

CHAPTER NO. 219.

HOUSE BILL NO. 166

INTRODUCED BY HEMSTAD, McBRIDE, COONEY, HARRINGTON,
MENAHAN, DAILY, PAVLOVICH, KANDUCH, QUILICI

BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 15, 1979	Introduced and referred to Committee on Human Services.
January 22, 1979	Committee recommend bill do pass. Report adopted.
January 23, 1979	Printed and placed on members' desks.
January 24, 1979	Second reading, pass consideration.
	On motion taken from second reading and referred to Committee on Human Services.
February 9, 1979	Intent statement attached.
	Committee recommend bill do pass. Report adopted.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass.
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Public Health, Welfare, and Safety.
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March 5, 1979

Committee recommend bill
be concurred in. Report
adopted.

March 7, 1979

Second reading, concurred in.

March 10, 1979

Third reading, concurred in.

IN THE HOUSE

March 12, 1979

Returned from second house.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 166

INTRODUCED BY *Senatorial*
Menahan

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

Cooney Hampton
General
Imbler

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND CLARIFY
7 THE AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
8 SCIENCES TO ADOPT AND ENFORCE RULES FOR THE CONTROL OF
9 COMMUNICABLE DISEASES AND TRANSPORTATION OF DEAD HUMAN
10 BODIES; AMENDING SECTION 50-1-202, MCA; AND REPEALING
11 SECTION 50-1-205, MCA."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 50-1-202, MCA, is amended to read:
15 "50-1-202. General powers and duties. The department
16 shall:

17 (1) study conditions affecting the citizens of the
18 state by making use of birth, death, and sickness records;

19 (2) make investigations, disseminate information, and
20 make recommendations for control of diseases and improvement
21 of public health to persons, groups, or the public;

22 (3) at the request of the governor, administer any
23 federal health program for which responsibilities are
24 delegated to states;

25 (4) inspect and work in conjunction with custodial

1 institutions and Montana university system units
2 periodically as necessary and at other times on request of
3 the governor;

4 (5) after each inspection made under subsection (4) of
5 this section, submit a written report on sanitary conditions
6 to the governor and to the director of institutions or
7 commissioner of higher education and include recommendations
8 for improvement in conditions if necessary;

9 (6) advise state agencies on location, drainage, water
10 supply, disposal of excreta, heating, plumbing, sewer
11 systems, and ventilation of public buildings;

12 (7) organize laboratory services and provide equipment
13 and personnel for those services;

14 (8) develop and administer activities for the
15 protection and improvement of dental health and supervise
16 dentists employed by the state, local boards of health, or
17 schools;

18 (9) develop and administer a program to protect the
19 health of mothers and children;

20 (10) conduct health education programs;

21 (11) supervise school and local public health nurses in
22 the performance of their duties;

23 (12) consult with the superintendent of public
24 instruction on health measures for schools;

25 (13) develop and administer a program for services to

1 handicapped children including diagnosis, medical, surgical,
2 and corrective treatment, and after-care and related
3 services;

4 (14) supervise local boards of health;

5 (15) bring actions in court for the enforcement of the
6 health laws and defend actions brought against the board or
7 department;

8 (16) accept and expend federal funds available for
9 public health services;

10 (17) have the power to use personnel of local
11 departments of health to assist in the administration of
12 laws relating to public health; and

13 (18) adopt rules imposing fees for the tests and
14 services performed by the laboratory of the department. In
15 adopting a rule imposing fees, the department may establish
16 only a fee that will reimburse the department for the costs
17 incurred in performing tests and services. All fees shall be
18 deposited in the general fund.

19 ~~(19) adopt and enforce rules regarding the definition~~
20 ~~of communicable diseases and the reporting and control of~~
21 ~~communicable diseases; and~~

22 ~~(20) adopt and enforce rules regarding the~~
23 ~~transportation of dead human bodies."~~

24 Section 2, Repealer. Section 50-1-205, MCA, is
25 repealed.

*Approved by Comm. on
Human Services*

HOUSE BILL NO. *166*

INTRODUCED BY *Senator Metzano*
Nevahan

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

Conroy Hammett
Henry Salvo
Handbook
Enlin

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- 20 make recommendations for control of diseases and improvement
- 21 of public health to persons, groups, or the public;
- 22 (3) at the request of the governor, administer any
- 23 federal health program for which responsibilities are
- 24 delegated to states;
- 25 (4) inspect and work in conjunction with custodial

- 1 institutions and Montana university system units
- 2 periodically as necessary and at other times on request of
- 3 the governor;
- 4 (5) after each inspection made under subsection (4) of
- 5 this section, submit a written report on sanitary conditions
- 6 to the governor and to the director of institutions or
- 7 commissioner of higher education and include recommendations
- 8 for improvement in conditions if necessary;
- 9 (6) advise state agencies on location, drainage, water
- 10 supply, disposal of excreta, heating, plumbing, sewer
- 11 systems, and ventilation of public buildings;
- 12 (7) organize laboratory services and provide equipment
- 13 and personnel for those services;
- 14 (8) develop and administer activities for the
- 15 protection and improvement of dental health and supervise
- 16 dentists employed by the state, local boards of health, or
- 17 schools;
- 18 (9) develop and administer a program to protect the
- 19 health of mothers and children;
- 20 (10) conduct health education programs;
- 21 (11) supervise school and local public health nurses in
- 22 the performance of their duties;
- 23 (12) consult with the superintendent of public
- 24 instruction on health measures for schools;
- 25 (13) develop and administer a program for services to

