CHAPTER NO. 200

SENATE BILL NO. 109

INTRODUCED BY RYAN, RASMUSSEN

IN THE SENATE

January 16, 1979 Introduced and referred to Committee on Public Health, Welfare, and Safety. January 25, 1979 Fiscal note requested. January 31, 1979 Fiscal note returned. February 10, 1979 Committee recommend bill do pass as amended. Report adopted. February 13, 1979 Printed and placed on members' desks. February 14, 1979 Second reading, do pass. February 15, 1979 Considered correctly engrossed. February 16, 1979 Third reading, passed. Transmitted to second house. IN THE HOUSE February 17, 1979 Introduced and referred to Committee on Human Services. March 1, 1979 Committee recommend bill be concurred in as amended. Report adopted. March 2, 1979 Second reading, concurred in. March 5, 1979 Third reading, concurred in as amended.

IN THE SENATE

March 6, 1979	Returned from second house. Concurred in as amended.
March 7, 1979	Second reading, amendments adopted
March 8, 1979	Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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1 Dente BILL NO. 101 2 INTRODUCED BY Yuan Rasmussen

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN THE DEPARTMENT OF HEALTH AND -5 ENVIRONMENTAL SCIENCES AND LOCAL BOARDS OF HEALTH WITH ٨ 7 RESPECT TO THE VALIDATION BY LOCAL HEALTH OFFICERS OF CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF HEALTH AND ß ENVIRONMENTAL SCIENCES AND TO LIMIT CERTAIN SUPERVISORY 9 10 FUNCTIONS OF THE DEPARTMENT: AMENDING SECTIONS 50-1-202. 11 50-2-118. 50-50-201. 50-51-201. AND 50-52-201. MCA: AND REPEALING SECTION 50-2-102. MCA.* 12

13

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 50-2-118. NCA. is amended to read:
"50-2-118. Powers and duties of local health officers.
(1) Local health officers or their authorized
representatives shall:

19 (a) make inspections for sanitary conditions;

(b) as directed by the local board, issue written
orders for the destruction and removal of filth which might
cause disease:

(c) with written approval of the department, order
 buildings or facilities where people congregate closed
 during epidemics;

1 (d) on forms provided by the department, report 2 communicable diseases to the department each week; (e) before the first day of January, April, July, and 3 October, give a report to the local board of sanitary 4 conditions in the county, city, city-county, or district, 5 together with a detailed account of his activities, on forms ٨ and containing information required by the department; 7 8 (f) before the 10th day after the report is given to the local board, send a copy of the report required by 9 10 subsection (1)(e) of this section to the department; 11 (g) as prescribed by rules adopted by the department. 12 establish and maintain guarantines; 13 (h) as prescribed by rules adopted by the department, 14 supervise the disinfection of places at the expense of the 15 local board when a period of quarantine ends;

16 (i) notify the department of his appointment and17 changes in membership of the local board;

(j) file a complaint with the appropriate court if
 this chapter or rules adopted by the local board or state
 department under this chapter are violated.

21 (k) validate state licenses issued by the department

22 in accordance with chapters 50, 51, and 52 of this title.

23 (2) With approval of the department, local health
24 officers may forbid persons to assemble in a place if the
25 assembly endangers public health.

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(3) A local health officer who is a physician may be
 placed in charge of a communicable disease hospital, but a
 local health officer who is a physician is not required to
 act as a physician to the indigent.

5 {4} A local health officer who is not a physician
6 shall not act as a physician to anyone."

7 Section 2. Section 50-50-201, MCA, is amended to read:
 8 #50-50-201. License required. (1) A person operating
 9 an establishment shall procure an annual license from the
 10 department.

11 (2) A separate license is required for each 12 establishment, but if more than one type of establishment is 13 operated on the same premises and under the same management, 14 only one license is required.

15 (3) Only one license is required for a person owning
and operating one or more vending machines.

