 1923 s. 140.05; 1927 c. 494 s. 3; 1929 c. 439 s. 8; 1931 c. 67 s. 169, 169a; 1933 c. 111; 1941 c. 49 s. 93; 1943 c. 288, 326; Stats. 1943 s. 50.14 (1), 140.05; 1947 c. 132; 1949 c. 82; 1953 c. 61; 1955 c. 221 s. 45; 1955 c. 377, 534; 1955 c. 570 s. 3; 1957 c. 526 s. 24; Stats. 1957 s. 140.05; 1959 c. 628; 1963 c. 155; 1969 c. 55, 146; 1969 c. 276 s. 603 (2), (3); 1969 c. 366 ss. 58, 59, 117 (1) (a); 1969 c. 448.

On exercises of police power see notes to sec. 1, art. I; on delegation of power see notes

to sec. 1, art. IV; on communicable diseases see notes to various sections of ch. 143; and on plumbing see notes to various sections of ch. 145.

The state board of health, or its employe or agent, is not protected in destroying property as a nuisance if in fact no nuisance exists. 22 Atty. Gen. 152.

The state board of health may make regulations requiring sanitary production of fluid milk, cream, skimmed milk and buttermilk if such regulations are reasonably necessary as a health measure or to prevent the spread of or to suppress communicable diseases, provided such rules are in aid of or supplemental to legislative standards and not in conflict therewith. Such rules may be enforced by inspectors employed by the department of agriculture, this arrangement being with the common consent of both departments. 27 Atty. Gen. 516.

The state board of health under 140.05 (1) and (3) and 143.02 (4), Stats. 1945, may promulgate reasonable minimum sanitary standards for summer camps if reasonably necessary as health measures or to prevent the spread of or to suppress communicable diseases, provided such rules are in the aid of or supplemental to legislative standards and not in conflict therewith. 35 Atty. Gen. 247.

See note to 140.18, citing 36 Atty. Gen. 292.

See note to 69.03, citing 36 Atty. Gen. 633.

Under 140.05 (2), Stats. 1947, the board has authority to show generally accepted films on sex hygiene. 38 Atty. Gen. 70.

Questions concerning the authority of the state board of health over joint institutions operated by counties are discussed in 49 Atty. Gen. 56.

A regulation of the state board of health which prohibits nurses and other non-medical personnel from administering oxytocics to antepartum patients unless a physician is present is within the scope of the rule-making authority conferred by 140.05 (8) and 140.36 (2), Stats. 1961. 50 Atty. Gen. 205.

140.055 History: 1939 c. 233, 473; Stats. 1939 s. 140.055; 1965 c. 39; 1969 c. 366 s. 117 (1) (a).

Revisor's Note: (1) is from 46.16 (1) (a); (2) is from 46.16 (1) (c) and (e). See Revisor's note to ch. 50.

140.07 History: 1913 c. 674; Stats. 1913 s. 1407a-3; 1923 c. 448 s. 4; Stats. 1923 s. 140.07; 1937 c. 228; 1943 c. 172, 503; 1947 c. 579; 1955 c. 10; 1969 c. 366 s. 117 (1) (a).

140.08 History: 1909 c. 279; 1911 c. 465; 1911 c. 664 s. 91; Stats. 1911 s. 1416-19; 1913 c. 193; 1923 c. 448 s. 5; Stats. 1923 s. 140.08; 1947 c. 579; 1969 c. 366 s. 117 (1) (a).

140.09 History: 1929 c. 345; Stats. 1929 s. 140.09; 1947 c. 511, 614; 1949 c. 262; 1951 c. 261 s. 10; 1953 c. 165; 1965 c. 252, 273; 1969 c. 366 s. 117 (1) (b), (e), (2) (a).

Under ch. 511, Laws 1947, compensation of health department employes is to be determined by the board of health, where the health department is operated jointly as a city-county venture or as a multiple county venture. 37 Atty. Gen. 34.

A city-county board of health has the power under 140.09 (6) of a local board of health to make reasonable rules effectual for the preservation of public health. Whether a rule of such an agency requiring the use of three-compartment sinks in public eating places not having mechanical dishwashing machines would be a proper one presents a factual problem as to the reasonable necessity of the rule under all of the circumstances. 41 Atty. Gen. 147.

