

1 H BILL NO. 236
 2 INTRODUCED BY Hays
 3 BY REQUEST OF
 4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND TITLE 69,
 7 CHAPTER 41, R.C.M. 1947, CONFERRING GENERAL POWERS AND
 8 DUTIES UPON THE BOARD AND DEPARTMENT OF HEALTH AND
 9 ENVIRONMENTAL SCIENCES; AUTHORIZING THE DEPARTMENT TO ADOPT
 10 RULES FOR THE ASSESSMENT OF FEES IN PERFORMING LABORATORY
 11 SERVICES; AUTHORIZING THE DEPARTMENT TO BRING AN ACTION FOR
 12 INJUNCTIVE RELIEF WHEN A PUBLIC HEALTH LAW, RULE, OR ORDER
 13 ADOPTED OR ISSUED AS AUTHORIZED BY LAW HAS BEEN VIOLATED;
 14 AMENDING SECTIONS 69-4110 AND 69-4111, R.C.M. 1947."

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 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17 Section 1. Section 69-4110, R.C.M. 1947, is amended to
 18 read as follows:

19 "69-4110. Functions, powers, and duties of department.
 20 The department shall:

- 21 (1) Study conditions affecting the citizens of the
- 22 state by making use of birth, death, and sickness records;
- 23 (2) Make investigations, disseminate information, and
- 24 make recommendations for control of diseases and improvement
- 25 of public health to persons, groups, or the public;

1 (3) At the request of the governor, administer any
 2 federal health program for which responsibilities are
 3 delegated to states;

4 (4) Inspect and work in conjunction with custodial
 5 institutions and Montana university system units
 6 periodically as necessary, and at other times on request of
 7 the governor;

8 (5) After each inspection made under subsection (4) of
 9 this section, submit a written report on sanitary conditions
 10 to the governor and to the director of institutions or
 11 ~~executive secretary of the Montana university system~~
 12 commissioner of higher education and include recommendations
 13 for improvement in conditions, if necessary;

14 (6) Advise state agencies on location, drainage, water
 15 supply, disposal of excreta, heating, plumbing, sewer
 16 systems, and ventilation of public buildings;

17 (7) Organize laboratory services and provide equipment
 18 and personnel for those services;

19 (8) Develop and administer activities for the
 20 protection and improvement of dental health and supervise
 21 dentists employed by the state, local boards of health, or
 22 schools;

23 (9) Develop and administer a program to protect the
 24 health of mothers and children;

25 (10) Conduct health education programs;

1 (11) Supervise school and local public health nurses
2 in the performance of their duties;

3 (12) Consult with the superintendent of public
4 instruction on health measures for schools;

5 (13) Develop and administer a program for services to
6 handicapped children including diagnosis, medical, surgical
7 and corrective treatment, and after-care and related
8 services;

9 (14) Supervise local boards of health;

10 (15) Bring actions in court for the enforcement of the
11 health laws and defend actions brought against the board or
12 department; and

13 (16) Accept and expend federal funds available for
14 public health services;

15 (17) Have the power to use personnel of local
16 departments of health to assist in the administration of
17 laws relating to public health; and

18 (18) Adopt rules imposing fees for the tests and
19 services performed by the laboratory of the department. In
20 adopting a rule imposing fees, the department may establish
21 only a fee that will reimburse the department for the costs
22 incurred in performing tests and services. All fees shall be
23 deposited in the earmarked revenue fund for use by the
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25 Section 2. Section 69-4111, R.C.M. 1947, is amended to

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2 *69-4111. Legal adviser to state board and department
3 ~~injunction.~~ (1) The attorney general is legal adviser to
4 the board and department. If the county attorney fails to
5 act, and with the approval of the attorney general, the
6 department may retain special counsel and compensate him
7 from appropriations to the department. Either the county
8 attorney of a county where a cause of action arises or the
9 department may bring an action necessary to abate, restrain,
10 or prosecute the violation of public health laws.

11 (2) Except as otherwise provided in the public health
12 laws administered by the board or the department, the
13 department may through the attorney general or appropriate
14 county attorney sue in district court to enjoin any
15 violation of the public health laws, rules, or orders
16 adopted or issued under the public health laws administered
17 by the board or department."

-End-

STATE OF MONTANA

REQUEST NO. 470-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for House Bill 236 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to be called the Montana Drug Product Selection Act; allowing for product selection of certain prescribed drugs.

FISCAL IMPACT:

None. This act is to correspond with federal drug regulations.

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-77

Approved by Committee
on Public Health, Welfare
& Safety

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HB 236

1 (11) Supervise school and local public health nurses
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 5 (13) Develop and administer a program for services to
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 7 and corrective treatment, and after-care and related
 8 services;
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March 17, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare & Safety

That House Bill No. 236 be amended as follows:

1. Amend page 3, section 1, line 23.
Following: "in the"
Strike: "earmarked revenue"
Insert: "general"
Following: "fund"
Strike: "for use by the department"

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