SENATE BILL NO. 200

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INTRODUCED BY VAN VALKENBURG

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 7, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
Pebruary 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass as amended.
February 10, 1983	Correctly engrossed.
February 11, 1983	Third reading, passed. Ayes, 43; Noes, 7. Transmitted to House.
IN THE P	IOUSE
February 12, 1983	Introduced and referred to Committee on Human Services.
March 11, 1983	Committee recommend bill be concurred in. Report adopted.
March 12, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in.

IN THE SENATE

March 15, 1983

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Returned to Senate. Sent to enrolling.

Reported correctly enrolled.

LC 0627/01

the. BILL NO. 200 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE GENERAL

7 PONERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND 8 ENVIRONMENTAL SCIENCES; AND GIVING THE DEPARTMENT THE 9 AUTHORITY TO ADOPT RULES TO IMPLEMENT STATE AND FEDERAL 10 HEALTH PROGRAMS FOR MATERNAL AND CHILD HEALTH AND FOR 11 HANDICAPPED CHILDREN; AMENDING SECTION 50-1-202, HCA.=

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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;

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

25 (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:

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;

(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) develops_adopts and administer a--program rules 18 19 setting_standards_for_participation_in_and_operation_of 20 programs to protect the health of mothers and childrens which rules may include but are not limited to programs for 21 22 nutrition. family planning services. improved pregnancy 23 outcomex__and_those_authorized_by__Iitle_X_of_the_federal 24 Public Health Service Act and Title V of the federal Social 25 Security Act;

> INTRODUCED BILL -2- SB200

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1	(10) conduct health education programs;	1	except_those_fees_relating_to_water_analysis;_which_are
2	(11) provide consultation to school and local community	2	imposed_by_the_board_pursuant_to_75-6-103(2)(b). In-edopting
3	health nurses in the performance of their duties;	3	arulaimposing-feesy-the Ibe department may <u>Dot</u> establish
4	(12) consult with the superintendent of public	4	only-a-fee-thatwillreimbursethedepartmentfor <u>faes</u>
5	instruction on health measures for schools;	5	exceeding the costs incurred in performing tests and
6	(13) develop <u>eadoptz</u> and administer <u>rulessetting</u>	6	services. All fees shall be deposited in the general fund.
7	<u>standardsfor</u> a program for <u>to_provide</u> services to	7	(19) adopt and enforce rules regarding the definition
8	handicapped children_ including <u>but_not_limited_to_standards</u>	8	of communicable diseases and the reporting and control of
9	for:	9	communicable diseases; and
10	<u>(a)</u> dlagnosis y :	10	(20) adopt and enforce rules regarding the
11	(b) medical, surgical, and corrective treatmenty: and	11	transportation of dead human bodies."
12	<pre>(c) after-care and related services;</pre>	12	<u>NEW_SECTION.</u> Section 2. Saving clause. This act does
13	(d) peligibility: and	13	not affect rights and duties that matured, penalties that
14	<u>[e]_payment_for_services:</u>	14	were incurred, or proceedings that were begun before the
15	(14) provide consultation to local boards of health;	15	effective date of this act.
16	(15) bring actions in court for the enforcement of the	16	NEW_SECTION_ Section 3. Severability. If a part of
17	health laws and defend actions brought against the board or	17	this act is invalid, all valid parts that are severable from
18	department;	18	the invalid part remain in effect. If a part of this act is
19	(16) accept and expend federal funds available for	19	invalid in one or more of its applications, the part remains
20	public health services;	20	in effect in all valid applications that are severable from
21	(17) have the power to use personnel of local	21	the invalid applications.
22	departments of health to assist in the administration of		-End-
23	laws relating to public health;		
24	(18) adopt rules imposing fees for the tests and		
25	services performed by the laboratory of the department_		
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READING

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STATEMENT OF INTENT

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SENATE BILL 200

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4 A statement of intent is required for Senate Bill 200 5 because it amends Section 50-1-202, MCA, to authorize the 6 Department of Health and Environmental Sciences to adopt 7 rules implementing existing programs promoting maternal and child health and providing handicapped children's services. Q. 9 The Department has since 1967 been mandated to develop and agminister maternal and child health programs and 10 handicapped children's services, programs which by their 11 12 nature require standards to be set for such areas as 13 appropriate medical treatment, eligibility for financial assistance and program participation, and reimbursement for 14 15 services. Those programs presently include the women, 16 Infants, and Children (WIC) supplemental food program 17 ensuring proper nutrition for young children and low-income 18 pregnant and nursing women; the Child Care Food Program 19 providing food assistance to children in day care; family zο planning; the Improved Pregnancy Outcome Project; and the 21 Handicapped Children's Program. In addition, all of the 22 present programs receive federal funding and are subject to 23 federal program requirements which mandate standards be set 24 for foir hearings, property management, etc. The Department 25 has, therefore, had to set the required standards for those