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2 and corrective treatment, and after-care and related
3 services;

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5 (15) bring actions in court for the enforcement of the
6 health laws and defend actions brought against the board or
7 department;

8 (16) accept and expend federal funds available for
9 public health services;

10 (17) have the power to use personnel of local
11 departments of health to assist in the administration of
12 laws relating to public health; and

13 (18) adopt rules imposing fees for the tests and
14 services performed by the laboratory of the department. In
15 adopting a rule imposing fees, the department may establish
16 only a fee that will reimburse the department for the costs
17 incurred in performing tests and services. All fees shall be
18 deposited in the general fund.

19 ~~(19) adopt and enforce rules regarding the definition~~
20 ~~of communicable diseases and the reporting and control of~~
21 ~~communicable diseases; and~~

22 ~~(20) adopt and enforce rules regarding the~~
23 ~~transportation of dead human bodies."~~

24 Section 2. Repealer. Section 50-1-205, MCA, is
25 repealed.

1 STATEMENT OF INTENT RE: HB 166

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4 A statement of intent is required for this bill because
5 it amends section 50-1-202, MCA to confirm the Department of
6 Health and Environmental Sciences rulemaking authority
7 regarding communicable diseases and the transportation of
8 dead human bodies.

9 HB 166 intends that the Department of Health, and
10 Environmental Sciences have the authority to require by
11 rule, in accordance with the Montana Administrative
12 Procedure Act, the reporting to public health officials of
13 communicable diseases by persons having knowledge of the
14 occurrence of a case or suspected case, so that appropriate
15 investigations and control measures may be specified and
16 implemented to protect the public health. In addition, the
17 Department shall also have the authority to amend and update
18 existing rules, and to adopt new rules, in accordance with
19 the Montana Administrative Procedure Act, as may be needed
20 to ensure that reporting and methods of control of
21 communicable diseases meet the standards of current,
22 preferred medical and public health practice.

23 In this same spirit, the Department shall also adopt
24 rules to protect the public against possible communicable
25 hazards of dead human bodies.

1 By way of illustration, the following categories of
2 rules are examples of topics that need to be addressed:

3 1. Definitions (For example, the terms carrier,
4 quarantine, immunization, etc. need specific definitions.)

5 2. Designation of communicable diseases to be
6 reported. (For example, measles, legionnaires disease,
7 influenza, typhoid, etc.)

8 3. Form and procedure for reporting communicable
9 diseases.

10 4. Confidentiality and access to records.

11 5. Types of quarantine and isolation.

12 6. Procedures for establishing and removing
13 quarantine.

14 7. Conduct of transport, funeral, and burial of dead
15 human bodies.

16 8. Specific control measures for specific diseases
17 (for example, control measures for measles would be
18 different from dysentery.)

19 First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES
20 on February 9, 1979.

*Approved by Comm
on Human Services*

HOUSE BILL NO. 166

INTRODUCED BY HENSTAD, McBRIDE, COONEY, HARRINGTON,

MENAHAN, DAILY, PAVLOVICH, KANDUCH, QUILICI

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND AND CLARIFY THE AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT AND ENFORCE RULES FOR THE CONTROL OF COMMUNICABLE DISEASES AND TRANSPORTATION OF DEAD HUMAN BODIES; AMENDING SECTION 50-1-202, MCA; AND REPEALING SECTION 50-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-1-202, MCA, is amended to read:

"50-1-202. General powers and duties. The department shall:

(1) study conditions affecting the citizens of the state by making use of birth, death, and sickness records;

(2) make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;

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

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

(5) after each inspection made under subsection (4) of this section, submit a written report on sanitary conditions to the governor and to the director of institutions or commissioner of higher education and include recommendations for improvement in conditions if necessary;

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

(7) organize laboratory services and provide equipment and personnel for those services;

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

(9) develop and administer a program to protect the health of mothers and children;

(10) conduct health education programs;

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

(12) consult with the superintendent of public instruction on health measures for schools;

1 (13) develop and administer a program for services to
 2 handicapped children including diagnosis, medical, surgical,
 3 and corrective treatment, and after-care and related
 4 services;

5 (14) supervise local boards of health;

6 (15) bring actions in court for the enforcement of the
 7 health laws and defend actions brought against the board or
 8 department;

9 (16) accept and expend federal funds available for
 10 public health services;

11 (17) have the power to use personnel of local
 12 departments of health to assist in the administration of
 13 laws relating to public health; and

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25 Section 2. Repealer. Section 50-1-205, MCA, is

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-End-

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14 occurrence of a case or suspected case, so that appropriate
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17 Department shall also have the authority to amend and update
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12 6. Procedures for establishing and removing
13 quarantine.

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