

CHAPTER 291 , Laws of 1981

AN ACT to repeal 141.01 (1) (a), 141.06, 143.04 (10), 143.05 (2), (7) to (9) and (11), 143.06 (2), (3) and (8), 143.07 (3), (8), (12) and (13), 143.075, 143.085, 143.09, 143.12 (2) to (5) and (7), 143.13 and 143.14 (2) to (4); to renumber and amend 143.05 (10), 143.07 (1) and 143.14 (1); to amend 46.23 (5) (a), 50.83, 93.07 (10), 95.10 (4), 95.20, 95.22 (1), 95.50 (2), 115.35 (1), 118.01 (2), 140.09 (16), 141.01 (1) (intro.), (3), (6), (8) and (9), 141.015 (3) and (4), 141.07, 141.10 (1) and (4), 143.02 (1) to (5), 143.03, 143.04 (1), (3) to (9) and (11), 143.05 (title), (1) and (3) to (6), 143.06 (5), 143.07 (title), (2), (4), (7), (9) and (10), 143.08, 143.10, 143.11, 143.12 (title) and (6), 143.14 (title), 143.15 (7) and 765.06 (1) (a) and (d) and (2); to repeal and recreate 141.01 (7), 143.01, 143.02 (6), 143.04 (2), 143.06 (1) and (4), 143.07 (5) and (11) and 143.12 (1); and to create 141.01 (1m), (9m) and (10), 143.05 (10) (b), 143.07 (1) and 990.01 (5am) of the statutes, relating to revising the laws concerning local health agencies and communicable diseases and granting rule-making authority .

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.23 (5) (a) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

46.23 (5) (a) The powers and duties of boards that are integrated into a community human services board transfer to the community human services board, including the powers and duties specified in ss. 46.21, 46.22, 49.51, 51.42 and 51.437. The county board or boards of supervisors creating the community human services board may also transfer to the community human services board the powers and duties of a county unit created under s. 59.025 (3) (a), of a board of health created under s. 140.09 or of a county health commission or committee created under s. 141.01 or may transfer the operation of any other human services programs under county control.

SECTION 1m. 50.83 of the statutes is amended to read:

50.83 Persons with communicable disease not to be guest; penalty. No person is entitled to accommodation at a hotel who has a communicable disease ~~(as determined pursuant to s. 143.01)~~. No person who has had any such disease shall be entitled to such accommodation until all danger of spreading contagion therefrom is past. This section does not authorize compulsory removal of or refusal of shelter to any such person who is receiving accommodation at any hotel, if removal would specially endanger his life or health. Any person who knowingly and wilfully solicits or receives accommodation in violation of this section shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding 6 months.

SECTION 2. 93.07 (10) of the statutes is amended to read:

93.07 (10) **ANIMAL HEALTH; QUARANTINE.** To protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of communicable diseases among domestic animals, and for these purposes it may establish, maintain, enforce and regulate such quarantine and such other measures relating to the importation, movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department may deem necessary. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 3. 95.10 (4) of the statutes is amended to read:

95.10 (4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 4. 95.20 of the statutes is amended to read:

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the livestock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this section.

SECTION 5. 95.22 (1) of the statutes is amended to read:

95.22 (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 6. 95.50 (2) of the statutes is amended to read:

95.50 (2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least 6 feet below the surface of the ground and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of under such regulations as are prescribed by the department. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 6e. 115.35 (1) of the statutes is amended to read:

115.35 (1) A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him or her to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: controlled substances, as defined in s. 161.01 (4); alcohol; tobacco; mental health; sexually transmitted diseases; human growth and development; and related health and safety topics. Participation in the human growth and development topic of the curricula shall be entirely voluntary.

SECTION 6m. 118.01 (2) of the statutes is amended to read:

118.01 (2) **PHYSIOLOGY AND HYGIENE.** Physiology and hygiene, sanitation, the effects of controlled substances under ch. 161 and alcohol upon the human system, symptoms of disease and the proper care of the body shall be taught, but no pupil may be required to take such instruction if his or her parents file with the teacher a written objection thereto. Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.

SECTION 8. 140.09 (16) of the statutes is amended to read:

140.09 (16) **COUNTY NURSES.** When a county health department is established county nurses shall be transferred to the jurisdiction of the county health department and county health committees or commissions shall cease functioning.