17 (5) Before a license may be issued by the department
 18 it must be validated by the local health officer in the

19 county where the establishment is located."

Section 3. Section 50-51-201, MCA, is amended to read:
*50-51-201. License required. (1) Each year, every
person engaged in the business of conducting or operating a
hotel, motel, tourist home, retirement home, or roominghouse
shall procure a license issued by the department.

25 (2) A separate license is required for each

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1 establishment; however, where more than one of each type of 2 establishment is operated on the same premises and under the 3 same management, only one license is required which shall enumerate on the certificate thereof the types of ۰ 5 establishments licensed. 6 131 Before a license may be issued by the department 7 it must be validated by the local health officer in the county where the establishment is located." 8 9 Section 4. Section 50-52-201. MCA. is amended to read: #50-52-201. Application for license. (1) Application 10 for a license is made to the department on forms containing 11 12 information required by the department. (2) The department may not issue a license unless it 13 has been validated by the local health officer in the county 14 15 where the establishment is located." Section 5. Section 50-1-202, MCA, is amended to read: 16 "50-1-202. General powers and duties. The department 17 18 shall: (1) study conditions affecting the citizens of the 19 state by making use of birth, death, and sickness records; 20 (2) make investigations, disseminate information, and 21 make recommendations for control of diseases and improvement 22 of public health to persons, groups, or the public; 23 (3) at the request of the governor, administer any 24 federal health program for which responsibilities are 25

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1 delegated to states;

2 (4) inspect and work in conjunction with custodial 3 institutions and Montana university system units 4 periodically as necessary and at other times on request of 5 the governor:

6 (5) after each inspection made under subsection (4) of 7 this section, submit a written report on sanitary conditions 8 to the governor and to the director of institutions or 9 commissioner of higher education and include recommendations 10 for improvement in conditions if necessary;

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

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

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

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

22 (10) conduct health education programs;

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

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25 (12)(11) consult with the superintendent of public

1 instruction on health measures for schools;

2 (13)(12) develop and administer a program for services
3 to handicapped children including diagnosis, medical,
4 surgical, and corrective treatment, and after-care and
5 related services;

6 t147-supervise-tocat-boards-of-healths

7 (†*5)(13) bring actions in court for the enforcement of
8 the health laws and defend actions brought against the board
9 or department;

10 <u>fl6f[14]</u> accept and expend federal funds available for 11 public health services;

12 (177)(15) have the power to use personnel of local
13 departments of health to assist in the administration of
14 laws relating to public health; and

15 **(10)** (10) adopt rules imposing fees for the tests and 16 services performed by the laboratory of the department. In 17 adopting a rule imposing fees, the department may establish 18 only a fee that will reimburse the department for the costs 19 incurred in performing tests and services. All fees shall be 20 deposited in the general fund."

21 Section 6. Repealer. Section 50-2-102, MCA, is 22 repealed.

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STATE OF MONTANA

REQUEST NO. 120-79

FISCAL NOTE

Form BD-15

Senate Bill 109

--- 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.

PURPOSE OF LEGISLATION:

An act to clarify the relationship between the Department of Health and Environmental Sciences and local boards of health with respect to the validation by local health officers of certain licenses issued by the Department of Health and Environmental Sciences and to limit certain supervisory functions of the Department; amending Sections 50-1-202, 50-2-118, 50-50-201, 50-51-201, and 50-52-201, MCA; and repealing Section 50-2-102, MCA.

ASSUMPTIONS:

- The licensing procedure will remain substantially the same. (1)
- (2)When the local departments of health receive the packet of license documents for their respective counties, the validation can occur at that time prior to sending on to the proprietor of the establishment.
- Postage costs will not be higher than what is already budgeted for. (3)
- New licenses will not have to be printed to accommodate the new law. (4)

FISCAL IMPACT:

The proposed changes in the law do not appear to add any additional costs to the present process.

