LC 0587/01

H____ BILL NO. 236 1 INTRODUCED BY Hand 2 BY REQUEST OF 3 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND TITLE 69. 6 7 CHAPTER 41. R.C.H. 1947. CONFERRING GENERAL POWERS AND DUTIES UPON THE BOARD AND DEPARTMENT OF HEALTH AND 8 ENVIRONMENTAL SCIENCES: AUTHORIZING THE DEPARTMENT TO ADOPT 9 RULES FOR THE ASSESSMENT OF FEES IN PERFORMING LABORATORY 10 SERVICES: AUTHORIZING THE DEPARTMENT TO BRING AN ACTION FOR 11 INJUNCTIVE RELIEF WHEN A PUBLIC HEALTH LAW, RULE, OR ORDER 12 ADOPTED OR ISSUED AS AUTHORIZED BY LAW HAS BEEN VIOLATED; 13 AMENDING SECTIONS 69-4110 AND 69-4111, R.C.M. 1947.* 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 Section 1. Section 69-4110, R.C.M. 1947, is amended to 17 read as follows: 18 #69-4110. Functions, powers, and duties of department. 19 The department shall: 20 (1) Study conditions affecting the citizens of the 21 state by making use of birth, death, and sickness records; 22 23 (2) Make investigations, disseminate information, and make recommendations for control of diseases and improvement 24 of public health to persons, groups, or the public; 25

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 to the governor and to the director of institutions or 10 11 executive--secretary-of--the--Hontana---university---system 12 commissioner of higher education and include recommendations 13 for improvement in conditionsy 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 equipment18 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;

(9) Develop and administer a program to protect the
 health of mothers and children:

25 (10) Conduct health education programs;

INTRODUCED BILL

LC 0587/01

-2-

HB236

1 (11) Supervise school and local public health nurses Z 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 health laws and defend actions brought against the board or 11 12 department; and 13 (16) Accept and expend federal funds available for 14 public health services wi (17) Have the power to use personnel of local 15 departments of health to assist in the administration of 16 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 24 department." Section 2. Section 69-4111, R.C.M. 1947, is amended to

LC 0587/01

read as follows: 1

2 *69-4111. Legal adviser to state board and department = infunction. (1) The attorney general is legal adviser to 3 the board and department. If the county attorney fails to 4 5 acty and with the approval of the attorney general, the department may retain special counsel and compensate him 6 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 departments 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." -Fod-

-3-

-4-

STATE OF MONTANA

FISCAL NOTE

In compliance with a written request received <u>February 10</u>, 19 77, there is hereby submitted a Fiscal Note for <u>House Bill 236</u> 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.

hand I. From

 BUDGET DIRECTOR
 J

 Office of Budget and Program Planning

 Date:
 2 - 17 - 7

LC 0587/01

Approved by Committee on Public Health,Welfare & Safety

ı	H BILL NO. 236
z	INTRODUCED BY Happe
3	BY REQUEST OF
4	THE DEPARTMENT OF REALTH 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 PERFORNING 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."
15	
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 federal health program for which responsibilities are 2 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 samitary conditions 10 to the governor and to the director of institutions or н 12 commissioner of higher education and include recommendations for improvement in conditionsy if necessary; 13 14 (6) Advise state agencies on location, drainage, water 15 supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings; 16 (7) Organize laboratory services and provide equipment 17 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;

-2-

HB236

SECOND READING

1 (11) Supervise school and local public health nurses z in the performance of their duties; 3 (12) Consult with the superintendent of public instruction on health measures for schools; 4 5 (13) Develop and administer a program for services to handicapped children including diagnosis, medical, surgical 6 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 departments of health to assist in the administration of 16 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 earwarked revenue fund for use by the 24 department." 25 Section 2. Section 69-4111, R.C.M. 1947, is amended to

1 read as follows:

#69-4111. Legal adviser to state board and department 2 -- injunction. (1) The attorney general is legal adviser to 3 4 the board and department. If the county attorney fails to act, and with the approval of the attorney general, the 5 department may retain special counsel and compensate him 6 7 from appropriations to the department. Either the county attorney of a county where a cause of action arises or the 8 department may bring an action necessary to abate, restrain, 9 or prosecute the violation of public health laws. 10 11 (2) Except as otherwise provided in the public health laws administered by the board or the departments the 12 13 department may through the attorney general or appropriate county attorney sue in district court to enjoin any 14 violation of the public health laws, rules, or orders 15 adopted or issued under the public health laws administered 16 17 by the board or department."

-End-

-4-

LC 0587/01

INTRODUCED BY Happ 1 2 3 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND TITLE 69, 6 7 CHAPTER 41. R.C.H. 1947. CONFERRING GENERAL POWERS AND DUTIES UPON THE BOARD AND DEPARTMENT OF HEALTH AND 8 9 ENVIRONMENTAL SCIENCES: AUTHORIZING THE DEPARTMENT TO ADOPT RULES FOR THE ASSESSMENT OF FEES IN PERFORMING LABORATORY 10 SERVICES; AUTHORIZING THE DEPARTMENT TO BRING AN ACTION FOR 11 12 INJUNCTIVE RELIEF WHEN A PUBLIC HEALTH LAW, RULE, OR DRDER' ADOPTED OR ISSUED AS AUTHORIZED BY LAW HAS BEEN VIOLATED; -13 AMENDING SECTIONS 69-4110 AND 69-4111, R.C.H. 1947.* 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 17 Section 1. Section 69-4110, R.C.M. 1947, is amended to 18 read as follows: #69-4110. Functions, powers, and duties of department. 19 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 make recommendations for control of diseases and improvement 24 25 of public health to persons, groups, or the public;

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THIRD READING

HB236

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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-

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"

HB 0236/02

HOUSE BILL NO. 236 1 INTRODUCED BY HARPER 2 BY REQUEST OF - 3 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 4 5 A BILL FOR AN ACT ENTITLED: MAN ACT TO AMEND TITLE 69. Ó CHAPTER 41, R.C.M. 1947, CONFERRING GENERAL POWERS AND 7 DUTIES UPON THE BOARD AND DEPARTMENT OF HEALTH AND ñ. ENVIRONMENTAL SCIENCES: AUTHORIZING THE DEPARTMENT TO ADOPT 9 RULES FOR THE ASSESSMENT OF FEES IN PERFORMING LABORATORY 10 SERVICES; AUTHORIZING THE DEPARTMENT TO BRING AN ACTION FOR 11 INJUNCTIVE RELIEF WHEN A PUBLIC HEALTH LAW, RULE, OR ORDER 12 ADOPTED OR ISSUED AS AUTHORIZED BY LAW HAS BEEN VIOLATED; 13 AMENDING SECTIONS 69-4110 AND 69-4111+ R.C.M. 1947.* 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 Section 1. Section 69-4110, R.C.M. 1947, is amended to 17 ead as follows: 15 *69-4110. Functions, powers, and duties of department. 1 --20 The department shall: (1) Study conditions affecting the citizens of the 21 state by making use of birth, death, and sickness records; 22 (2) Make investigations, disseminate information, and 23 make recommendations for control of diseases and improvement 24 of public health to persons, groups, or the public; 25

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REFERENCE BILL

НВ 236

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H8 236

HB 236

- read as follows:
- 1