SECTION 9. 141.01 (1) (intro.) of the statutes is amended to read:

141.01 (1) (intro.) Unless a county has a county health department organized under s. 140.09 or the entire area of a county has local boards of health under s. 141.015, 141.02 or 141.04, or the county has a population of 500,000 or more, the county board may provide for a county health commission ~~which~~ or a county health committee under sub. (9m). A commission shall:

SECTION 10. 141.01 (1) (a) of the statutes is repealed.

SECTION 10m. 141.01 (1m) of the statutes is created to read:

141.01 (1m) Any county authorized to provide for a county health commission or committee under sub. (1) but elects not to do so shall designate a health care professional to assume the powers and duties of a local health officer under ch. 143. The health care professional shall perform these powers and duties only in areas of the county outside of towns that elect to create a board of health under sub. (9). The person designated shall be a person licensed, permitted, registered or certified to provide health care under chs. 441 or 446 to 449, such as a physician, podiatrist, osteopath, physician's assistant, physical therapist, nurse, chiropractor, dentist, dental hygienist or optometrist.

SECTION 11. 141.01 (3) and (6) of the statutes are amended to read:

141.01 (3) (a) Unless the manner of appointment is otherwise provided for by ordinance, the commission shall elect a ~~chairman and a clerk, and employ a health director, and chairperson and shall designate a qualified public health professional, as specified by the department by rule, to fulfill the requirements of a local health officer under ch. 143 and a public health nurse to conduct general public health nursing programs under the direction of the commission and in cooperation with the department. The commission shall also designate a qualified public health professional, as specified by the department by rule, for the purposes of environmental sanitation and other public health programs not specifically designated by statute as functions of the public health nurse. The commission may employ one or more sanitarians under s. 140.45 (3). The director shall receive an annual salary to be fixed by the county board and shall receive his actual and necessary expenses. If the appointee is not a physician, the commission shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or a full-time basis and shall coordinate the activities of any sanitarian employed by the county board. The commission is not required to designate different persons to perform these functions. The commission may arrange for the provision of services of a physician as necessary and may provide reasonable compensation therefor.~~

(b) The commission shall be supplied with ~~record books, quarantine cards and other materials needed to carry out its functions. Unless such materials are provided by the department, their costs shall be paid for by the county.~~

(6) ~~The director shall~~ commission:

(a) ~~Make~~ May make an annual sanitary survey and maintain continuous sanitary supervision over ~~his~~ the territory.

(b) ~~Make~~ May make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.

(c) ~~Promote~~ Shall promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

(d) ~~Take~~ Shall take steps necessary to secure prompt and full reports, ~~by physicians of~~ communicable diseases, and prompt and full registration of births and deaths.

(e) ~~Enforce~~ Shall enforce the health laws and the rules of the department.

(f) ~~Keep and deliver to his successor~~ Shall keep a record of all ~~his~~ official acts.

(g) ~~The director and the clerk shall~~ Shall report to the department as required. ~~They shall also submit the report of their transactions to the department.~~

SECTION 12. 141.01 (7) of the statutes is repealed and recreated to read:

141.01 (7) The commission has the powers vested in local boards of health under ss. 141.015, 141.02 and 141.04.

SECTION 13. 141.01 (8) of the statutes is amended to read:

141.01 (8) No services shall be performed by the ~~county health~~ commission for any political subdivision in a county which does not contribute toward the support of the ~~county health~~ commission.

SECTION 13m. 141.01 (9) of the statutes is amended to read:

141.01 (9) If the county board does not provide for a county health commission or committee every town board shall of a town with a population exceeding 2,500 may, within 30 days after each election of officers, organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons as a board of health for the town. The board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board with voting power and its executive officer and take the oath of office. The health officer shall hold office for 2 years. The town board of health ~~and health officer shall have~~ has the powers and duties authorized for the county health commission ~~and health director~~ in this section. The health officer has the powers and duties of a local health officer under ch. 143.

SECTION 14. 141.01 (9m) of the statutes is created to read:

141.01 (9m) A county health committee created under this section shall consist of 5 or more members appointed by the chairperson of the county board, at least 3 of whom shall be county supervisors. The committee may employ one or more persons designated under sub. (3) (a), who shall have the powers and duties specified for a commission in subs. (1) and (3) to (7).

SECTION 15. 141.01 (10) of the statutes is created to read:

141.01 (10) The county board shall make an appropriation to fund the operation of any commission or committee created under this section.

