

## CHAPTER 141.

## LOCAL HEALTH OFFICIALS.

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**141.01 Local boards of health.** (1) The board or council of every town, village and city, except cities of the first class, shall, within thirty 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 as a board of health for such town, village or city.

(2) In case the board or council fails so to act the state board of health may appoint persons to serve until a board of health has been regularly appointed and the necessary expense so incurred shall be charged to and paid out of the municipal treasury.

(3) Whenever any such health official shall fail to perform the duties of his office and assist the state board of health, the board or council, either upon its own initiative or upon recommendation of the state board of health, shall discharge such official and immediately select a new official.

(4) The board shall elect a chairman, a clerk, and a health officer, who shall be ex officio a member of such board and its executive officer. The health officer shall hold office for two years. If a vacancy occurs the board of health shall immediately fill the same. Such local board shall immediately report to the secretary of the state board of health the names, post-office addresses and occupations of the officers thereof, and any change therein.

(5) The board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published in some newspaper, if there be one published in the town, village or city; if there be none, they shall be posted in five public places therein.

(6) The board may appoint persons to aid them regulate their charges, and fix the salary of the health officer.

(7) The health officer under the direction of the deputy state health officer shall:

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

(b) 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 the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

(d) 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 the health law and the rules and regulations of the state board of health.

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

(8) All record books, quarantine cards and other material needed by the board, except such as is furnished by the state board of health, shall be supplied by the health officer at municipal expense, upon order of the board.

(9) The health officer and the clerk 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 when required.

(10) The board of health of any city of the third class may establish a housing code, and violation thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding six months, or both.

(11) Physicians acting and receiving compensation as health officers in all cities and villages, except cities with a population of twenty-five thousand or more, may also hold office as city physicians.

(12) Health officers in cities having a population of less than twenty-five thousand and in villages and towns and hospitals in which they have an interest shall be permitted to give medical services or hospitalization, or both, to persons receiving poor relief or medical aid from such municipalities and receive compensation from them therefor. [1933 c. 308; 1939 c. 86]

**Note:** Office of city health officer is incompatible with that of member of city school board. 20 Atty. Gen. 462.

Offices of town clerk and town health officer are compatible. Health officer may act as railroad physician. He may be member

of city park board. 24 Atty. Gen. 344.

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

**141.02 City health commissioner.** (1) In cities under general charter the mayor shall, once in two years, unless otherwise provided by ordinance, nominate a regular licensed physician as health commissioner, who shall hold his office for two years. In all cities having a population of twenty-five thousand or more he shall not engage in the private practice of medicine or in any other conflicting occupation. He shall receive an annual salary to be fixed by the council or the board of health, if so provided by ordinance, and shall receive his actual and necessary expenses.

(2) The commissioner shall have the powers and duties provided for boards of health and local health officers and he shall provide such additional rules and regulations as shall be necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations 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, they shall have the force and effect of ordinances, including penalty for violation. He shall from time to time, recommend to the council such sanitary measures, to be executed by the city as shall seem to him necessary, and shall discharge such other duties, as may be imposed upon him by the council by ordinance or resolution.

(3) The police and all magistrates and other civil officers and all citizens shall aid, to the utmost of their power, the commissioner in the discharge of his duties, and on his requisition the chief of police shall serve or detail one or more policemen to serve the notices issued by the commissioner and to perform such other duties as he may require.

(4) The commissioner may appoint assistants subject to confirmation by the mayor, and they shall receive such compensation as the council may fix.

(5) (a) The commissioner of health of any city of the first class however incorporated, shall be one who holds the degree of doctor of public health, or is a graduate of a recognized medical college, and has had not less than one year of practical experience in public hygiene and sanitation.

(b) He shall appoint a deputy commissioner of health, who shall have the same qualifications. Such appointment shall not be subject to the civil service law applicable to the city.

(c) The deputy shall file the official oath and bond in such amount and with such sureties as the council may direct.

(d) The deputy may do all the acts required to be done by the commissioner, and he shall in case of vacancy or of the sickness or absence of the commissioner act in his place, and be subject to the same liabilities and penalties.

**Note:** Cities under general charter are subject to the provisions for nomination of health commissioner by mayor. 20 Atty. Gen. 359.

