

## CHAPTER 143.

## COMMUNICABLE DISEASES.

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**143.01 Communicable diseases.** Such diseases as are in fact communicable, and so determined by the state board of health by rule, shall be within the term "communicable disease", as used in the statutes.

**143.02 Powers of state board.** (1) The state board of health may establish such systems of inspection as it deems necessary to ascertain the presence of communicable disease, and any member or authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack, for such time as may be necessary.

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

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

(4) The board may adopt and enforce rules and regulations for guarding against the introduction of any such disease into the state, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such 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, for the sanitary care of jails, asylums, schoolhouses, hotels and all other public buildings and premises connected therewith. Any rule and regulation may be made applicable to the whole or any specified part of the state, or to any vessel, railway car or other public vehicle. Rules of general application shall be published in the official state paper; but rules, regulations or orders may be made for any city, village or town by service thereof upon the local health officer. Rules, regulations or orders hereunder shall supersede conflicting local rules, regulations 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 co-operate with the state board of health in carrying out its provisions, and if such co-operation be refused or withheld the state board may execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing 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.

(6) Any person who shall fail to obey the rules and regulations hereunder, or who shall wilfully obstruct or hinder the execution thereof, for each offense shall be fined not less than twenty-five nor more than five hundred dollars, or imprisoned not more than six months, or both.

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

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

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the state board of health shall take charge, and expenses thus incurred shall be paid by the municipality.

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

**143.04 Reports of cases.** (1) A physician knowing or having reason to know that a person treated or visited by him has a communicable disease, or having such disease, has died, shall report the same 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 state board of health, giving the name, address, age and description of disability of such person.

(2) If no physician is in attendance, the same duty shall apply to the head of the family, or if the sick person is not a member of the family, to the person actively in charge of the building.

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

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

(5) All reports shall be made within 24 hours either by telephone, telegraph, mail or by leaving at the office or residence of the health officer.

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

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

(8) A list of communicable diseases shall be displayed in a prominent place in each physician's office and in each institution for the treatment of the sick. The list shall be printed on a card furnished without cost by the state board of health.

(9) In diagnosing communicable diseases in patients accepted for treatment, physicians shall use ordinary skill and bacteriological examinations where the same would be of material value in disclosing such disease. If there is a dispute regarding diagnosis, if a bacteriological examination will aid, the local health officer shall order it made by the state laboratory of hygiene.

(10) A physician violating subsection (9) and any person violating subsections (1) to (5) shall be fined not less than \$5 nor more than \$100, or imprisoned not less than 5 nor more than 90 days, or both, or subjected to a forfeiture to the school fund of not less than \$5 nor more than \$25 for each day. Upon a second or subsequent conviction of a physician, the board of medical examiners may suspend his license for one year.

(11) When violation hereof is reported to him by a local or state health officer the district attorney shall forthwith prosecute the proper action, and upon request of the state health officer, the attorney-general shall assist.

**143.05 Isolation, quarantine, placarding.** (1) The state board of health 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 state board of health by rule.

(2) Local boards of health with the consent of the state board may establish quarantine within their territory, and for cities within five miles of the limits.

(3) When a health officer shall suspect or be informed of the existence of any communicable disease, he shall at once investigate and make or cause such examinations to be made as are necessary. The diagnosis (report) of a physician, or the notification or confirmatory consent of a parent or caretaker of the patient, or a reasonable belief in the existence of such disease shall be sufficient evidence and having any of these the health officer shall immediately quarantine, placard, isolate or require restrictions in such manner and upon such persons and for such time as the state board of health

provides in its rules. If he be not a physician his local board of health or appointive body shall employ one to aid him as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The health officer shall be responsible for the prompt placing and removal of signs, shall investigate evasion of the laws and rules upon communicable disease and shall so act as to protect the public.

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

(5) The local board of health shall employ as many persons as are necessary to execute its orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. Such 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, rules and regulations of any board of health.

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

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

(7) The expense of maintaining quarantine, including examinations and tests for disease carriers made by or with the consent of the health officer, and the enforcement of isolation on the premises, shall be paid for by the city, incorporated village or town upon the order of the local board of health or if none exists upon the order of the health officer.

(8) The health officer shall cause to be disinfected, by methods approved by the state board, rooms, clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one.

(9) If property is destroyed by order of municipal officials, to stamp out or prevent the spread of communicable disease the governing body may, upon certificate of the health officer that the destruction was necessary and of the amount and value, pay for it to the extent of one hundred dollars for property owned or in the possession of a single family, and not to exceed the value certified.