1	programs without having the authority under state law to
2	adopt binding rules for them.
3	Consequently, it is the intent of the legislature that
4	the Department be expressly authorized to adopt rules
5	covering the following:
6	1. Eligibility criteria for program participation,
7	e.g. income levels, nutritional status, and age;
e	2. Criteria which must be met by providers of care as
9	a condition of reimbursement, including professional
10	qualification;
11	 Conditions included or excluded for coverage;
12	4. Policies included in state plans, such as the
13	allocation of funds within a program, evaluation procedures
14	and reporting procedures relating to fiscal and programmatic
15	responsibilities;
16	5. Standards to ensure quality of care, such as care
17	plans and objectives;
18	 Fair hearing procedures;
19	7. Reimbursement rates;
20	8. Eligibility standards for food program providers;
21	9. Property management requirements.

Approved by Committee on Public Health.Welfare & Safety

1	SENATE BILL NO. 200
2	INTRODUCED BY VAN VALKENBURG
3	BY REQUEST OF THE DEPARTMENT OF HEALTH AND
4	ENVIRONMENTAL SCIENCES
5	

A BIL. FUR AN ACT ENTITLED: "AN ACT TO CLARIFY THE GENERAL 6 7 POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; AND GIVING THE DEPARTMENT. THE 8 AUTHORITY TO ADOPT RULES TO IMPLEMENT STATE AND FEDERAL 9 HEALTH PROGRAMS FOR MATERNAL AND CHILD HEALTH AND FOR 10 HANDICAPPED CHILDREN: AMENDING SECTION 50-1-202. MCA." 11

12

HE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 14 Section 1. Section 50-1-202; MCA, is amended to read: #50-1-202. General powers and duties. The department 15 shall: 16

(1) study conditions affecting the citizens of the 17 state by making use of birth, death, and sickness records; 18 (2) make investigations, disseminate information, and 19

27 make recommendations for control of diseases and improvement 21 of public health to persons, groups, or the public;

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

(4) inspect and work in conjunction with custodial 25

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

4 (5) after each inspection made under subsection (4) of 5 this section, submit a written report on sanitary conditions 5 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;

(7) organize laboratory services and provide equipment 12

13 and personnel for those services;

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

(9) develops_adopts and administer a--program rules 18 19 setting__standards_for_participation_in_and_poeration_of 20 programs to protect the health of mothers and childrens 21 which_rules_may_include but:greenot:timited=to programs_for 22 putritions__family_planning__servicess__improved_pregnancy 23 outcome._and_those_authorized_by_litle_X_of_the_federal Publiz_Bealth_Service_Act_and_Title_Y_of_the_federal__Social 24