State aid provided in 141.065 for county public health nurses is not required by statute to be applied to reduce a city's share of the cost for a city-county health department under 140.09 (14). 47 Atty. Gen. 277.

As to what constitutes "a full-time health department" for a town, village or city, see 50 Atty. Gen. 56.

The date of the resolution creating a county health department governs in the application of 140.09 (10) and (11), Stats. 1959. 50 Atty. Gen. 60.

140.10 History: 1947 c. 255; Stats. 1947 s. 140.10.

140.11 History: 1947 c. 255; Stats. 1947 s. 140.11; 1955 c. 273.

140.13 History: 1947 c. 255; Stats. 1947 s. 140.13; 1953 c. 61; 1965 c. 169; 1969 c. 366 ss. 61, 117 (1) (a).

140.14 History: 1947 c. 255; Stats. 1947 s. 140.14; 1949 c. 48; 1953 c. 61; 1955 c. 273; 1957 c. 528; 1965 c. 169; 1965 c. 292 s. 11 (3); 1967 c. 125; 1969 c. 366.

140.15 History: 1947 c. 255; Stats. 1947 s. 140.15; 1969 c. 366 s. 117 (1) (a).

The state board of health may properly apply for federal funds under 140.15 and 20.410 (41), Stats. 1953, for the purpose of making an inventory of hospital, medical, and other related facilities and to develop a state program for the construction of such facilities. 44 Atty. Gen. 32.

140.16 History: 1947 c. 255; Stats. 1947 s. 140.16; 1969 c. 366.

140.17 History: 1947 c. 255; Stats. 1947 s. 140.17.

140.18 History: 1947 c. 255; Stats. 1947 s. 140.18; 1969 c. 366 s. 117 (1) (a).

Any regulation made by the state board of health under 140.18, Stats. 1947, may be enforced by action brought in a state court of competent jurisdiction. 140.05 (3) applies in case of regulations made by the state board of health under 140.18 and gives the board power to enforce such regulations in event of a violation either by an action brought in a state court of competent jurisdiction or by imposition of a fine as therein provided. 36 Atty. Gen. 292.

140.19 History: 1947 c. 255; Stats. 1947 s. 140.19.

140.20 History: 1947 c. 255; Stats. 1947 s. 140.20; 1969 c. 366 s. 117 (1) (a).

140.21 History: 1947 c. 255; Stats. 1947 s. 140.21; 1969 c. 366 s. 117 (1) (a).

140.22 History: 1947 c. 255; Stats. 1947 s. 140.22; 1969 c. 366 s. 117 (1) (a).

140.23 History: 1953 c. 330; Stats. 1953 s. 140.23; 1965 c. 294.

140.24 History: 1953 c. 330; Stats. 1953 s. 140.24; 1965 c. 294; 1969 c. 366.

140.25 History: 1953 c. 330; Stats. 1953 s. 140.25; 1965 c. 294.

140.26 History: 1953 c. 330; Stats. 1953 s. 140.26; 1965 c. 294; 1969 c. 366 s. 117 (1) (a).

140.27 History: 1953 c. 330; Stats. 1953 s. 140.27; 1955 c. 221 s. 46; 1965 c. 294; 1967 c. 222; 1969 c. 276 s. 584 (1) (a); 1969 c. 366 s. 117 (1) (a); 1969 c. 366 s. 117 (1) (a); 1969 c. 392 ss. 55s, 84g.

140.28 History: 1953 c. 330; Stats. 1953 s. 140.28; 1965 c. 294; 1967 c. 126; 1969 c. 366.

140.29 History: 1965 c. 294; Stats. 1965 s. 140.29; 1969 c. 336 s. 176; 1969 c. 366 s. 117 (1) (a).

140.45 History: 1957 c. 530; Stats. 1957 s. 140.45; 1959 c. 565; 1961 c. 191; 1969 c. 366 ss. 67, 68, 117 (1) (a).

On registration and employment of sanitarians see 47 Atty. Gen. 90.

