

TITLE XV.

Public Health.

CHAPTER 140.

STATE BOARD OF HEALTH.

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140.01 State board of health. The state board of health shall consist of seven members, appointed by the governor with the consent of the senate. One member shall be appointed each year, and their respective terms of office shall begin on the first Monday of February in the year of appointment and shall continue for seven years.

140.02 Officers. A member of the board shall be chosen president. His term shall be fixed by the board, and his duties be prescribed by by-law or statutes. The board shall elect a secretary 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 be a member of the board. The secretary shall be the executive officer of the board and the state health officer. He shall keep a record of the board's transactions and have custody of its books, papers and other property; he shall, so far as practicable, communicate with other similar state boards and local boards of health within this state, and file and keep all reports and 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 by-law or statute.

140.03 Meetings; by-laws. The board shall meet in January and July 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. The board may adopt by-laws for its government.

140.04 Offices, printing, obsolete records. (1) Suitable apartments equipped with fireproof vaults shall be provided in the capitol by the director of purchases for the state board of health. The official printing of the board shall be furnished as provided in subsection (3) of section 20.10 and section 35.03. The board may supply to local health officers and others on request quarantine signs, placards, record books and other uniform blanks and other publications and materials, at actual cost.

(2) Whenever necessary to gain needed vault space, the board of health may turn over to the director of purchases for destruction obsolete records in its possession, as follows:

- (a) Of licensing departments, after five years.
- (b) Orders of the board, after ten years.
- (c) Original morbidity reports of physicians, after six years.
- (d) Inspection reports, after five years. [1931 c. 45 s. 1]

140.05 Powers and duties. (1) The state board of health shall have general supervision throughout the state of the health and life of citizens, and shall study especially the vital statistics of the state and endeavor to put the same to profitable use. It shall make sanitary investigations into the causes of disease, especially epidemics, the causes of mortality, and the effect on health of localities, employments, conditions, habits and circumstances, and make sanitary inspections and surveys in all parts of the state. It may, upon due notice, enter upon and inspect private property. It shall have power to execute what is reasonable and necessary for the prevention and suppression of disease. It shall voluntarily or when required, advise public boards or officers in regard to heating and ventilation of any public building or institution. It may send its secretary or a committee to any part of the state 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 act necessary therefor. The board may establish bureaus and shall 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. It may empower the state health officer to act for the board upon such matters as it may determine in issuing and enforcing orders in compliance with law and rules and regulations adopted by the board. Whenever anyone feels aggrieved by any order of a state health officer, he may appeal to the board.

(2) The board shall disseminate such health information as it deems proper. It shall recommend from time to time works of hygiene for use in the public schools and shall cooperate with the several educational institutions and the school system of this state in disseminating information to the general public in all matters pertaining to health, and shall use the research facilities of the University of Wisconsin for the preservation and improvement of the public health under such rules and regulations as may be agreed upon with the regents of the university, and facilitate the special instruction of students in sanitation, hygiene and vital statistics in any school or department of the university in manner not inconsistent with and not interfering with the orderly and efficient administration of the public health work.

(3) The board shall have power to make and enforce such rules, regulations and orders governing the duties of all health officers and health boards, and as to any subject matter under its supervision, as shall be necessary to efficient administration and to protect health, and violation shall be punished by fine of not less than ten nor more than one hundred dollars for each offense, unless penalty be specially provided. The rules and regulations shall bear the seal of the board, be attested by the state health officer, and be published in the official state paper and distributed in pamphlet or leaf form to all health officers and any citizen asking for the same. They shall not be effective until thirty days after publication. All rules and regulations so adopted and published and all orders issued by the board in conformity with law shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose or until altered or revoked by the board.

(4) Any member of the board may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and production of papers, books, documents and testimony. Witness fees and mileage shall be paid by the state and charged to the appropriation for the board, but no witness subpoenaed at the instance of parties other than the board shall be entitled to fees or mileage from the state, unless the board shall certify that his testimony was material.

