

sisting the State Veterinary Surgeon and his deputies may be paid by county, being in the interests of public health.

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February 6, 1934.

You have requested my opinion on the question whether the county may pay out the sum of \$350.00, which sum is required to employ persons to assist the State Veterinarian and his deputies in making a tuberculin test of dairy cattle in the county. It is claimed that such a test is necessary immediately as there are 1225 families who are dependent upon the sale of dairy products for a living and that a market for such products cannot be found unless such test is made and the dairy cows are certified as free from tuberculosis.

Although Section 3280 R. C. M. 1921 provides that the expense of testing of livestock and the sanitary inspection of dairies, milk depots, etc., shall be paid for by the Livestock Sanitary Board out of such funds as the said board may have at their command, it is claimed that the appropriation and available funds do not permit such immediate test to be made.

The purpose of the Livestock Sanitary Board in all matters relating to the execution of its sanitary powers as to livestock and their food products, is the protection of the public health. It has been proved beyond any doubt that tuberculosis, as well as some of the other diseases are transmitted to humans from dairy cows. It is a well known fact that through the activities of the Livestock Sanitary Board, the State Veterinarian and his deputies in eliminating tuberculosis in cattle, the disease in humans has been very materially cut down. The legislature has recognized this fact and has required the cooperation of state, county and local boards of health.

"It shall be the duty of the state and several local boards of health of any county, city, town, or village in this state to cooperate with and assist the livestock sanitary board in all matters relating to the execution of its sanitary powers as to livestock and their food products under this act, in such manner as may be by the livestock sanitary board prescribed, either by general regulation or direct order." (Section 3284 R. C. M. 1921.)

**Opinion No. 444.**

**Livestock—Tuberculin Tests—  
Expenses.**

HELD: Where funds available to Livestock Sanitary Board are not sufficient to provide an immediate tuberculin test of dairy cattle, and such test is necessary, incidental expense in as-

The powers and duties of county boards of health are set forth in the following statutes: "The local or county board of health shall have power to abate all nuisances affecting the public health; to destroy, prevent, and remove all sources of filth and causes of sickness or disease, and to guard against the introduction of communicable diseases by the exercise of proper and vigilant medical inspection and control of all persons and things in their respective districts, which, for any reason, are liable to communicate contagious diseases. \* \* \*." (Section 2469 R. C. M. 1921.) " \* \* \* and all expenses incurred by a county board of health in the enforcement of the provisions of this act, shall be paid from the general fund of the respective counties, on presentation of an itemized and verified account. \* \* \*." (Section 2470 R. C. M. 1921.)

In an opinion by D. M. Kelly, Volume 6 Opinions of the Attorney General, page 15, it was held that the expenses incurred by the sheriff in enforcing the quarantine regulations under orders of the state veterinarian, are a proper charge against the county.

While the immediate result of a tuberculin test may be the disposition of dairy products and thus to the interests of all the people of the county, fundamentally the primary object is the public health and should the county board of health approve the claim it would be a proper charge against the county.