SECTION 16. 141.015 (3) and (4) of the statutes are amended to read:

141.015 (3) In case the board or council fails to appoint a board of health the county health commission or committee shall perform the health services in such village or city.

(4) Unless the manner of appointment is otherwise provided for by ordinance, the board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board and its executive officer and take the oath of office. If a vacancy in the position of health officer occurs, the board of health shall immediately fill the position. The board shall immediately report to the county health commission or committee and the department the names, post-office addresses and occupations of the officers thereof, and any changes therein. The health officer shall receive an annual salary to be fixed by the city council or the village board and shall be reimbursed for actual and necessary

expenses. If the appointee is not a physician, the board of health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

SECTION 17. 141.06 of the statutes is repealed.

SECTION 18. 141.07 of the statutes is amended to read:

141.07 Dental clinics. Any county may establish and maintain a dental clinic or clinics to be operated under rules adopted by the county health committee or commission named under s. 141.06 ~~141.01~~. Monthly reports shall be made by the director of the clinic or clinics under s. 141.045 (3) on blanks prescribed by the department. Any such clinic is subject to ch. 150.

SECTION 19. 141.10 (1) and (4) of the statutes are amended to read:

141.10 (1) **AUTHORITY.** County boards of supervisors or city councils may authorize their respective county health committee, commission or county or city board of health to establish programs of home nursing care, including rehabilitative nursing services, to employ additional nurses as provided in s. 141.045, and to collect fees for such services to ill or disabled persons. The county health committee, commission or board of health authorized to establish a program of home nursing care shall develop a plan of operation in consultation with a representative of the department and the county medical society. The representatives of the department and county medical society shall be invited to provide advice and guidance on the operation of the program. Home nursing care shall be provided under the direction of a licensed physician of the patient's choice.

(4) **CHARGES.** Persons receiving such home nursing care shall not be charged fees in excess of the scheduled costs, and shall be charged according to their ability to pay full or part costs as determined by the policy of the county health committee, commission or board of health. No person shall be denied necessary services, within the limits of available personnel, because of inability to pay the cost of such service. The county board or city council shall determine the procedure for collecting and depositing fees and auditing receipts.

SECTION 20. 143.01 of the statutes is repealed and recreated to read:

143.01 Definitions In this chapter:

(1) "Local health officer" means a health officer designated under s. 140.09, 141.01 (9), 141.015, 141.02 or 141.04 or a qualified public health professional designated under s. 141.01 (1m), (3) (a) or (9m).

(2) "Municipality" means any city, village or town.

SECTION 21. 143.02 (1) to (5) of the statutes are amended to read:

143.02 (1) The department may establish such systems of disease surveillance and inspection as it deems necessary to ascertain the presence of any communicable disease, and any member or authorized agent or inspector of said. Any agent of the department may, with a special inspection warrant issued under s. 66.122, enter any building, vessel, railway car or other public vehicle conveyance to inspect the same and remove therefrom any person affected by such a communicable disease, and for this purpose. For this purpose, the agent may require the person in charge of any the vessel or public vehicle conveyance, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his the train at any station or upon any sidetrack, for such time as may be necessary.

(2) In an emergency, the department may provide those sick with such a communicable disease with medical aid and temporary hospital accommodation and with nurses and attendants.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places when deemed necessary to control outbreaks and epidemics.

(4) The department may adopt and enforce rules or issue orders for guarding against the introduction of any such communicable disease into the state, for the control and suppression thereof ~~within it of communicable diseases~~, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such a communicable disease, ~~for the preparation, transportation or burial of corpses, for the speedy and private interment of the bodies of persons who have died from communicable disease, and for the sanitary care of jails, asylums, schoolhouses state prisons, mental health institutions, schools, hotels and all other public buildings and connected premises connected therewith.~~ Any rule or order may be made applicable to the whole or any specified part of the state, or to any vessel, railway car or other public vehicle conveyance. Rules of general application shall be ~~published as provided in adopted under ch. 227; but rules or orders.~~ Orders may be made for any city, village or town county by service thereof upon the local health officer. Rules or orders ~~hereunder shall adopted or issued under this subsection~~ supersede conflicting local rules or ordinances.