ADDITIONAL INFORMATION:

The Department of Health and Environmental Sciences is under the impression that lines 23 and 24 on page 5 have been modified, and we are not addressing this issue in this fiscal note. No fiscal impact is computed on the change suggested for line 14 on page 6.

BUDGET DIRECTOR Office of Budget and Program Planning Date: _

Approved by Committee on Public Health,Welfare & Safety

1	SENATE BILL NO. 109	1 (d) on forms provided by the department, report
2	INTRODUCED BY RYAN, RASMUSSEN	2 communicable diseases to the department each week;
3		3 (e) before the first day of January, April, July, and
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE	4 October, give a report to the local board of sanitary
5	RELATIONSHIP BETWEEN THE DEPARTMENT OF HEALTH AND	5 conditions in the county, city, city-county, or district,
6	ENVIRONMENTAL SCIENCES AND LOCAL BOARDS OF HEALTH WITH	6 together with a detailed account of his activities, on forms
7	RESPECT TO THE VALIDATION BY LOCAL HEALTH OFFICERS OF	7 and containing information required by the department;
9	CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF HEALTH AND	8 (f) before the 10th day after the report is given to
9	ENVIRONMENTAL SCIENCES AND TO LIMIT CERTAIN SUPERVISORY	9 - the local board, send a copy of the report required by
10	FUNCTIONS OF THE DEPARTMENT; AMENDING SECTIONS 50-1-202+	10 subsection (1)(e) of this section to the department;
11	50-2-118, 50-50-201, 50-51-201, AND 50-52-201, MCA; AND	11 (g) as prescribed by rules adopted by the department.
12	REPEALING SECTION 50-2-102, MCA."	12 establish and maintain quarantimes;
13		13 (h) as prescribed by rules adopted by the department.
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14 supervise the disinfection of places at the expense of the
15	Section 1. Section 50-2-118, MCA, is amended to read:	15 local board when a period of quarantine ends;
16	#50-2-118. Powers and duties of local health officers.	16 (i) notify the department of his appointment and
17	(1) Local health officers or their authorized	17 changes in membership of the local board;
16	representatives shall:	18 (j) file a complaint with the appropriate court if
19	(a) make inspections for sanitary conditions;	19 this chapter or rules adopted by the local board or state
20	(b) as directed by the local board, issue written	20 department under this chapter are violated.
21	orders for the destruction and removal of filth which might	21 <u>[kl_validate_state_licenses_issued_by_the_department</u>
22	cause disease;	<pre>22 in_accordance_witb_chapters_50:_51:_and_52_of_this_title.</pre>
23	(c) with written approval of the department, order	23 (2) with approval of the department+ local health
24	buildings or facilities where people congregate closed	24 officers may forbid persons to assemble in a place if the
25	during epidemics;	25 assembly endangers public health.

• **SE 109** -2-SECOND READING

1 (3) A local health officer who is a physician may be 2 placed in charge of a communicable disease hospital, but a 3 local health officer who is a physician is not required to 4 act as a physician to the indigent.

5 (4) A local health officer who is not a physician
6 shall not act as a physician to anyone."

Section 2. Section 50-50-201; MCA, is amended to read:
#50-50-201. License required. (1) A person operating
an establishment shall procure an annual license from the
department.

(2) A separate license is required for each
 establishment, but if more than one type of establishment is
 operated on the same premises and under the same management,
 only one license is required.

15 (3) Only one license is required for a person owning16 and operating one or more vending machines.

