

SENATE BILL 447

IN THE SENATE

February 10, 1979

Introduced and referred to
Committee on Public Health,
Welfare and Safety.

February 20, 1979

Committee recommend bill,
do not pass, as amended.

1 *Senor* BILL NO. *447*
2 INTRODUCED BY *Norman Ryan Watt*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A LOCAL
5 HEALTH OFFICER TO CLOSE ESTABLISHMENTS LICENSED UNDER TITLE
6 50, CHAPTERS 50 THROUGH 52, FOR 72 HOURS WHEN AN IMMINENT
7 HEALTH HAZARD EXISTS; AMENDING SECTION 50-2-118, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 50-2-118, MCA, is amended to read:
11 "50-2-118. Powers and duties of local health officers.

12 (1) Local health officers or their authorized
13 representatives shall:

- 14 (a) make inspections for sanitary conditions;
- 15 (b) as directed by the local board, issue written
16 orders for the destruction and removal of filth which might
17 cause disease;
- 18 (c) with written approval of the department, order
19 buildings or facilities where people congregate closed
20 during epidemics;
- 21 (d) on forms provided by the department, report
22 communicable diseases to the department each week;
- 23 (e) before the first day of January, April, July, and
24 October, give a report to the local board of sanitary
25 conditions in the county, city, city-county, or district,

1 together with a detailed account of his activities, on forms
2 and containing information required by the department;

3 (f) before the 10th day after the report is given to
4 the local board, send a copy of the report required by
5 subsection (1)(e) of this section to the department;

6 (g) as prescribed by rules adopted by the department,
7 establish and maintain quarantines;

8 (h) as prescribed by rules adopted by the department,
9 supervise the disinfection of places at the expense of the
10 local board when a period of quarantine ends;

11 (i) notify the department of his appointment and
12 changes in membership of the local board;

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

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

19 ~~(3) A local health officer may issue a written order,~~
20 ~~with the concurrence of the local board of health, to close~~
21 ~~for up to 72 hours an establishment licensed under Title 50,~~
22 ~~chapters 50 through 52. If no local board of health exists,~~
23 ~~the county governing body must concur with the order. Before~~
24 ~~the order for closure may be issued, the health officer must~~
25 ~~determine that the sanitary conditions of the establishment~~

1 constitute an imminent health hazard to the public. An
2 imminent health hazard exists when a licensed establishment
3 has received two successive inspection scores of 50 or more
4 demerits using the approved state food service establishment
5 inspection report. The second inspection may not be any
6 sooner than 24 hours after the first inspection and must be
7 conducted jointly by a registered sanitarian from the local
8 jurisdiction and a consultant sanitarian from the department
9 of health and environmental sciences. Both health
10 authorities must concur on the second inspection score. The
11 proprietor or manager of the establishment shall have 24
12 hours after the second inspection to submit and initiate a
13 plan approved by the local health officer for correcting
14 those conditions which constitute the imminent health
15 hazard. If a plan for correcting those conditions that
16 constitute the imminent health hazard is approved by the
17 local health officer, the 72-hour closure may not be
18 invoked.

19 ~~(3)(4)~~ A local health officer who is a physician may
20 be placed in charge of a communicable disease hospital, but
21 a local health officer who is a physician is not required to
22 act as a physician to the indigent.

23 ~~(4)(5)~~ A local health officer who is not a physician
24 shall not act as a physician to anyone."

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