

LOCAL BOARDS OF HEALTH

137.1 Title.

This chapter may be cited as the "*Local Health Act*".

[C71, 73, 75, 77, 79, 81, § 137.1]

137.2 Definitions.

As used in this chapter unless the context otherwise requires:

1. "*City board*" means a city board of health.
2. "*County board*" means a county board of health.
3. "*Director*" means the director of public health.
4. "*District board*" means a district board of health formed with approval by the state board of health.
5. "*District health department*" refers to the personnel and property under the jurisdiction of a district board of health.
6. "*Local board of health*" means a county, city, or district board of health.
7. "*State board*" means the state board of health.
8. "*State department*" means the Iowa department of public health.

[C71, 73, 75, 77, 79, 81, § 137.2]

137.3 County board.

The county board of health in each county shall consist of five members, at least one of whom shall be licensed in Iowa as a doctor of medicine and surgery or as an osteopathic physician and surgeon, as defined by law.

[C73, § 393, 415; C97, § 574, 2568; C24, 27, 31, 35, § 2246-c2; C39, § **2228, 2246.2**; C46, 50, 54, 58, 62, 66, § 137.1, 138.2; C71, 73, 75, 77, 79, 81, § 137.3]

137.4 Appointment vacancies.

All members of the county board shall be appointed by the county board of supervisors and shall serve for a period of three years.

Vacancies due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists by appointment of the board of supervisors for the unexpired term of the original appointment.

[C62, 66, § 137.20; C71, 73, 75, 77, 79, 81, § 137.4]

137.5 Jurisdiction of county and city boards.

The county board shall have jurisdiction over public health matters within the county, except as set forth

herein and in section 137.13. The council of any city having a population of twenty-five thousand or more, according to the latest federal census, may appoint a city board of health in the manner specified in sections 137.3 and 137.4 or the council may appoint itself to act as the city board of health. The city board shall have jurisdiction within the municipal limits.

[C31, 35, § 2246-c1; C39, § **2246.1**; C46, 50, 54, 58, 62, 66, § 138.1; C71, 73, 75, 77, 79, 81, § 137.5]

137.6 Powers of local boards.

Local boards shall have the following powers:

1. Enforce state health laws and the rules and lawful orders of the state department.
2. Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as may be necessary for the protection and improvement of the public health.
 - a. Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county.
 - b. Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city.
 - c. Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.
 - d. However, before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation, shall be published as provided in section 331.305 in the area served by the board.

The board shall also make a reasonable effort to give notice of the hearing to the communications media located within said area.

3. May by agreement with the council of any city within its jurisdiction enforce appropriate ordinances of said city.
4. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400.
5. Provide reports of its operations and activities to the state department as may be required by the director.

[C73, § 415, 417, 418; C97, § 2568, 2571, 2572; S13, § 2571-b, 2572; C24, 27, 31, 35, 39, § **2234, 2235**; C46, 50, 54, 58, 62, 66, § 137.7, 137.8; C71, 73, 75, 77, 79, 81, § 137.6]

83 Acts, ch 101, § 20; 87 Acts, ch 43, § 4; 97 Acts, ch 28, §9; 2003 Acts, ch 145, §189; 2006 Acts, ch 1184, §84

137.7 Additional powers of local boards.

Local boards shall have the following powers and duties to the extent they do not unreasonably interfere with existing patterns of private professional practice of licensed practitioners of the healing arts. Local boards:

1. May provide such personal and environmental health services as may be deemed necessary for the protection and improvement of the public health.
2. May engage in joint operations and contract with colleges and universities, the state department, other public and private agencies, and individuals for public health activities or projects.
3. May charge reasonable fees for personal health services. No person shall be denied necessary services within the limits of available personnel because of inability to pay the cost of such services.
4. May issue licenses and permits and charge reasonable fees therefor in relation to the collection or disposal of solid waste and the construction or operation of private water supplies or sewage disposal facilities.

[C24, 27, 31, 35, 39, § 2236, 2237; C46, 50, 54, 58, 62, 66, § 137.9, 137.10; C71, 73, 75, 77, 79, 81, § 137.7]

137.8 District health department plan.

The state department shall, after consultation with existing county and city boards, develop and may amend from time to time as necessary a district health department plan. The plan shall set forth recommended areas for the development of district health departments.

[C31, 35, § 2246-c3; C39, § 2246.4; C46, 50, 54, 58, 62, 66, § 138.4; C71, 73, 75, 77, 79, 81, § 137.8]

137.9 Rules for standards.

The state board shall adopt rules setting minimum standards and procedures for the formation and approval of district health departments.