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18 it_must_be_validated_by_the_local_health_officers_OR_LE
19 IHERE_IS_NO_LOCAL_HEALTH_DEFICER_THE_SANITABLANs in the
20 coupty_where_the_establishment_is_locateds*

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 person engaged in the business of conducting or operating a
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1 (2) A separate license is required for each 2 establishment: however, where more than one of each type of з establishment is operated on the same premises and under the same management, only one license is required which shall 4 enumerate on the certificate thereof the types of 5 6 establishments licensed. 7 131 Before a license may be issued by the department 8 it must be validated by the local health officer: OR IF 9 IHERE IS NO LOCAL HEALTH OFFICER THE SANITARIAN. in the 10 county where the establishment is located." 11 Section 4. Section 50-52-201, MCA, is amended to read: #50-52-201. Application for license. [1] Application 12 13 for a license is made to the department on forms containing 14 information required by the department. 15 121 The department may not issue a license unless it has been validated by the local health officer, DR_IE_IHERE 16 17 15 NO LOCAL HEALTH OFFICER THE SANITARIAN: in the county 18 where the establishment is located." 19 SECTION 5. THERE IS A NEW MCA SECTION THAT READS: 20 Notification of and validation by local health officer. 21 (1) when the department receives an application for a license pursuant to Title 50, chapters 50 through 52, the 22 local health officer in the county where the establishment 23 24 is located must be notified in writing of the application

25 within 15 days after the department has received the

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1	app1ication.	1 (2) The applicant or any person aggrieved by the
2	(2) If the department decides to issue a license	2 decision of the local health officer not to validate a
3	pursuant to the provisions of Title 50, chapters 50, 51, or	3 license may appeal the decision to the local board of health
4	52, the department shall notify the local health officer in	4 within 30 days after receiving written notice of the local
5	writing.	5 health officer's decision.
6	(3) A license issued by the department under Title 50,	6 (3) The hearing before the local board of health shall
7	chapters 50 through 52 is not valid until signed by the	7 be held pursuant to the contested case provisions of the
8	local health officer in the county where the establishment	8 Montana Administrative Procedure Acto
9	is located.	9 Section 7. Section 50-1-202; MCA, is amended to read:
10	(4) The local health officer shall, within 15 days	10 #50-1-202. General powers and duties. The department
11	after the department has notified the local health officer	li shall:
12	of its decision to issue a license under Title 50+ chapters	12 (1) study conditions affecting the citizens of the
13	50 through 52, make a final decision on whether the license	13 state by making use of birth, death, and sickness records;
14	will be validated.	14 (2) make investigations, disseminate information, and
15	(5) Failure of the local health officer to validate	15 make recommendations for control of diseases and improvement
16	the license within 15 days after its receipt is a refusal.	16 of public health to persons, groups, or the public;
17	SECTION_6THERE_IS_A_NEW_MCA_SECTION_THAT_READS:	17 (3) at the request of the governor, administer any
18	Refusal by local health officer appeal to board. (1)	18 federal health program for which responsibilities are
17	The local health officer may only refuse to validate a	19 delegated to states;
20	license issued under Title 50, chapters 50 through 52, upon	20 (4) inspect and work in conjunction with custodial
21	a finding that the requirements of these chapters and any	21 institutions and Montana university system units
22	rules implementing them are not satisfied. If the local	22 periodically as necessary and at other times on request of
23	health officer refuses to validate the license, he shall	23 the governor;
24	notify the applicant and the department in writing stating	24 (5) after each inspection made under subsection (4) of
25	his reasons.	25 this section, submit a written report on sanitary conditions

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to the governor and to the director of institutions or
 commissioner of higher education and include recommendations
 for improvement in conditions if necessary;

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

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

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

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

15 (10) conduct health education programs;

16 (11)-supervise-school-and-local-public-health-nurses-in 17 the-performance-of-their-dutiest

18 (11) PROVIDE CONSULTATION TO SCHOOL AND LOCAL CONMUNITY

19 HEALTH_NURSES_IN_THE_PERFORMANCE_OF_IHEIR_DUITES:

20 <u>ft2;<u>ft1;f(12)</u> consult with the superintendent of public
21 instruction on health measures for schools;</u>

22 (13)(12)(12) develop and administer a program for 23 services to handicapped children including diagnosis+ 24 medical, surgical, and corrective treatment, and after-care 25 and related services;