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1	(19) conduct health education programs;	ı	except_those_fees_relatingto_water_analysis+which_are
2	(11) provide consultation to school and local community	2	imposed_by_the_board_pursuant_to_75=6=103(2)(b). In-adopting
3	health nurses in the performance of their duties;	3	eruleimposing-feesy-the The department may not establish
4	(12) consult with the superintendent of public	4	only-s-fee-thetwillreimbursethedepartmentfor <u>fees</u>
5	instruction on health measures for schools;	5	exceeding the costs incurred in performing tests and
6	(13) develop <u>1_adopt</u> 1 and administer <u>rulessetting</u>	ŧ	services. All fees shall be deposited in the general fund.
7	<u>standardsfor</u> a program for <u>to_provide</u> services to	7	(19) adopt and enforce rules regarding the definition
8	handicapped children_ including <u>but:not:limited:to standards</u>	8	of communicable diseases and the reporting and control of
9	fer:	9	communicable diseases; and
10	(a) diagnosis v :	10	(20) adopt and enforce rules regarding the
11	[b] medical, surgical, and corrective treatment vi and	11	transportation of dead human bodies."
12	<pre>(c) after-care and related services;</pre>	12	<u>NEW_SECTION.</u> Section 2. Saving clause. This act does
13	fdleligibilityi_aod	13	not affect rights and duties that matured, penalties that
14	(e)payment_for_services:	14	were incurred, or proceedings that were begun before the
15	(14) provide consultation to local boards of health;	15	effective date of this act.
16	(15) bring actions in court for the enforcement of the	16	NEX_SECTION. Section 3. Severability. If a part of
17	health laws and defend actions brought against the board or	17	this act is invalid, all valid parts that are severable from
18	depart ment;	18	the invalid part remain in effect. If a part of this act is
19	(16) accept and expend federal funds available for	19	invalid in one or more of its applications, the part remains
20	public health services;	20	in effect in all valid applications that are severable from
21	(17) have the power to use personnel of local	21	the invalid applications.
22	departments of health to assist in the administration of		-End-
23	laws relating to public health;		
24	(18) adopt rules imposing fees for the tests and		
25	services performed by the laboratory of the department ${f 1}$		
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4	A statement of intent is required for Senate Bill 200
5	because it amends Section 50-1-202; MCA, to authorize the
6	Department of Health and Environmental Sciences to adopt
7	rules implementing existing programs promoting maternal and
8	child health and providing handicapped children's services.
9	The Department has since 1967 been mandated to develop
10	and administer maternal and child health programs and
11	handicapped children's services, programs which by their
12	nature require standards to be set for such areas as
13	appropriate medical treatment, eligibility for financial
14	assistance and program participation, and reimbursement for
15	services. Those programs presently include the Women,
16	Infants, and Children (WIC) supplemental food program
17	ensuring proper nutrition for young children and low-income

ntal food program dren and low-income 18 pregnant and nursing women; the Child Care Food Program 19 providing food assistance to children in day care; family 20 planning; the Improved Pregnancy Outcome Project; and the 21 Handicapped Children's Program. In addition, all of the 22 present programs receive federal funding and are subject to federal program requirements which mandate standards be set 23 24 for fair hearings, property management, etc. The Department 25 has, therefore, had to set the required standards for those

STATEMENT DF INTENT

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covering the following: 5 1. Eligibility criteria for program participation, 6 7 e.q. income levels, nutritional status, and age; 8 2. Criteria which must be met by providers of care as 9 a condition of reimbursement, including professional

adopt binding rules for them.

qualification: 10

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3. Conditions included or excluded for coverage; 11

4. Policies included in state plans, such as the 12 13 allocation of funds within a program, evaluation procedures 14 and reporting procedures relating to fiscal and programmatic 15 responsibilities:

programs without having the authority under state law to

the Department be expressly authorized to adopt rules

Consequently, it is the intent of the legislature that

16 5. Standards to ensure quality of care, such as care 17 plans and objectives;

- 18 6. Fair hearing procedures;
- 19 7. Reimbursement rates:
- 8. Eligibility standards for food program providers: 20
- 21 9. Property management requirements.

THIRD READING SB200 -2-

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1	SENATE BILL NO. 200	1	institutions and Montana university system units
z	INTRODUCED BY VAN VALKENBURG	2	periodically as necessary and at other times on request of
3	BY REQUEST OF THE DEPARTMENT OF HEALTH AND	3	the governor;
4	ENVIRONMENTAL SCIENCES	4	(5) after each inspection made under subsection (4) of
5		5	this section, submit a written report on sanitary conditions
6	A BILL FOR AN ACT ENTITLED: MAN ACT TO CLARIFY THE GENERAL	6	to the governor and to the director of institutions or
7	POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND	7	commissioner of higher education and include recommendations
8	ENVIRONMENTAL SCIENCES; AND GIVING THE DEPARTMENT THE	8	for improvement in conditions if necessary;
9	AUTHORITY TO ADOPT RULES TO IMPLEMENT STATE AND FEDERAL	9	(6) advise state agencies on location, drainage, water
10	HEALTH PROGRAMS FOR MATERNAL AND CHILD HEALTH AND FOR	10	supply, disposal of excreta, heating, plumbing, sewer
11	HANDICAPPED CHILDREN; AMENDING SECTION 50-1-202, MCA.*	11	systems, and ventilation of public buildings;
12		12	(7) organize laboratory services and provide equipment
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	and personnel for those services;
14	Section 1. Section 50-1-202, MCA, is amended to read:	14	(8) develop and administer activities for the
15	*50-1-202. General powers and duties. The department	15	protection and improvement of dental health and supervise
16	shall:	16	dentists employed by the state; local boards of health; or
17	(1) study conditions affecting the citizens of the	17	schools;
18	state by making use of birth, death, and sickness records;	18	(9) develop <u>s_adopts</u> and administer aprogram rules
19	(2) make investigations, disseminate information, and	19	setting_standards_for_participation_in_and_operation_of
20	make recommendations for control of diseases and improvement	20	programs to protect the health of mothers and childrens
21	of public health to persons, groups, or the public;	21	wbich_rules_way_include b st_ere=net_limited=to <u>programs_for</u>
22	(3) at the request of the governor, administer any	22	outritionsfamily_planning_servicessimproved_pregnancy
23	federal health program for which responsibilities are	23	outcomerandthoseauthorizedbylitle_x_of_the_federal
24	delegated to states;	24	Public_Health_Service_Act_and_Title_Y_of_the_federalSocial
25	(4) inspect and work in conjunction with custodial	25	Security_Act;