(5) ~~All public officers and employes shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of institutions, buildings, vessels and vehicles within this section, shall cooperate with the department in carrying out its provisions, and if such cooperation be refused or withheld~~ If any public officer or employe or any person in charge of any building, vessel, conveyance, jail, state prison, mental health institution or school fails to comply with a rule or order adopted or issued under sub. (4), the department may appoint an agent to execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing or orders. Expenses which an agent incurs shall be paid by the county, city, town or village, except they are incurred for the prevention and control of Asiatic cholera and the state has created a fund for that purpose unit of government that employs the person or of which the public officer is a member. If the building, vessel, conveyance, mental health institution or school is privately owned the state shall pay the expenses incurred.

SECTION 22. 143.02 (6) of the statutes is repealed and recreated to read:

143.02 (6) The department may authorize and implement all emergency measures necessary to control communicable diseases.

SECTION 23. 143.03 of the statutes is amended to read:

143.03 (title) Duties of local health officers. (1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances, and make a full report to his board the appropriate governing body and also to the department; ~~he shall at all times.~~ The local health officer shall promptly take such all measures for the prevention, suppression and control of any such disease as he deems needful and proper subject to the approval of his board necessary to prevent, suppress and control communicable diseases, and shall report to his board the appropriate governing body the progress of such the communicable diseases and the measures used against them, with such frequency as needed to keep the board appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer shall may inspect the schoolhouses schools and other public buildings within his district, with sufficient frequency or her jurisdiction as needed to determine whether such the buildings are kept in a sanitary condition.

(2) ~~Local boards of health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics, and under direction of the department, shall furnish antitoxin free to indigent persons suffering from communicable disease and shall advise the department of measures taken.~~

CHAPTER 291

1208

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person shall ~~may~~ interfere with the examination investigation under this chapter of any place or its occupants by local health officials officers or their assistants, ~~nor with any notice posted under this chapter.~~

SECTION 24. 143.04 (1) of the statutes is amended to read:

143.04 (1) ~~A physician~~ Any person licensed under ch. 441 or 448 knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having such a communicable disease, has died, shall report the same appearance of the communicable disease or the death to the local health officer, commissioner, or board. In the case of a person having poliomyelitis, the physician shall in addition to the report made to the health officer, send a report immediately to the department, giving the name, address, age and description of disability of such person. The local health officer shall report this information to the department or shall direct the licensee to report to the department. Any licensee directed to report shall submit this information to the department.

SECTION 25. 143.04 (2) of the statutes is repealed and recreated to read:

143.04 (2) Each laboratory shall report as prescribed by the department those specimen results that the department finds necessary for the surveillance, control, diagnosis and prevention of communicable diseases.

SECTION 26. 143.04 (3) to (9) of the statutes are amended to read:

143.04 (3) Anyone having knowledge or reason to believe that any person has a communicable disease shall report the facts to a the local health official officer.

(4) Reports under subs. (1) and (2) shall state so far as known the name, sex, age and ~~the~~ residence of the ~~sick~~ person, the communicable disease and ~~such~~ other facts as the department or local ~~board of health officer~~ requires. ~~Blank Report forms may be furnished by the department or local board of health and distributed by the local health officer.~~

(5) All reports shall be made within 24 hours, ~~unless otherwise specified by the department,~~ either by telephone, telegraph, mail or by leaving deposit at the office ~~or residence~~ of the local health officer.

(6) ~~The~~ Any local health officials officer, upon receiving a report, shall cause a permanent record of the report to be made and upon demand of the department transmit the original or a copy to the department, together with ~~such other particulars as~~ information the department requires.

(7) When an outbreak or epidemic occurs, the local health officials officer shall immediately report to the department, and shall at all times keep the department informed ~~upon~~ of the prevalence of the communicable diseases in the municipality locality in ~~such the manner and with such the~~ facts as the department requires.

(8) A list of communicable diseases shall be displayed ~~in a prominent place~~ in each physician's office ~~or clinic~~ and in each health care institution for the treatment of the sick, school and correctional facility. The list shall be printed ~~on a card and~~ furnished without cost charge by the department.

(9) ~~In diagnosing communicable diseases in patients accepted for treatment, physicians~~ Any person licensed under ch. 441 or 448 shall use ordinary skill and bacteriological examinations where the same would be of material value in disclosing such disease in

determining the presence of communicable diseases. If there is a dispute regarding ~~diag-~~agnosis, if a bacteriological examination disease determination, if the disease may have po-
tential public health significance or if more extensive laboratory tests will aid, the local
health officer shall order it the tests made by the state laboratory of hygiene or by a
laboratory certified under s. 143.15.

SECTION 27. 143.04 (10) of the statutes is repealed.