(5) The board shall keep a full and complete record of proceedings before it on any investigation, and have all testimony taken by its stenographer.

(6) The board shall, in October of each even-numbered year, report to the governor, its transactions, investigations and discoveries during the preceding term, with suggestions for legislation.

(7) The board shall have power to make and enforce such rules, regulations and standards as it shall deem necessary to insure proper sanitary conditions in the development and maintenance of lake and stream shore plats and to comply with the provisions of section 236.09 of the [1933] statutes.

(8) The board shall have power to license and exercise supervision over maternity hospitals as provided in sections 48.43 to 48.47.

(9) The board shall have power to establish, equip and operate a state branch laboratory of hygiene in a city accessible to physicians and health officers in the northern part of the state for the conducting of bacteriological and chemical examinations of material from the various contagious and infectious diseases or material from suspected contagious and infectious diseases of men and animals when public health is concerned; on condition that suitable quarters for such laboratory shall be offered to the state free of charge for rent, light, heat and janitor service. The board may also establish and aid in maintaining in conjunction with the cities of the state not more than seven state co-operative laboratories. All such co-operative laboratories shall be operated in such manner and under such conditions as the board may determine in its rules and regulations governing the state public health laboratories.

(11) Any physician knowing or having reason to know that a patient treated or visited by him has cancer, carcinoma, sarcoma or other malignant growths shall report the same to the state board of health, in writing, on blanks furnished by said board and as it directs. These reports shall be confidential and not open to public inspection. [1931 c. 67 s. 169, 169a; 1933 c. 111; 1941 c. 49 s. 93]

Note: Under (1) state board of health has authority to make cancer reportable disease. 21 Atty. Gen. 1127.

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

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 health measure or to prevent 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 department of agriculture, this arrangement being with common consent of both departments. If rule is within limits of delegated power, it

would not be invalid merely because it is made applicable to certain situations or localities, if classification is consonant with constitutional legislative classification. 27 Atty. Gen. 516.

140.055 Sanitary supervision of county institutions. (1) The state board of health shall investigate and supervise the sanitary conditions of all the charitable, curative, reformatory and penal institutions of every county and other municipality, all detention homes for children and all industrial schools, hospitals, asylums and institutions, organized for the purposes set forth in section 58.01.

(2) The board shall annually and oftener, if necessary, and whenever required by the governor, visit the jails, municipal prisons, houses of correction, workhouses and all other places in which persons convicted or suspected of crime or insane persons are confined and ascertain the sanitary conditions thereof.

(3) The provisions of subsection (2) of section 46.16 shall apply to such investigations and visitations except that the expenses thereof shall be charged to the appropriation made to the state board of health. [1939 c. 233, 473]

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

140.06 Sanitary inspection. (1) The state board of health may appoint a state sanitary inspector, who shall be a medical practitioner holding a Wisconsin license, and shall possess such other qualifications as the board shall determine.

(2) It shall be the duty of the sanitary inspector to assist in the work of the board under its direction 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. He shall, under the direction of 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. He shall make special investigations concerning the prevalence of tuberculosis in any locality, and assist the board in enforcing laws and rules adopted by the board relating to tuberculosis.

(3) The inspector shall immediately after completion report in writing to the secretary of the board a complete account of the essential facts disclosed by an investigation, together with recommendations made and work done.

140.07 Districts; deputy state health officers. (1) The state board of health shall from time to time divide the state into sanitary districts, not exceeding ten, and it shall appoint for each a deputy state health officer, who shall hold office during efficiency and good behavior and who may be removed for cause by the board after opportunity to be heard. He shall not during his term of office engage in any occupation which would conflict with his official duties, and shall receive an annual salary to be fixed by the board, not exceeding three thousand dollars, and shall receive his actual and necessary official expenses.