1 t14)-supervise-local-boards-of-healtht 2 1141_PROVIDE_CONSULTATION TO LOCAL BOARDS OF HEALTH: 3 tistilition bring actions in court for the enforcement 4 of the health laws and defend actions brought against the 5 board or department: 6 flogitle accept and expend federal funds available 7 for public health services; 8 tiftfill have the power to use personnel of local 9 departments of health to assist in the administration of 10 laws relating to public health; and 11 (18)/1161(18) adopt rules imposing fees for the tests 12 and services performed by the laboratory of the department. 13 In adopting a rule imposing fees, the department may 14 establish only a fee that will reimburse the department for 15 the costs incurred in performing tests and services. All 16 fees shall be deposited in the general fund." 17 SECTION 8. THERE IS A NEW MCA SECTION THAT READS: 18 Codification. Sections 5 and 6 are intended to be 19 codified as an integral part of Title 50 and the provisions 20 contained in Title 50 apply to sections 5 and 6. 21 Section 9. Repealer. Section 50-2-102. MCA. is

22 repeated.

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1	SENATE BILL NO. 109	1 (d) on forms provided by the department, report
2	INTRODUCED BY RYAN, RASMUSSEN	2 communicable diseases to the department each week;
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE	4 October, give a report to the local board of sanitary
5	RELATIONSHIP BETWEEN THE DEPARTMENT OF HEALTH AND	5 conditions in the county, city, city-county, or district,
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7	RESPECT TO THE VALIDATION BY LOCAL HEALTH OFFICERS OF	7 and containing information required by the department;
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9	ENVIRONMENTAL SCIENCES AND TO LIMIT CERTAIN SUPERVISORY	9 the local board, send a copy of the report required by
10	FUNCTIONS OF THE DEPARTMENT; AMENDING SECTIONS 50-1-202,	<pre>10 subsection (1)(e) of this section to the department;</pre>
11	50-2-118, 50-50-201, 50-51-201, AND 50-52-201, MCA; AND	11 (y) as prescribed by rules adopted by the department.
12	REPEALING SECTION 50-2-102, MCA.*	12 establish and maintain quarantines;
13		13 (h) as prescribed by rules adopted by the department,
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14 supervise the disinfection of places at the expense of the
15	Section 1. Section 50-2-118, MCA, is amended to read:	15 local board when a period of quarantine ends;
16	#50-2-118. Powers and duties of local health officers.	16 (i) notify the department of his appointment and
17	(1) Local health officers or their authorized	17 changes in membership of the local board;
18	representatives shall:	18 (j) file a complaint with the appropriate court if
19	(a) make inspections for sanitary conditions;	19 this chapter or rules adopted by the local board or state
20	(b) as directed by the local board, issue written	20 department under this chapter are violated.
21	orders for the destruction and removal of filth which might	21 <u>(k)_validate_state_licenses_issued_by_thedepartment</u>
22	cause disease;	22 in accordance with chapters 50, 51, and 52 of this title.
23	(c) with written approval of the department, order	23 (2) With approval of the department, local health
24	buildings or facilities where people congregate closed	24 officers may forbid persons to assemble in a place if the
25	during epidemics;	25 assembly endangers public health.
		-2- THIRD READING

1 (3) A local health officer who is a physician may be 2 placed in charge of a communicable disease hospital, but a 3 local health officer who is a physician is not required to 4 act as a physician to the indigent.