SECTION 28. 143.04 (11) of the statutes is amended to read:

143.04 (11) ~~When~~ If a violation hereof of this section is reported to him a district
attorney by a local health officer or by the department, the district attorney shall forth-
with prosecute the proper action, and upon request of the department, the attorney gen-
eral shall assist.

SECTION 29. 143.05 (title) and (1) of the statutes are amended to read:

143.05 (title) Isolation and quarantine. (1) The department ~~or the local health officer~~
acting on behalf of the department may require isolation of the patient, quarantine of
contacts, ~~placarding of premises,~~ concurrent and terminal disinfection, or ~~such~~ modified
forms of these procedures as may be necessary and which are determined by the depart-
ment by rule.

SECTION 30. 143.05 (2) of the statutes is repealed.

SECTION 31. 143.05 (3) to (6) of the statutes are amended to read:

143.05 (3) ~~When a~~ If a local health officer shall suspect or be suspects or is informed
of the existence of any communicable disease, he the officer shall at once investigate and
make or cause such examinations to be made as are necessary. The diagnosis (report)
diagnostic report of a physician, or the notification or confirmatory consent report of a
parent or caretaker of the patient, or a reasonable belief in the existence of such a commu-
nicable disease shall be sufficient evidence and having any of these requires the health
officer shall immediately to quarantine, placard, isolate or, require restrictions or take
other communicable disease control measures in such the manner and, upon such the
persons and for such the time as the department provides in its rules. If he be the local
health officer is not a physician his local board of health or appointive body, he or she
shall employ one to aid him the local health officer as speedily as possible where there is
reasonable doubt or disagreement in diagnosis and where advice is needed. The local
health officer shall be responsible for the prompt placing and removal of signs, shall inves-
tigate evasion of the laws and rules upon concerning communicable disease and shall so
act as to protect the public.

(4) ~~If the disease be designated by the department as a placardable one, the local~~
~~health officer shall immediately placard the infected place by posting conspicuously~~
~~thereon a card. If deemed necessary by the department designates the disease as commu-~~
~~nicable or a local health officer for a particular communicable disease, all persons except~~
~~the local health officer, or his or her representative, attending physicians and nurses and~~
~~clergymen and, members of the clergy, the members of the immediate family and any~~
~~other person having a special written permit from the local health officer are forbidden to~~
~~be in direct contact with the patient.~~

(5) The local ~~board of health officer~~ shall employ as many persons as are necessary to
execute ~~its his or her~~ orders and properly guard any place if quarantine or other restric-
tions on communicable disease are violated or intent to violate is manifested. ~~Such~~ These
persons shall be sworn in as quarantine guards, shall have police powers, and may use all
necessary means to enforce the state laws for the prevention and control of communicable
diseases, or the orders, and rules and regulations of the department or any ~~board of~~ local
health officer.

(6) (a) When the local health officer deems it necessary that ~~such afflicted~~ a person be quarantined or otherwise restricted in a separate place, ~~he the officer~~ shall remove ~~him the person~~, if it can be done without danger to his the person's health, to such this place, and ~~the expense of such removal shall be paid by the municipality.~~

(b) When a person confined in a jail, ~~county asylum or county home~~ state prison, mental health institute or other public place of detention has a disease which the local health officer or the director of health at the institution deems dangerous to the health of other inmates residents or the neighborhood, the local health officer or the director of health at the institution shall ~~by his order in writing, direct~~ the removal of such the person to some a hospital or other place of safety, there to be provided for and securely kept. ~~If he recover he~~ Upon recovery the person shall be returned; and if ~~he the person~~ was committed by a court or under process the removal order or a copy shall be returned by the local health officer, with his doings thereon to the committing court officer.

SECTION 32. 143.05 (7) to (9) of the statutes are repealed.

SECTION 33. 143.05 (10) of the statutes is renumbered 143.05 (10) (a) and amended to read:

143.05 (10) (a) Expenses for necessary ~~nurses, medical attention care,~~ food and other articles needed for the comfort care of the afflicted infected person, shall be charged against ~~him the person~~ or whoever is liable for his the person's support. Indigent cases shall be cared for at municipal expense or by the county where the county system for the poor has been adopted. ~~In any county having a population of 500,000 or more, said county shall provide hospitalization and shall charge the cost thereof against the afflicted person or whoever is liable for his support, but the cost of indigent cases shall be charged to and paid for by the municipality in which the communicable disease is suspected or diagnosed as such. If he is a legal resident of another municipality of this state, the expense of care shall be paid by such municipality, or by the county where the county system for the care of the poor has been adopted, when a sworn statement of such expense is sent to the proper officers within 30 days after quarantine.~~

