

**Epidemics in Cities or Towns, Expenses Chargeable. Cities
or Towns, Expenses of Epidemics. City Board of Health,
Expenses to Whom Chargeable.**

When a city or town maintains a board of health, expenses incurred thereby are charges against the city, and not against the county.

March 14, 1916.

Hon. James Pepper,
County Commissioner,
Baker, Montana.

Dear Sir:

I am in receipt of your communication under date March 8th, inquiring as to what are proper charges against the county in case of epidemic? You state that the town of Baker is an incorporated town, and has taken charge of its health department, and appointed a health officer; that during the recent epidemic, the health officer of Baker rented a house for purposes of an isolation hospital, and ordered drugs and supplies from various merchants of Baker; that these merchants have billed these goods to the county of Fallon after having them O. K'd by the health officer of Baker. The question is whether such bills are a proper charge against the county of Fallon? By its

terms the law recognizes two sorts of classes of health boards. These are treated of in Article I of Chapter 1 of Title 7, Part 3 of the Political Code, being Sections 1474 to 1511 inclusive, Revised Codes of 1907. By this law, there is provided a state board of health, local boards of health (Sec. 1484), and county boards of health (Sec. 1492). The provision as to cities and towns, and their boards of health, are found in Section 1484, the language being:

"Each incorporated city or town in the state shall have a local board of health, the same being designated in this act as the 'local board'."

County boards of health are provided for by Section 1492, Revised Codes:

"There is hereby established in each county a board of health which is designated in this act as the 'County Board of Health', which shall consist of the Board of County Commissioners and one physician."

As to the powers of these boards of health, we find Section 1489, Revised Codes, 1907:

"The local or county board of health shall have power to abate all nuisances affecting the public health * * * They shall also have authority to establish and maintain, at the expense of their respective city, town, or county, isolation hospitals, where patients suffering from small-pox or other very dangerous contagious or infectious disease may be properly quarantined and cared for when in their judgment, they cannot be properly quarantined and cared for elsewhere * * * The local or county board of health shall also have power and authority to * * * furnish medical treatment and care for such sick persons at the expense of the city, town or county."

The law seems to be specific upon the question submitted by you, and states quite clearly that a city maintaining a local board of health is chargeable with the expenses incurred by its health officer, the legislature apparently putting the burden of quarantine and treatment upon the particular subdivision, as city, town or county, whose quarantine officers incur the expense.

I am of the opinion, therefore, that the charges mentioned by you are not a proper charge against Fallon County.

Yours very truly,

J. B. PGINDEXTER,

Attorney General.