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1	(2) A separate license is required for each
2	establishment; however, where more than one of each type of
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16	has been validated by the local health officers DS_IE_IHEBE
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19	SECTION 5. THERE IS A NEW MCA SECTION THAT READS:
20	Notification of and validation by local health officer.
21	(1) When the department receives an application for a
22	license pursuant to Title 50+ chapters 50 through 52+ the
23	local health officer in the county where the establishment
24	is located must be notified in writing of the application
25	within 15 days after the department has receive the

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application.	1 (2) The applicant or any person aggrieved by the
(2) If the department decides to issue a license	2 decision of the local health officer not to validate a
pursuant to the provisions of Title 50, chapters 50, 51, or	3 license may appeal the decision to the local board of health
52, the department shall notify the local health officer in	4 within 30 days after receiving written notice of the local
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0 through 52, make a final decision on whether the license	13 state by making use of birth, death, and sickness records;
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(5) Failure of the local health officer to validate	15 make recommendations for control of diseases and improvement
he license within 15 days after its receipt is a refusal.	16 of public health to persons, groups, or the public;
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Refusal by local health officer appeal to board. (1)	18 federal health program for which responsibilities are
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finding that the requirements of these chapters and any	21 institutions and Montana university system units
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to the governor and to the director of institutions or
 commissioner of higher education and include recommendations
 for improvement in conditions if necessary;

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

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

9 {8} develop and administer activities for the 10 protection and improvement of dental health and supervise 11 dentists employed by the state, local boards of health, or 12 schools;

13 (9) develop and administer a program to protect the14 health of mothers and children;

15 (10) conduct health education programs;

16 (12)-supervise-school-and-local-public-health-nurses-in 17 the-performance-of-their-dutiest

16 (11) PROVIDE CONSULTATION TO SCHOOL AND LOCAL COMMUNITY

19 HEALTH NURSES IN THE PERFORMANCE OF THEIR DUTIES:

20 <u>(12)(11)(12)</u> consult with the superintendent of public 21 instruction on health measures for schools;

22 (13)(13)(develop and administer a program for
23 services to handicapped children including diagnosis+
24 medical, surgical, and corrective treatment, and after-care
25 and related services;

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(14)-supervise-local-boards-of-health; (14)_PROVIDE_CONSULTATION TO_LOCAL_BOARDS_DE_HEALTH: (14)_fit21(15) bring actions in court for the enforcement of the health laws and defend actions brought against the board or department; (14)fit21(15) accept and expend federal funds available for public health services; (17)fit51(17) have the power to use personnel of local departments of health to assist in the administration of laws relating to public health; and (19)fit51(18) adopt rules imposing fees for the tests

12 and services performed by the laboratory of the department. 13 In adopting a rule imposing fees, the department may 14 establish only a fee that will reimburse the department for 15 the costs incurred in performing tests and services. All 16 fees shall be deposited in the general fund." 17 SECTION 8. THERE IS A NEW MCA SECTION THAT READS: 18 Codification. Sections 5 and 6 are intended to be 19 codified as an integral part of Title 50 and the provisions

20 contained in Title 50 apply to sections 5 and 6.

21 Section 9. Repeater. Section 50-2-102. MCA. is
22 repeated.

-End-

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\$5 109

HOUSE OF REPRESENTATIVES

March 1, 1979

Human Services Committee Amendments to Senate Bill No. 109 AMEND: Third reading copy as follows:

1. Page 4, lines 21 through line 5 on page 5.
Following: line 20
Strike: Subsections (1) and (2) in their entirety
Re-number: subsequent subsections