City-manager city may provide for agency different from city health commissioner for performance of powers and duties imposed by this section. City manager has power to appoint administrative personnel. 20 Atty. Gen. 674.

Word "nominate," as used in 141.02 is synonymous with word "appoint." 21 Atty. Gen. 1.

**141.03 Commission cities.** (1) The council of any city, organized under chapter 63 of the statutes, may by ordinance create a board of health of not less than three nor more members than the number of councilmen or aldermen, provide for the manner of their election or appointment and fix the terms of office. Such ordinance may confer on such board, power to appoint a health officer for such city and to fix his term of office and compensation, subject to the approval of the council.

(2) Such board of health shall elect a president and secretary. The secretary shall keep full minutes of the proceedings. No member shall receive compensation unless so provided by the council.

(3) The council may by ordinance confer appropriate powers on such board, and may permit such board to delegate any of its powers to the health officer. Such board of health and any health officer appointed by it shall have all the powers and duties provided for boards of health and local health officers and commissioners.

(4) All rules and regulations prepared by such board shall be reported to the council and if the same shall be approved by a majority of the members such rules and regulations shall have the force of ordinances, including penalty for violation.

**141.04 Joint health officers.** Towns, villages and cities, occupying contiguous territory, may employ a full-time health officer or commissioner jointly. His salary, including necessary traveling expenses, shall be paid jointly as agreed upon or in proportion to population. He shall engage in no conflicting occupation.

**141.05 Local health nurses.** (1) The local board of health, or health officer may employ public health nurses within the limits of the appropriation made therefor by the municipality. They shall work under the direction of the health officer and may be assigned to the investigation of infant mortality, the examination or visitation of children excluded from school, the investigation or visitation of cases of tuberculosis, the visitation of the

sick who may be unable otherwise to secure adequate care, the instructions of members of households where sickness exists, or other duties calculated to improve the public health.

(2) Towns, villages and cities may employ public health nurses jointly, salary and other expenses to be paid jointly as agreed upon or in proportion to population.

**141.06 County nurses.** (1) The county health committee shall employ one or more county nurses, when so authorized by the county board and when provision is made by the county board for such nurse or nurses, whose duties shall be as follows: To act as health supervisor for schools not already having school inspection by a physician or nurse; to assist the superintendent of the poor; to instruct tuberculosis patients and others in preventing the spread of tuberculosis; to assist in reporting cases of tuberculosis and other communicable diseases; to assist in investigating cases of delinquency, neglect and dependency of juveniles, including state aid to dependent children, in counties not employing a probation officer; to assist in investigating cases of nonschool attendance in districts not employing a school attendance officer; to assist in investigating cases of infringement on child labor laws; to investigate cases of crippled children; to act as health instructor throughout the county, and to perform such other duties as may be assigned.

(2) The work of the county nurse shall be directed by a county health committee composed either of the chairman of the county board, the county superintendent of schools, a woman appointed by the county board, the judge of the juvenile court and the deputy state health officer or county physician for that county, or of the deputy health officer and not less than five members of the county board appointed by the chairman thereof.

(3) The county board shall fix the salary of the county nurse and make necessary appropriations to carry out the provisions of subsection (1); provided, that the county board may at any time discontinue the services of the county nurse at the expiration of her contract.

**Note:** County nurse must comply with requirements of 149.09. 24 Atty. Gen. 722.  
County nurse must be employed by county health committee upon authorization of county board. County board may authorize such employment by committee but cannot itself select and employ. 28 Atty. Gen. 22.

Whether county nurse employed under this section is entitled to traveling and other expenses in addition to salary depends on contract which county makes with such nurse in any particular case. 29 Atty. Gen. 454.

**141.065 State aid for county nurses.** There shall be paid annually to each county in which one or more certified county public health nurses are employed pursuant to section 141.06, the sum of one thousand dollars. The county clerk shall certify to the state board of health upon request the number of county nurses employed by the county and the period of their employment. [1935 c. 556]

**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 named under section 141.06. Monthly reports shall be made by the director of said clinic or clinics pursuant to subsection (3) of section 149.09 on blanks prescribed by the state board of health.