(10) Expenses for necessary nurses, medical attention, food and other articles needed for the comfort of the afflicted person, shall be charged against him or whoever is liable for his 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.

(11) Anyone without authority interfering with any placard or sign hereunder, or violating this section, shall be fined not less than five nor more than one hundred dollars, or imprisoned not less than 5 nor more than 90 days.

**143.06 Tuberculosis.** (1) Every physician or person, or owner, agent, manager, principal or superintendent of an institution, hotel or boarding or lodging house, shall cause to be reported to the local board of health in writing, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time. The report shall be con-

fidential to the extent that the name or address of the patient shall not be published by any newspaper, or publication of general or special circulation.

(2) Every person sick with tuberculosis, or in attendance, and the authorities of such places, shall observe and enforce the rules and regulations of the health board for preventing spread.

(3) No person with tuberculosis of the lungs or larynx, or any other disease whose virus or infecting agent is contained in the sputum or other secretions shall deposit his sputum, or other infectious secretion, in such a place as to cause offense or danger. He shall provide himself with a receptacle in which to deposit his sputum, or other infectious secretion, and the contents of said receptacle shall be burned or thoroughly disinfected.

(4) If any person afflicted with tuberculosis, diagnosis of which is made by a medical examination, laboratory or X-ray examination or as shown by the examinations made in the state laboratory of hygiene, in any branch and co-operative laboratory or in any municipal laboratory accredited by the state board of health or in any federal governmental laboratory, fails to comply with this section, or the tuberculosis rules of the state board of health, he may be committed to a county tuberculosis hospital or other place or institution where proper care will be provided and where the necessary precautions will be taken, by any judge of a court of record upon proof that such person has so offended. Such person shall, upon verified petition setting forth the facts by any health officer or any resident of the municipality where the alleged offense was committed be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. The court may make such order for payment for care and treatment as may be authorized by law. Such person may be discharged when the court thinks proper. If the superintendent has good cause to believe that any person so committed may leave the institution he may restrain him from leaving. Whenever the superintendent deems it necessary he may segregate any person so committed. If any person so committed shall escape, the superintendent may take such lawful steps as he may deem necessary to secure his return. No provision of this subsection shall be construed as in any manner restricting or limiting the rights of persons as declared in section 147.19 (2).

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

(6) If any place be vacated by death from tuberculosis, or by removal of a consumptive the person or physician in charge shall notify the local health officer within twenty-four hours and the place shall not again be occupied until disinfected. The health officer shall immediately visit the place and order the same and all infected articles properly disinfected. If there shall be no remaining occupants the health officer shall give notice in writing to the owner or his agent ordering such disinfection. If the order of the health officer is not complied with within thirty-six hours the health officer shall cause a placard to be placed upon the door, as follows:

**NOTICE.**

Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order for their disinfection has been complied with. This notice must not be removed under penalty.

(7) For the purpose of this section persons in charge of common carriers shall have police powers.

(8) The penalties prescribed in subsection (11) of section 143.05 shall apply to this section.

**143.07 Venereal disease.** (1) Any person afflicted with gonorrhoea, chancroid or syphilis in its communicable stage is declared a menace to the public health. A physician called to attend a person so afflicted shall report to the state board of health in writing, on blanks furnished by said board and as it directs, his age, identifying symbol, sex and conjugal condition and the name of the disease.

(2) An officer of the state board of health having knowledge of any known or reasonably suspected case of such a menace for which no treatment is being administered under the supervision of a physician authorized to prescribe drugs shall forthwith investigate or cause such case to be investigated by such means as may be necessary. Whenever, following a request of an officer of the state board of health, a reasonably suspected case of such menace shall refuse or neglect examination by a physician licensed to prescribe drugs, an officer of the state board of health may proceed to have such person committed in conformity with subsection (5) of this section, to an institution for examination 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 state board of health or the state health officer.

(3) A physician treating such a person shall fully inform him of the danger of transmitting the disease and he shall advise against marriage while the person has the disease in a communicable form.

(4) When a person so afflicted ceases or refuses taking treatment before reaching what in the physician's opinion is the noncommunicable stage, the physician shall forthwith notify the state board of health, giving the name, age, sex and conjugal condition of the person afflicted and the disease. The board shall without delay take such steps as shall be necessary to have said person committed for treatment.