AS AMENDED BE CONCURRED IN

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SB 0109/03

SENATE BILL NO. 109 1 (d) on forms provided by the department, report INTRODUCED BY RYAN, RASMUSSEN 2 communicable diseases to the department each week; (e) before the first day of January, April, July, and 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE October, give a report to the local board of sanitary RELATIONSHIP BETWEEN THE DEPARTMENT OF HEALTH AND 4 conditions in the county, city, city-county, or district, ENVIRONMENTAL SCIENCES AND LOCAL BOARDS OF HEALTH WITH together with a detailed account of his activities, on forms 6 RESPECT TO THE VALIDATION BY LOCAL HEALTH OFFICERS OF 7 and containing information required by the department; CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF HEALTH AND 8 (f) before the 10th day after the report is given to ENVIRONMENTAL SCIENCES AND TO LINIT CERTAIN SUPERVISORY 9 the local board, send a copy of the report required by FUNCTIONS OF THE DEPARTMENT; AMENDING SECTIONS 50-1-202+ 10 subsection (1)(e) of this section to the department; 50-2-118, 50-50-201, 50-51-201, AND 50-52-201, MCA; AND 11 (q) as prescribed by rules adopted by the department. REPEALING SECTION 50-2-102. MCA." establish and maintain guarantines; 12 13 (h) as prescribed by rules adopted by the department. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 supervise the disinfection of places at the expense of the Section 1. Section 50-2-118, HCA, is amended to read: 15 local board when a period of quarantine ends; *50-2-118. Powers and duties of local health officers. 16 (i) notify the department of his appointment and health officers or their authorized 17 changes in membership of the local board; (1) Local representatives shall: 18 (i) file a complaint with the appropriate court if (a) make inspections for sanitary conditions; this chapter or rules adopted by the local board or state 19 20 department under this chapter are violated. (b) as directed by the local board, issue written orders for the destruction and removal of filth which might 21 (k) validate state licenses issued by the department cause disease; 22 in accordance with chapters 50, 51, and 52 of this title. (c) with written approval of the department, order 23 (2) With approval of the department, local health buildings or facilities where people congregate closed officers may forbid persons to assemble in a place if the 24 assembly endangers public health. during epidemics; 25

REFERENCE BILL

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1 (3) A local health officer who is a physician may be 2 placed in charge of a communicable disease hospital, but a 3 local health officer who is a physician is not required to 4 act as a physician to the indigent.

5 (4) A local health officer who is not a physician
6 shall not act as a physician to anyone.⁴⁴

7 Section 2. Section 50-50-201. MCA, is amended to read:
8 "50-50-201. License required. (1) A person operating
9 an establishment shall procure an annual license from the
10 department.

11 (2) A separate license is required for each 12 establishment, but if more than one type of establishment is 13 operated on the same premises and under the same management, 14 only one license is required.

15 (3) Only one license is required for a person owning16 and operating one or more vending machines.

17161_Before_a_license_may_be_issued_by_the_department18it_must_be_validated_by_the_local_bealth_officers_OR_LE

19 IHERE_IS_NO_LOCAL_HEALTH_OFFICER_IHE_SANITARIAN: in_the 20 county_where_the_establishment_is_located."

21 Section 3. Section 50-51-201, MCA, is amended to read: 22 *50-51-201. License required. (1) Each year, every 23 person engaged in the business of conducting or operating a 24 hotel, motel, tourist home, retirement home, or roominghouse 25 shall procure a license issued by the department.

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58 109

1	(2) A separate license is required for each
Z	establishment; however, where more than one of each type of
3	establishment is operated on the same premises and under the
4	same management, only one license is required which shall
5	enumerate on the certificate thereof the types of
6	establishments licensed.
7	[3] Before a license may be issued by the department
6	<u>it_must_be_validated_by_the_local_health_officer+_DB_IE</u>
9	INERE_IS_NO_LOCAL HEALTH_QEFICER_THE_SANIIARIAN: in_the
10	county_where_the_establishment_is_located."
11	Section 4. Section 50-52-201. MCA, is amended to read:
12	#50-52-201. Application for license. (11 Application
13	for a license is made to the department on forms containing
14	information required by the department.
15	<u>[2] The department may opt issue a license unless it</u>
16	<u>bas_been_validated_by_the_local_bealtb_officer+_OR_IEIHERE</u>
17	IS NO LOCAL HEALTH DEEICER THE SANITARIANS in the county
18	where the establishment is located."
19	SECTION 5. THERE IS A NEW MCA SECTION THAT BEADS:
20	Notification of and validation by local health officer.
21	{}}-Whenthedepartmentreceivesanapplicationfora
22	łicensepursuanttofitie-50v-chapters-50-through-52v-the
23	local-health-officer-in-the-county-wheretheestablishment
24	islocatedmustbe-notified-in-writing-of-the-application
25	within15doysofterthedeportmenthosreceivedthe