[C71, 73, 75, 77, 79, 81, § 137.9]

137.10 District board of health approval requested.

The county and city boards in any area designated by the district health department plan may at any time submit to the state department a request for approval as a district health department. The request shall include:

1. A plan for appointment of a district board of health, the membership of which shall not exceed eleven members who shall be reasonably representative of all existing health jurisdictions in the area. At least one and not more than three of the members shall be licensed in Iowa as doctors of medicine and surgery or osteopathic physicians and surgeons, as defined by law. The plan shall specify the terms of office of the members, by whom appointments to the board are to be made, and methods for filling vacancies.
2. Evidence that the proposed district health department is consistent with the state district health department plan and will meet the requirements of rules of the state board.

[C31, 35, § 2246-c1, -c2, -c3; C39, § 2246.1, 2246.2, 2246.3; C46, 50, 54, 58, 62, 66, § 137.20, 138.1, 138.2, 138.3; C71, 73, 75, 77, 79, 81, § 137.10]

137.11 Request reviewed by state department.

The state department shall review requests submitted under section 137.10. The state department, upon finding that all necessary conditions are met, shall approve the formation of a district health department and shall so notify the local boards from whom the request was received.

[C71, 73, 75, 77, 79, 81, § 137.11]

137.12 Appointment.

On receipt of notice of approval as a district health department, a district board shall be appointed as specified in the plan. Board members shall serve without compensation, but shall be reimbursed for necessary expenses in accordance with rules established by the state board.

[C62, 66, § 137.21; C71, 73, 75, 77, 79, 81, § 137.12]

83 Acts, ch 123, § 63, 209

137.13 Disbandment of local boards.

On appointment of a district board, the county and city boards involved shall be disbanded and their powers and duties specified in sections 137.6 and 137.7 transferred to the district board.

[C71, 73, 75, 77, 79, 81, § 137.13]

137.14 Adding to district.

A city or county may be added to an existing district health department by submission and approval of a request, as specified in sections 137.10 to 137.13, and upon approval of the request by both the district board and the state board.

[C71, 73, 75, 77, 79, 81, § 137.14]

137.15 Withdrawal from district.

A city or county may withdraw from an existing district health department upon submission of a request for withdrawal and approval of the request by both the district board and the state board.

[C71, 73, 75, 77, 79, 81, § 137.15]

137.16 Appointment of city health officer.

A city which is part of a county or district health department may appoint or designate a city health officer for the city. The city health officer shall enforce the rules and regulations of the county or district health board within the city.

89 Acts, ch 141, § 1

137.17 Local fund for district.

On establishment of a district health department, the district board shall designate the treasurer of a city or county within its jurisdiction to establish a health fund for the district.

[C71, 73, 75, 77, 79, 81, § 137.17]

83 Acts, ch 123, § 64, 209

137.18 Deposit of moneys in fund.

All moneys received by a district for local health purposes from federal appropriations, from local taxation, from licenses, from fees for personal services, or from gifts, grants, bequests, or other sources shall be deposited in the health fund. Expenditures shall be made from the fund on order of the district board for the purpose of carrying out its duties.

[C97, § 2568; C24, 27, 31, 35, 39, § 2234; C46, 50, 54, 58, 62, 66, § 137.7(6); C71, 73, 75, 77, 79, 81, § 137.18]

83 Acts, ch 123, § 65, 209

137.19 Emergency request for funds.

A local board may, in emergency situations, request additional appropriations, which may, upon approval of the director, be allotted from the funds reserved for that purpose to the extent that funds are appropriated and available. On termination of the emergency situation, the local board shall report its expenditures of emergency funds to the director and return any unexpended funds.

[C71, 73, 75, 77, 79, 81, § 137.19]

94 Acts, ch 1023, §86; 99 Acts, ch 141, §13

137.20 Repealed by 81 Acts, ch 117, § 1097.

137.21 Penalties.

Any person who violates any provision of this chapter or the rules of a local board or any lawful order of said board, its officers, or authorized agents shall be guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order after notice of violation by the local board shall constitute a separate offense.

[C73, § 419; C97, § 2573; S13, § 2575-a6; C24, 27, 31, 35, 39, § 2246; C46, 50, 54, 58, 62, 66, § 137.19; C71, 73, 75, 77, 79, 81, § 137.21]

137.22 Individual choice of treatment.

Nothing in this chapter shall be construed to impede, limit, or restrict the right of free choice by an individual to the health care or treatment that the individual may select.

[C71, 73, 75, 77, 79, 81, § 137.22]