1	(10) conduct nealth education programs;
2	(11) provide consultation to school and local community
3	health nurses in the performance of their duties;
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5	instruction on health measures for schools;
6	(13) develop <u>e_adopts</u> and administer <u>rulessetting</u>
7	<u>standardsfor</u> a program for <u>to provide</u> serv ices to
6	handicapped children, including <u>but-mot-timited-to</u> <u>standards</u>
9	for:
10	<u>Lal</u> diagnosis vi
11	(b) medical, surgical, and corrective treatment; and
12	<pre>[_] after-care and related services; AND</pre>
13	(d)eligibility; and
14	tst::payment:foc=secvicest
15	(14) provide consultation to local boards of health;
16	(15) bring actions in court for the enforcement of the
17	health laws and defend actions brought against the board or
18	department;
19	(16) accept and expend federal funds available for
20	public health services;
21	(17) have the power to use personnel of loca?
22	departments of health to assist in the administration of
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1	except_those_fees_relatingtowateranalysis*whichare
2	<pre>imposed_by_the_board_pursuant_to_75=6=103(21(b). in-edopting</pre>
3	eruleimposing-feesy-the <u>The</u> department may <u>not</u> establish
4	only-a-fee-thatwillrelabursethedepartmentfor <u>facs</u>
5	exceeding the costs incurred in performing tests and
6	services. All fees shall be deposited in the general fund.
7	(19) adopt and enforce rules regarding the definition
8	of communicable diseases and the reporting and control of
9	communicable diseases; and
10	(20) adopt and enforce rules regarding the
11	transportation of dead human bodies.**
12	NEW_SECTION. Section 2. Saving clause. This act does
13	not affect rights and duties that matured, penalties that
14	were incurred, or proceedings that were begun before the
15	effective date of this act.
16	<u>NEW_SECTION</u> . Section 3. Severability. If a part of
17	this act is invalid, all valid parts that are severable from
18	the invalid part remain in effect. If a part of this act is
19	invalid in one or more of its applications, the part remains
20	in effect in all valid applications that are severable from
21	the invalid applications.

-End-

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SB 200

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STATEMENT OF INTENT

SENATE BILL 200

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A statement of intent is required for Senate Bill 200 4 5 because it amends Section 50-1-202, MCA, to authorize the 6 Department of Health and Environmental Sciences to adopt 7 rules implementing existing programs promoting maternal and child health and providing handicapped children's services. 8 9 The Department has since 1967 been mandated to develop and administer maternal and child health programs and 10 11 handicapped children's services, programs which by their nature require standards to be set for such areas as 12 13 appropriate medical treatment, eligibility for financial assistance and program participation, and reimbursement for 14 services. Those programs presently include the women, 15 Infants, and Children (WIC) supplemental food program 16 17 ensuring proper nutrition for young children and low-income pregnant and nursing women; the Child Care Food Program 18 providing food assistance to children in day care; family 19 20 planning; the Improved Pregnancy Outcome Project; and the Handicapped Children's Program. In addition, all of the 21 22 present programs receive federal funding and are subject to federal program requirements which mandate standards be set 23 for fair hearings, property management, etc. The Department 24 has, therefore, had to set the required standards for those 25

1	programs without having the authority under state law to
2	adopt binding rules for them.
3	Consequently, it is the intent of the legislature that
4	the Department be expressly authorized to adopt rules
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6	1. Eligibility criteria for program participation,
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в	2. Criteria which must be met by providers of care as
9	a condition of reimbursement, including professional
10	qualification;
11	 Conditions included or excluded for coverage;
12	4. Policies included in state plans, such as the
13	allocation of funds within a program, evaluation procedures
14	and reporting procedures relating to fiscal and programmatic
15	responsibilities;
16	5. Standards to ensure quality of care, such as care
17	plans and objectives;
18	5. Fair hearing procedures;
19	7. Reimbursement rates;
20	8. Eligibility standards for food program providers;