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1	application.
2	t2}Ifthedepartmentdecidestoissuea-license
3	pursuant-to-the-provisions-of- litla-58y-chapters-58y-51y or
4	52ythe-department-shall-notify-the-local-health-officer-in
5	writings
6	<pre>+3+111 A license issued by the department under Title</pre>
7	50, chapters 50 through 52 is not valid until signed by the
8	local health officer in the county where the establishment
9	is located.
10	<pre>t4<u>f(2)</u> The local health officer shall, within 15 days</pre>
11	after the department has notified the local health officer
12	of its decision to issue a license under Title 50+ chapters
13	50 through 52, make a final decision on whether the license
14	will be validated.
15	(5)[3] Failure of the local health officer to validate
16	the license within 15 days after its receipt is a refusal.

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17 SECTION 6. THERE IS A NEW MCA SECTION_IHAT_READS:

Refusal by local health officer -- appeal to board. (1) 18 The local health officer may only refuse to validate a 19 license issued under Title 50, chapters 50 through 52, upon 20 a finding that the requirements of these chapters and any 21 rules implementing them are not satisfied. If the local 22 health officer refuses to validate the license, he shall 23 notify the applicant and the department in writing stating 24 25 his reasons.

1 (2) The applicant or any person aggrieved by the 2 decision of the local health officer not to validate a 3 license may appeal the decision to the local board of health 4 within 30 days after receiving written notice of the local 5 health officer's decision.

6 (3) The hearing before the local board of health shall
7 be held pursuant to the contested case provisions of the
8 Montana Administrative Procedure Act.

9 Section 7. Section 50-1-202, MCA, is amended to read: 10 *50-1-202. General powers and duties. The department 11 shall:

12 (1) study conditions affecting the citizens of the
13 state by making use of birth, death, and sickness records;
14 (2) make investigations, disseminate information, and
15 make recommendations for control of diseases and improvement
16 of public health to persons, groups, or the public;

17 (3) at the request of the governor, administer any
18 federal health program for which responsibilities are
19 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

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SB 109

17 the-performance-of-their-dutiest

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schools;

(11) PROVIDE CONSULTATION TO SCHOOL AND LOCAL COMMUNITY 18

19 HEALTH NURSES IN THE PERFORMANCE OF THEIR DUTIES:

20 fizifilial consult with the superintendent of public 21 instruction on health measures for schools;

22 f1311121(13) develop and administer a program for services to handicapped children including diagnosis+ 23 24 medical. surgical. and corrective treatment. and after-care 25 and related services;

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1	titi-supervise-local-boords-of-healtht
z	114)_PROVIDE_CONSULTATION_TO_LOCAL_BOARDS_DE_HEALTH:
3	<pre>tistility bring actions in court for the enforcement</pre>
4	of the health laws and defend actions brought against the
5	board or department;
6	tidition accept and expend federal funds available
7	for public health services;
8	<pre>tt+++++++++++++++++++++++++++++++++++</pre>
9	departments of health to assist in the administration of
10	laws relating to public health; and
11	<pre>tidtition adopt rules imposing fees for the tests</pre>
12	and services performed by the laboratory of the department.
13	In adopting a rule imposing fees, the department may
14	establish only a fee that will reimburse the department for
15	the costs incurred in performing tests and services. All
16	fees shall be deposited in the general fund."
17	SECTION_8CODIFICATIONSECTIONS5AND_6_ARE
18	INTENDED ID BE CODIFIED AS AN INTEGRAL PART OF TITLE 20 AND
19	THE PROVISIONS CONTAINED IN TITLE 50 APPLY TO SECTIONS 5 AND
20	Q.
21	Section 9. Repealer. Section 50-2-102, MCA, is
22	repealed.
	-End-

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