SECTION 34. 143.05 (10) (b) of the statutes is created to read:

143.05 (10) (b) The county or municipality in which a person with a communicable disease resides is liable for the following costs accruing under this section, unless the costs are payable through 3rd-party liability or through any benefit system:

1. The expense of employing guards under sub. (5).
2. The expense of maintaining quarantine and enforcing isolation of the quarantined area.
3. The expense of conducting examinations and tests for disease carriers made under the direction of the local health officer.
4. The expense of care provided under par. (a) to any dependent person, as defined in s. 49.01 (4).

SECTION 35. 143.05 (11) of the statutes is repealed.

SECTION 36. 143.06 (1) of the statutes is repealed and recreated to read:

143.06 (1) Tuberculosis is a communicable disease and is subject to the reporting requirements specified in s. 143.04. Any laboratory that performs a test for tuberculosis shall report all positive results to the local health officer and to the department.

SECTION 37. 143.06 (2) and (3) of the statutes are repealed.

SECTION 38. 143.06 (4) of the statutes is repealed and recreated to read:

143.06 (4) Any court of record may commit a person infected with tuberculosis to a place that will provide proper care and prevent spread of the disease if the disease is diagnosed by a medical, laboratory or X-ray examination and if the person fails to comply with this chapter or with rules of the department concerning tuberculosis. If the local

health officer or any resident of the municipality in which an alleged violation of this subsection occurs petitions the court and states the facts of the alleged violation, the court shall summon the person infected with tuberculosis to appear in court on a date at least 48 hours after service of the summons. The court may order the person discharged. If the administrative officer of the institution has good cause to believe that a person who is committed may leave without a court order, the officer may restrain the person from leaving. The administrative officer may segregate any person who is committed, as needed.

SECTION 39. 143.06 (5) of the statutes is amended to read:

143.06 (5) Upon complaint report of any responsible person, the local board of health officer shall at once investigate and ~~if it finds conditions dangerous to health it shall make and enforce the necessary orders.~~

SECTION 40. 143.06 (8) of the statutes is repealed.

SECTION 41. 143.07 (title) of the statutes is amended to read:

143.07 (title) Sexually transmitted disease.

SECTION 42. 143.07 (1) of the statutes is renumbered 143.07 (1m) and amended to read:

143.07 (1m) ~~Any person afflicted with venereal~~ infected with a sexually transmitted disease in a communicable form is declared to be a menace to the public health. A physician called to attend a person ~~afflicted infected with any form of venereal sexually transmitted disease, as specified by the department by rule,~~ shall report the ~~same disease to the local health officer and to the department in the manner directed by the department to the department~~ in writing on ~~blanks~~ forms furnished by the department. A physician may treat a minor ~~afflicted with venereal~~ infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of ~~such~~ the minor's parents or guardian. The physician shall incur no civil liability solely by reason of the lack of consent of ~~such~~ the minor's parents or guardian.

SECTION 43. 143.07 (1) of the statutes is created to read:

143.07 (1) In this section, "sexually transmitted disease" means syphilis, gonorrhea and other diseases the department includes by rule.

SECTION 44. 143.07 (2) of the statutes is amended to read:

143.07 (2) An officer of the department or a local health officer having knowledge of any ~~known reported~~ or reasonably suspected case of such a menace a sexually transmitted disease for which no appropriate treatment is being administered under the supervision of a physician authorized to prescribe drugs shall ~~forthwith~~ investigate or cause ~~such~~ the case to be investigated by ~~such means as are necessary.~~ ~~Whenever~~ If, following a request of an officer of the department or a local health officer, a person reasonably suspected ~~case of such menace of being infected with a sexually transmitted disease~~ refuses or neglects examination by a physician ~~licensed to prescribe drugs or treatment~~, an officer of the department or a local health officer may proceed to have ~~such~~ the person committed in conformity with under sub. (5), to an institution or system of care for examination, treatment or observation. ~~A local health officer who is a physician may be authorized to make such investigation and take such commitment procedures in any specific case when directed to do so by the department.~~

SECTION 45. 143.07 (3) of the statutes is repealed.