9. Property management requirements.

--- REFERENCE BILL

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1	SENATE BILL NO. 200	1	institutions and Montana university system units
2		- 2	
	INTRODUCED BY VAN VALKENBURG	-	periodically as necessary and at other times on request of
3	BY REQUEST OF THE DEPARTMENT OF HEALTH AND	3	the governor;
4	ENVIRONMENTAL SCIENCES	4	(5) after each inspection made under subsection (4) of
5		5	this section, submit a written report on sanitary conditions
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE GENERAL	6	to the governor and to the director of institutions or
7	POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND	7	commissioner of higher education and include recommendations
8	ENVIRONMENTAL SCIENCES; AND GIVING THE DEPARTMENT THE	8	for improvement in conditions if necessary;
9	AUTHORITY TO ADOPT RULES TO INPLEMENT STATE AND FEDERAL	9	(6) advise state agencies on location, drainage, water
10	HEALTH PROGRAMS FOR MATERNAL AND CHILD HEALTH AND FOR	10	supply, disposal of excreta, heating, plumbing, sewer
11	HANDICAPPED CHILDREN; AMENDING SECTION 50-1-202, MCA.*	11	systems, and ventilation of public buildings;
12		12	(7) organize laboratory services and provide equipment
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	and personnel for those services;
14	Saction 1. Section 50-1-202, MCA, is amended to read:	14	(8) develop and administer activities for the
15	"50~1-202。 General powers and duties. The department	15	protection and improvement of dental health and supervise
16	shall:	16	dentists employed by the state, local boards of health, or
17	(1) study conditions affecting the citizens of the	17	schools;
18	state by making use of birth, death, and sickness records;	18	(9) develop <u>s adopts</u> and administer eprogram <u>rules</u>
19	(2) make investigations, disseminate information, and	19	settingstandardsforparticipation_inand_operation_of
20	make recommendations for control of diseases and improvement	20	programs to protect the health of mothers and childrens
21	of public health to persons, groups, or the public;	21	which_rules_max_include but_ore_not_timited_to programs_for
22	(3) at the request of the governor, administer any	22	nutritionsfamily_planning_servicesimproved_pregnancy
23	federal health program for which responsibilities are	23	outcomesandthoseauthorizedbyTitle_X_of_the_federal
24	delegated to states;	24	Public_Health_Service_Act_and_Iitle_y_of_the_federalSocial
25	(4) inspect and work in conjunction with custodial	25	Security_Act;

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1	(10) conduct health education programs;
2	(11) provide consultation to school and local community
3	health nurses in the performance of their duties;
4	(12) consult with the superintendent of public
5	instruction on health measures for schools;
6	(13) develop <u>e_adopts</u> and administer <u>rules_setting</u>
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15	(14) provide consultation to local boards of health;
16	(15) bring actions in court for the enforcement of the
17	health laws and defend actions brought against the board or
18	department;
19	(16) accept and expend federal funds available for
20	public health services;
21	(17) have the power to use personnel of local
22	departments of health to assist in the administration of
23	laws relating to public health;
24	(18) adopt rules imposing fees for the tests and
25	services performed by the laboratory of the department_
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except those fees relating to water analysis. which are 1 z imposed by the board pursuant to 75-6-103(2)(b). In-adopting a--rule--imposing-feesy-the The department may not establish 3 only-n-fee-that--will--reimburse--the--department--for faes 4 5 exceeding the costs incurred in performing tests and services. All fees shall be deposited in the general fund. 6 7 (19) adopt and enforce rules regarding the definition 8 of communicable diseases and the reporting and control of 9 communicable diseases; and 10 (20) adopt enforce rules regarding the and 11 transportation of dead human bodies." NEW_SECTION: Section 2. Saving clause. This act does 12 not affect rights and duties that matured, penalties that 13 were incurred, or proceedings that were begun before the 14 15 effective date of this act. 16 NEW_SECTION. Section 3. Severability. If a part of 17 this act is invalid, all valid parts that are severable from

18 the invalid part remain in effect. If a part of this act is 19 invalid in one or more of its applications, the part remains 20 in effect in all valid applications that are severable from 21 the invalid applications.

-End-

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SB 2:00