

**137.104 Local boards of health — powers and duties.**

Local boards of health shall have the following powers and duties:

1. A local board of health shall:
  - a. Enforce state health laws and the rules and lawful orders of the state department.
  - b. Make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the council as may be necessary for the protection and improvement of the public health.
    - (1) 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.
    - (2) 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.
    - (3) 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.
    - (4) 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 in a newspaper having general circulation as provided in [section 331.305](#) in the area served by the local board of health.
      - c. 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](#).
      - d. Provide the names of all local board of health members and officers to the state department.
      - e. Provide minutes of local board of health meetings and reports of the local board of health's operations and activities to the state department as may be required by the director, by rule, or by contract.
  2. A local board of health may:
    - a. Provide such population-based and personal health services as may be deemed necessary for the promotion and protection of the health of the public and charge reasonable fees for personal health services. A person shall not be denied necessary services within the limits of available resources because of inability to pay the cost of such services.
    - b. Provide such environmental health services as may be deemed necessary for the protection and improvement of the public health and issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems.
    - c. Engage in joint operations and contract with colleges and universities, the state department, other public, private, and nonprofit agencies, and individuals or form a district health department to provide personal and population-based public health services.
    - d. By written agreement with the city council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health.
    - e. Demand that a raw milk producer provide the board with all records required to be retained by the raw milk producer as provided in [section 195.6](#), including any of the following:
      - (1) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.
      - (2) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

[2010 Acts, ch 1036, §4](#); [2016 Acts, ch 1026, §10](#); [2023 Acts, ch 19, §212 – 214](#); [2023 Acts, ch 75, §2](#)

Referred to in [§137.115](#)

Subsection 1, paragraph b, unnumbered paragraph 1 amended

Subsection 1, paragraph b, subparagraph (1) amended

Subsection 2, paragraph d amended

Subsection 2, NEW paragraph e