(5) Any such person who thus ceases or refuses treatment under the supervision of a physician authorized to prescribe drugs, upon proof of the facts, may be committed by the judge of any court of record to any county or state institution where proper care and precaution can be provided; provided, that any county board of counties having a population of 250,000 or more may designate the county institution or place to which such commitments shall be made. The state department of public welfare is authorized to make such provision for the treatment of venereal disease cases at one or more of the state institutions under its management and shall designate the state institution to which commitment may be made thereto. Such person shall, upon verified petition setting forth the facts by an officer of the state board of health or a local health officer authorized by such board, be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the judge, he may be proceeded against as in case of contempt. In any case when it shall be made to appear to the judge that such summons will be ineffectual a warrant may be issued by such judge, directed to the sheriff or any constable or police officer of the county for the apprehension and production of such person complained against before such judge forthwith, and such person shall be arrested and taken before such judge accordingly. Upon return of the process the judge shall proceed to hear the latter summarily. Commitment shall continue until the disease is no longer communicable or until other provisions satisfactory to the state board of health are made for treatment, the certificate of the officer making the complaint being prima facie evidence of either. Nothing herein contained shall be construed as in any manner restricting or limiting the rights of individuals as declared in subsection (2) of section 147.19.

(6) Each county shall make such provision as may be required by the state board of health for the care and treatment of indigents with venereal diseases. One-half of the per capita cost for each such person committed to a state institution shall be paid by the county of his legal settlement in the manner prescribed by section 46.106, but nothing herein shall prevent recovery of the actual per capita cost of such maintenance in either state or county institutions from the patient or legally liable relatives in the manner provided by law.

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

(8) The state board of health may prescribe reasonable rules and regulations for carrying out this section, and with the approval of the governor, regulate the presence and conduct of civilians within a designated zone around any military or naval cantonment or training station.

(9) The state board of health shall prepare for free distribution upon request to citizens of the state, printed information and instructions concerning venereal diseases.

(10) The state laboratory of hygiene and branch and cooperative laboratories shall make microscopical examinations for the diagnosis of gonorrhoea, and the psychiatric institute the necessary examinations of blood or secretions for the diagnosis of syphilis, for any physician in the state, without charge and shall report the positive results of such examinations to the state board of health with the name of the physician to whom reported. All laboratories making blood tests for syphilis or examinations for gonorrhoea shall report all positive tests to the state board of health, with the name of the physician to whom reported.

(11) No person not a physician licensed in this state shall give, sell, prescribe or recommend any drugs, or other substance for syphilis, gonorrhoea or chancroid, or compound any such except on written prescription bearing date and signed by a physician licensed in this state.

(12) No person having the supervision or control of any public place shall display or permit to be displayed any written matter relating to venereal disease, except governmental and educational publications not objectionable to the state board of health.

(13) Any city or county may by ordinance require that every person arrested and convicted within its jurisdiction for any act involving moral turpitude shall undergo a medical examination to determine whether or not such person is afflicted with a venereal disease. Nothing herein contained shall be construed as in any manner restricting or limiting the rights or privileges of individuals under the provisions of subsection (2) of section 147.19, or to compel such individuals to submit to such examinations.

**143.08 Handling foods.** It shall be unlawful for any person, firm or corporation operating any hotel, cafe, restaurant, dining car or other public eating place, or operating any bakery, meat market, dairy or other establishment where food products to be consumed by others are handled, 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 required by the local health officer or any officer of the state board of health any person employed in the handling of foods who is suspected of having a venereal disease in the communicable form shall submit to an examination by such officer or by some physician designated by such officer. The expense of such examination, if any, shall be paid by the person examined if found to have such disease. Any person knowingly affected with a communicable disease or any venereal disease in a communicable form who handles food products to be consumed by others and any persons knowingly employing or permitting such person to handle food products to be consumed by others shall be punished as provided by section 143.09.

**143.085 Handlers of food and beverages; traveling shows, circuses and carnivals.**

(1) Every person employed by any travelling show, circus or carnival, who is not a resident of the town, city or village wherein such show, circus or carnival is operating, and who handles or serves food or beverages to the public shall hold a medical certificate not more than 6 months old from a reputable physician, stating that such employe is free from communicable disease and venereal disease in the communicable stage.

(2) Failure to comply with the requirements of subsection (1) shall be a violation of the license or permit to operate issued to the owner or operator of such travelling show, circus or carnival, and cause for immediate revocation thereof. Any person who shall violate any provision of this section shall be punished as provided by section 143.09.

**143.09 Penalty.** Violation of section 143.07, 143.08 or 143.085 shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year, or both.