SECTION 46. 143.07 (4) of the statutes is amended to read:

143.07 (4) ~~When~~ If a person ~~so afflicted~~ infected with a sexually transmitted disease ceases or refuses taking treatment before reaching what in the physician's opinion is the noncommunicable stage, the physician shall ~~forthwith~~ notify the department, giving the

~~name, age, sex and conjugal condition of the person afflicted and the disease.~~ The department shall without delay take ~~such the necessary steps as shall be necessary to have said~~ the person committed for treatment or observation under sub. (5), or shall notify the local health officer to take these steps.

SECTION 47. 143.07 (5) of the statutes is repealed and recreated to read:

143.07 (5) Any court of record may commit a person infected with a sexually transmitted disease to any institution or may require the person to undergo a system of care for examination, treatment or observation if the person ceases or refuses examination, treatment or observation under the supervision of a physician. The court shall summon the person to appear on a date at least 48 hours after service if an officer of the department or a local health officer petitions the court and states the facts authorizing commitment. If the person fails to appear or fails to accept commitment without reasonable cause, the court may cite the person for contempt. The court may issue a warrant and may direct the sheriff, any constable or any police officer of the county immediately to arrest the person and bring the person to court if the court finds that a summons will be ineffectual. The court shall hear the matter of commitment summarily. Commitment under this subsection continues until the disease is no longer communicable or until other provisions are made for treatment that satisfy the department. The certificate of the petitioning officer is prima facie evidence that the disease is no longer communicable or that satisfactory provisions for treatment have been made.

SECTION 48. 143.07 (7) of the statutes is amended to read:

143.07 (7) Reports, examinations and inspections and all records ~~thereof made under this section shall be concerning sexually transmitted diseases are~~ confidential and not open to public inspection, and ~~no part thereof shall not~~ be divulged except as may be necessary for the preservation of the public health. ~~When or in the course of commitment proceedings under sub. (5).~~ If a physician has reported a case of venereal sexually transmitted disease to the department, ~~in compliance with~~ under sub. (4), all questions information regarding the presence of the disease and ~~the date from which the treatment was neglected shall not be regarded as is not privileged information~~ when the patient or physician is called upon to testify to the facts before any court of record.

SECTION 49. 143.07 (8) of the statutes is repealed.

SECTION 50. 143.07 (9) and (10) of the statutes are amended to read:

143.07 (9) The department shall prepare for free distribution upon request to ~~citizens of the state, printed~~ residents, information and instructions concerning ~~venereal~~ sexually transmitted diseases.

(10) The state laboratory of hygiene and branch and cooperative laboratories shall make microscopical examinations shall examine specimens for the diagnosis of gonorrhea, and the necessary examinations of blood, cerebrospinal fluid or secretions for the diagnosis of syphilis, sexually transmitted diseases for any physician or local health officer in the state, and shall report the positive results of ~~such the~~ examinations to the local health officer and to the department with the name of the physician to whom reported. All laboratories making blood performing tests for syphilis or examinations for gonorrhea sexually transmitted diseases shall report all positive tests results to the local health officer and to the department, with the name of the physician to whom reported.

SECTION 51. 143.07 (11) of the statutes is repealed and recreated to read:

143.07 (11) In each county with an incidence of gonorrhea or syphilis exceeding the statewide average per person, a program to diagnose and treat sexually transmitted diseases at no cost to the patient is required. The county board of supervisors is responsible for ensuring that such a program exists, but is only required to establish its own program if no other public or private program is operating. The department shall compile statistics indicating the incidence of gonorrhea and syphilis per person on a statewide basis.

SECTION 51m. 143.07 (12) and (13) of the statutes are repealed.

SECTION 52. 143.075 of the statutes is repealed.

SECTION 53. 143.08 of the statutes is amended to read:

143.08 Handling foods. ~~It shall be unlawful for any person, firm or corporation operating any hotel, cafe, restaurant, dining car or other~~ No person in charge of any public eating place, or operating any bakery, meat market, dairy or other establishment where food products to be consumed by others are handled, may knowingly to employ or keep in their employ any person handling food products who has a communicable disease or any venereal disease in a communicable form. Whenever that is communicable by food handling. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods who or is suspected of having a venereal disease in the communicable a form that is communicable by food handling shall submit to an examination by such the officer or by some a physician designated by such the officer. The expense of such the examination, if any, shall be paid by the person examined if found to have such disease. Any person knowingly affected infected with a communicable disease or any venereal disease in a communicable form that is communicable by food handling who handles food products to be consumed by others and any persons knowingly employing or permitting such a person to handle food products to be consumed by others shall be punished as provided by s. 143.09 143.11.