140.50 History: 1963 c. 325; Stats. 1963 s. 140.50.

140.51 History: 1963 c. 325; Stats. 1963 s. 140.51; 1969 c. 276 s. 584 (1) (b).

140.52 History: 1963 c. 325; Stats. 1963 s. 140.52; 1969 c. 276, 366.

140.53 History: 1963 c. 325; Stats. 1963 s. 140.53; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

140.54 History: 1963 c. 325, 459; Stats. 1963 s. 140.54; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

140.56 History: 1963 c. 325; Stats. 1963 ss. 140.56, 140.57; 1969 c. 366 ss. 70, 71, 72, Stats. 1969 s. 140.56.

140.58 History: 1963 c. 325; Stats. 1963 s. 140.58; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 ss. 73, 117 (1) (a).

140.59 History: 1963 c. 325; Stats. 1963 s. 140.59; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

140.595 History: 1963 c. 325; Stats. 1963 s. 140.595.

140.60 History: 1963 c. 325; Stats. 1963 s. 140.60; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (1) (a).

140.65 History: 1965 c. 176; Stats. 1965 s. 140.65.

140.66 History: 1965 c. 176; Stats. 1965 s. 140.66; 1969 c. 366.

140.67 History: 1965 c. 176; Stats. 1965 s. 140.67; 1969 c. 366 ss. 75, 117 (1) (a).

140.69 History: 1965 c. 176; Stats. 1965 s. 140.69; 1969 c. 366 s. 117 (1) (a).

140.70 History: 1965 c. 176; Stats. 1965 s. 140.70; 1969 c. 366 s. 117 (1) (a).

140.71 History: 1965 c. 176; Stats. 1965 s. 140.71; 1969 c. 366 s. 117 (1) (a).

140.72 History: 1965 c. 176; Stats. 1965 s. 140.72.

140.73 History: 1965 c. 176; Stats. 1965 s. 140.73; 1969 c. 366 s. 117 (1) (a).

140.74 History: 1965 c. 176; Stats. 1965 s. 140.74; 1969 c. 366 s. 117 (1) (a).

140.75 History: 1965 c. 176; Stats. 1965 s. 140.75; 1969 c. 366 s. 117 (1) (a).

140.76 History: 1965 c. 176; Stats. 1965 s. 140.76; 1969 c. 366 s. 117 (1) (a).

140.77 History: 1969 c. 146; Stats. 1969 s. 140.77.

CHAPTER 141.

Local Health Officials.

141.01 History: 1961 c. 563, 607; Stats. 1961 s. 141.01; 1967 c. 240; 1969 c. 366 s. 117 (1) (a).

A health officer is not required to be a resident of the town for which he acts. 13 Atty. Gen. 151.

141.015 History: 1961 c. 563; Stats. 1961 s. 141.015; 1969 c. 366 s. 117 (1) (a).

On exercises of police power see notes to sec. 1, art. I; on delegation of power see notes to sec. 1, art. IV; on municipal home rule see notes to sec. 3, art. XI; and on communicable diseases see notes to various sections of ch. 143.

The office of city health officer is incompatible with that of a member of the city school board. 20 Atty. Gen. 462.

As a general rule the executive officer of a local board of health should not enter and make investigation to ascertain whether the law has been violated over the objection of the owner without an order from a court. 25 Atty. Gen. 643.

141.02 History: 1889 c. 326 s. 107 to 112; Ann. Stats. 1889 s. 925o sub. 107 to 112; 1893 c. 312 s. 33; Stats. 1898 s. 925—107 to 925—112a; 1919 c. 438; 1919 c. 671 s. 18; 1919 c. 702 s. 56; Stats. 1919 s. 925—107 to 925—112m; 1921 c. 242 s. 271 to 281; 1921 c. 258; 1921 c. 590 s. 78; Stats. 1921 s. 1411r; 1923 c. 448 s. 7; Stats. 1923 s. 141.02; 1947 c. 347; 1953 c. 165; 1957 c. 113; 1969 c. 255; 1969 c. 366 s. 117 (1) (b).

A city health officer is entitled, in addition to his annual salary, to his actual and necessary expenses incurred in the performance of his duties. 15 Atty. Gen. 404.

141.04 History: 1917 c. 72; Stats. 1917 s. 1411a; 1923 c. 448 s. 9; Stats. 1923 s. 141.04; 1961 c. 563.

Under 141.04, Stats. 1967, towns and villages in a given county can jointly provide for "health services" where there is no existing county health department or county health commission, and such joint arrangement would not be affected by a subsequent adoption of a county health commission by that county. 57 Atty. Gen. 245.