**143.10 Contagious 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 wilfully enter any public place or public conveyance, or shall, in any way, wilfully subject others to danger of contracting his disease and any person who shall knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is afflicted or is suspected of being afflicted with any such disease, into any such place or conveyance, or in any way knowingly and wilfully subject, expose or aid in exposing any other person to danger of contracting any such disease, shall be punished by imprisonment in the county jail not more than one hundred days nor less than twenty days, or by fine not exceeding one hundred dollars nor less than fifty dollars, or by both such fine and imprisonment.

**143.11 Violation of law relating to health.** Any person who shall wilfully violate any law relating to the public health, for which violation no other penalty is prescribed, or any order or regulation of any board of health or town sanitary district commission, lawfully made and duly published, shall be imprisoned not more than 3 months or fined not to exceed \$100.

**143.12 Communicable diseases; schools and libraries; duties of teachers, parents, officers.** (1) Upon the appearance of any dangerous communicable disease, the local health officer shall give written notice to the principal or teacher of each school, and the librarian of each library in his district, of the names of all families where the disease exists. If the rules of the state board of health provide for the exclusion from school of person who live in homes where such disease exists, the health officer shall request the principal of the school to exclude from school all such persons until a written order signed by the health officer permitting attendance is presented.

(2) When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the school district, or when the principal or teacher of

the school knows or suspects that a dangerous communicable disease is present in the school, he shall at once notify the local health officer who must then investigate the matter.

(3) Parents shall not permit children afflicted with a dangerous communicable disease to attend school.

(4) All schoolhouses, before the beginning of each school term, shall be thoroughly cleaned and, after the outbreak therein of any contagious disease, shall be thoroughly disinfected, as provided by the state board of health. All buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses of disinfection shall be paid by the town, village or city, upon the order of the local board of health.

(5) Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal.

(6) All teachers shall send home pupils who are habitually dirty, noisome or lousy, and shall immediately give written notice to the school board or the superintendent of schools and to the parents of such pupils of such action and the reasons therefor.

(7) Library books shall not be taken into or returned from a home where such disease exists or has recently occurred unless thoroughly disinfected by or under the direction of the local health officer, and may be burned by such officer.

**143.13 Protection against smallpox.** (1) Each local board of health shall forthwith, upon the appearance of smallpox, prohibit the inhabitants of the municipality from attending school for a period of fourteen days, except persons who have been successfully vaccinated, or who show a doctor's certificate of recent vaccination. This subsection shall apply to nonresidents coming into the municipality to attend school.

(2) Should new cases of smallpox continue to develop in the municipality, the local board of health shall renew such order for so many days as the state board of health may deem necessary.

(3) When exclusion from school is so ordered the local board of health shall provide for the free vaccination of all resident children of school age during the outbreak of smallpox, the necessary expense thereof to be paid by the municipality, upon the order of the local board of health. Such gratuitous vaccination may be extended to nonresident school children of the municipality at the discretion of the local board of health. Upon the order of their respective boards of health the municipalities comprising a joint school district shall offer free vaccination to their own resident pupils excluded from a joint school because of the appearance of smallpox in the municipality in which the school is located. The state board of health shall, when deemed necessary by the local board of health, determine the method to be employed in such vaccination, shall designate the persons to do the work and may determine the maximum fee to be charged.

**143.14 Typhoid carriers; commitment; compensation; nonresidents.** (1) Any person declared by the state board of health to be a typhoid carrier as determined by epidemiological or laboratory tests shall be deemed a menace to the public health. Whenever a typhoid carrier is unable or unwilling to conduct himself in the manner required by the state board of health 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 state board of health. Upon proof of violation of the requirements of the state board of health such carrier 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 state board of health 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 is without sufficient funds, by the county from which he was committed.

(2) Whenever a typhoid carrier is prevented by his affliction from engaging in an occupation assuring a livelihood, such person may, upon complaint of the state board of health, be brought before the court of the county of which he is a resident and upon due proof such funds as are necessary to compensate for loss of earning power may be awarded him not in excess of thirty dollars per month. During the receipt of such funds, such typhoid carriers shall be quartered in the home, place or establishment under arrangements satisfactory to the court or the state board of health. Payment shall be made by the county of his residence.

(3) Any nonresident carrier violating the rules of the state board of health relating to typhoid carriers may be returned by the state board of health or by any local health officer to the county or municipality of his residence and the health officer at the point of his residence shall be promptly informed and shall assume jurisdiction.

(4) Nothing herein contained shall be construed as in any manner restricting or limiting the rights of individuals, as declared in subsection (2) of section 147.19.