SECTION 54. 143.085 and 143.09 of the statutes are repealed.

SECTION 55. 143.10 of the statutes is amended to read:

143.10 Communicable diseases; suspected cases; protection of public. ~~Any person who knows that he is afflicted with smallpox, diphtheria, scarlet fever or other dangerous communicable disease, who shall~~ No person who is knowingly infected with a communicable disease may wilfully enter any public place or public conveyance, or shall, in any way, wilfully violate the recommendations of the local health officer or subject others to danger of contracting his the disease and any person who shall. No person may knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is afflicted infected or is suspected of being afflicted infected with any such a communicable disease, into any such public place or conveyance, or in any way knowingly and wilfully subject, where the infected person would expose or aid in exposing any other person to danger of contracting any such the disease, shall be punished by imprisonment in the county jail not more than 100 days nor less than 20 days, or by fine not exceeding \$100 nor less than \$50, or by both such fine and imprisonment.

SECTION 56. 143.11 of the statutes is amended to read:

143.11 Violation of law relating to health. ~~Any person who wilfully violates any law or obstructs or hinders the execution of any state, county or municipal law, ordinance, order or rule issued under this chapter and relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of the department or of any board of health or town sanitary district commission, lawfully made and duly published, shall be imprisoned not more than 3 months~~ 30 days or fined not to exceed \$100 \$500 or both.

SECTION 57. 143.12 (title) of the statutes is amended to read:

143.12 (title) Communicable diseases; schools; duties of teachers, parents, officers.

SECTION 58. 143.12 (1) of the statutes is repealed and recreated to read:

143.12 (1) If a teacher, school nurse or principal of any school or day care center knows or suspects that a communicable disease is present in the school or center, he or she shall at once notify the local health officer.

SECTION 59. 143.12 (2) to (5) of the statutes are repealed.

SECTION 60. 143.12 (6) of the statutes is amended to read:

CHAPTER 291

1214

143.12 (6) ~~All teachers shall~~ Any teacher, school nurse or principal may send home pupils who are habitually dirty, noisome or lousy, and suspected of having a communicable disease or any other disease the department specifies by rule. Any teacher, school nurse or principal who sends a pupil home shall immediately give written notice to the school board or the superintendent of schools and to notify the parents of such pupils the pupil of such the action and the reasons therefor for the action. A teacher who sends a pupil home shall also notify the principal of the action and the reasons for the action.

SECTION 61. 143.12 (7) of the statutes is repealed.

SECTION 62. 143.13 of the statutes is repealed.

SECTION 63. 143.14 (title) of the statutes is amended to read:

143.14 (title) Typhoid carriers; commitment; nonresidents.

SECTION 64. 143.14 (1) of the statutes is renumbered 143.14 and amended to read:

143.14 Any person declared by the department to be a typhoid carrier as determined by ~~epidemiological~~ epidemiologic or laboratory tests ~~shall be deemed is~~ a menace to the public health. ~~Whenever a typhoid carrier is unable or unwilling to and shall~~ conduct himself or herself in the manner required by the department ~~he may be made to appear before the judge of any county of which he is a resident or which he inhabits. Complaint shall be made by an officer of the department.~~ Upon proof of violation of the requirements of the department ~~such carrier, the person~~ the person may be committed by the court to any institution where proper care and maintenance can be provided. The period of commitment shall continue until the department, through its proper officer or the committing court, shall consent to discharge. Expense of maintenance during commitment shall be borne by the person so committed, or if ~~he~~ the person is without sufficient funds, by the county from which he or she was committed unless the expense is payable through 3rd-party liability or through any benefit system.

SECTION 65. 143.14 (2) to (4) of the statutes are repealed.

SECTION 66. 143.15 (7) of the statutes is amended to read:

143.15 (7) The department shall promulgate rules establishing a fee schedule to offset the cost of the certification of laboratories and the collection of fees. ~~The fees established for each specialty area shall be graduated.~~

SECTION 69. 990.01 (5am) of the statutes is created to read:

990.01 (5am) COMMUNICABLE DISEASE. "Communicable disease" means any disease that the department of health and social services determines, by rule, to be communicable in fact.

SECTION 70. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(18) EXECUTIVE PROGRAMS.

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	143.07 (8)	none

(20) HEALTH AND SOCIAL SERVICES.

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	143.07 (5)	none