(2) The deputy state health officer shall have jurisdiction throughout his district; and he shall have in pursuit of his official duties right of entry into any workshop, factory, dairy, creamery, slaughterhouse or other place of business or employment. He shall carry out the instructions of the state board of health and make such investigations and reports as the board may require. He shall, when required by the board with the help of local health officers, inspect and report upon the sanitary conditions of streams and sources of public water supplies, schools and schoolhouses, dairies, creameries, slaughterhouses, workshops and factories, and of all places where offensive industries are conducted.

(3) The deputy state health officer shall make careful inquiry, when required by the state board of health, into the effects of the different kinds of employment upon the health of employes and operators, with special reference to tuberculosis and to lead and phosphorous poisoning and other industrial diseases, and in all such investigations and inquiries he shall have the power to administer oaths. He shall enforce any public health statute, or rule or regulation of the state board of health or of any local board of health or health officer when such local board of health or health officer neglects or refuses to enforce such statute, rule or regulation, after due notice by him or by the state board.

(4) The deputy state health officer, under the direction of the state board and subject to laws, rules and regulations relating to public health, shall:

(a) Keep himself informed as to the work of each local health officer.

(b) Aid each local health officer in the performance of his duties, and particularly on the appearance of communicable disease, and he shall respond promptly when called upon for advice or assistance by any board of health or health officer.

(c) Assist each local health officer in making an annual sanitary survey and in maintaining a continuous sanitary supervision.

(d) Adjust questions of jurisdiction arising between local health officers.

(e) Study the causes of excessive mortality from any disease in any portion of his district.

(f) Promote efficient registration of marriages, births, deaths and accidents.

(g) Inspect from time to time all labor camps and enforce the regulations of the state board of health in relation thereto.

(h) Endeavor to enlist the co-operation of all organizations of physicians within his district in the improvement of the public health therein. [1937 c. 228]

140.08 Local and state conferences. (1) The state health officer, directly or through deputy state health officers, may call a biennial state conference of health officers, and may call local conferences.

(2) Deputy state health officers and local health officers shall attend such conferences, but local officers need not attend more than one state and one local conference a year.

(3) The expense of attendance of local health officers shall be paid by the municipality, upon certificate of the state or deputy state health officer, but only for one state and one local conference a year.

140.09 County health department. (1) **POWER OF COUNTY BOARD.** The county board of any county may in its discretion organize a county department of health and may employ a county health officer and such other assistants as are necessary to carry on the activities of such county health department and fix their compensation.

(2) **HEALTH OFFICER, ELIGIBILITY, DUTIES.** The county health officer shall be a licensed physician especially trained in health work and, except in counties governed by sections 16.31 to 16.44, shall be selected from an eligible list submitted by the state board of health. The county department of health shall be under the immediate direction of the county health officer, who shall give his entire time to the work.

(3) **DEPARTMENT'S POWERS.** The county department of health when established in any county, shall have all the powers and authority now vested in local boards of health and local health officers and shall have authority to enforce such rules and regulations as may be adopted by the state board of health under the laws of the state.

(3a) **LOCAL BOARDS AND OFFICERS ABOLISHED.** Whenever a county board provides for a county department of health, the boards of health and health officers in all towns, cities and villages within such county shall be abolished, except as provided in subsection (4) of this section.

(4) **JURISDICTION OF COUNTY; LOCAL OPTION.** The jurisdiction of the county department of health shall extend to all towns, villages and cities within the county, other than those having a full time health department. Towns, cities and villages having full time health departments may by vote of their governing bodies determine to come under such jurisdiction.

(5) **OFFICES, APPROPRIATIONS.** Whenever a county board provides for a county department of health, it shall be empowered to provide office facilities and appropriate funds necessary for the maintenance of the work.

(6) **GIFTS; COUNTY CO-OPERATION.** The county board may receive gifts and donations for the purpose of carrying out the provisions of this section and may arrange with one or more adjoining counties to employ a county health officer jointly.