

February 27, 1967

Passed on File

En Calendar 3-1-67

Public Health and Welfare 4-13, Pass as amended 4-20

Senate File 342

By COMMITTEE ON PUBLIC HEALTH
AND WELFARE

Passed Senate, Date 4-11-67

Passed House, Date 6-28-67

Vote: Ayes 34 Nays 19

Vote: Ayes 74 Nays 29

Approved _____

*Passed Senate as
amended by House
6-29-67; 41-9*

A BILL FOR

An Act relating to the organization, jurisdiction, powers and duties of county, city, and district boards of health and permits local funding therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapters one hundred thirty-seven (137) and one
2 hundred thirty-eight (138), Code 1966, are hereby repealed.

1 Sec. 2. This Act may be cited as the "Local Health Act."

1 Sec. 3. As used in this Act, unless the context otherwise
2 requires:

3 1. "County board" means a county board of health.

4 2. "City board" means a city board of health.

5 3. "District board" means a district board of health formed
6 with approval by the state department of health.

7 4. "District health department" refers to the personnel and
8 property under the jurisdiction of a district board of health.

9 5. "Local board of health" means a county, city, or district
10 board of health.

11 6. "State department" means the state department of health.

12 7. "State board" means the state board of health.

13 8. "Commissioner" means the commissioner of public health.

1 Sec. 4. The county board of health in each county shall con-
2 sist of five (5) members, at least one (1) of whom shall be li-
3 censed in Iowa as a doctor of medicine and surgery or as an
4 osteopathic physician and surgeon, as defined by law.

1 Sec. 5. All members of the county board shall be appointed

2 by the county board of supervisors and shall serve for a period
3 of three (3) years except the terms of the five (5) initial
4 appointees shall be as follows:

5 1. One (1) member shall serve from the effective date of
6 this Act to December 31, 1968.

7 2. Two (2) members shall serve from the effective date of
8 this Act to December 31, 1969.

9 3. Two (2) members shall serve from the effective date of
10 this Act to December 31, 1970.

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

1 Sec. 6. The county board shall have jurisdiction over
2 public health matters within the county, except as set forth
3 in sections seven (7) and fifteen (15) of this Act.

1 Sec. 7. The council of any city having a population of
2 twenty-five thousand (25,000) or more, according to the latest
3 federal census, may elect within one (1) year of the effective
4 date of this Act to appoint a city board of health. The city
5 board shall have jurisdiction within the municipal limits of
6 said city. The council may appoint a city board in the manner
7 specified in sections four (4) and five (5) of this Act or may
8 itself act as the city board of health.

1 Sec. 8. Local boards shall have the following powers and
2 duties:

3 1. Enforce state health laws and the rules and lawful orders
4 of the state department.

5 2. Make and enforce such reasonable rules and regulations
6 not inconsistent with law or with the rules of the state board
7 as may be necessary for the protection and improvement of the
8 public health.

9 a. Rules and regulations of a county board shall become
10 effective upon approval by the county board of supervisors and
11 publication in a newspaper having general circulation in the

12 county.

13 b. Rules and regulations of a city board shall become
14 effective upon approval by the city council and publication
15 in a newspaper having general circulation in the city.

16 c. Rules and regulations of a district board shall become
17 effective upon approval by the district board and publication
18 in a newspaper having general circulation in the district.

19 3. May by agreement with the council of any city or town
20 within its jurisdiction enforce appropriate ordinances of said
21 city or town.

22 4. Employ such employees as are necessary for the efficient
23 discharge of its duties. Employment practices shall meet the
24 requirements of the Iowa merit system council or any civil ser-
25 vice provision adopted under chapter three hundred sixty-five
26 (365) of the Code.

27 5. Provide reports of its operations and activities to the
28 state department as may be required by the commissioner.

1 Sec. 9. Local boards shall have the following powers and
2 duties to the extent they do not unreasonably interfere with
3 existing patterns of private professional practice of licensed
4 practitioners of the healing arts. Local boards:

5 1. May provide such personal and environmental health ser-
6 vices as may be deemed necessary for the protection and improve-
7 ment of the public health.

8 2. May engage in joint operations and contract with colleges
9 and universities, the state department, other public and private
10 agencies, and individuals for public health activities or pro-
11 jects.

12 3. May charge reasonable fees for personal health services.
13 No person shall be denied necessary services within the limits
14 of available personnel because of inability to pay the cost of
15 such services.

16 4. May issue licenses and permits and charge reasonable fees
17 therefor in relation to the collection or disposal of solid
18 waste, the preparation or serving of food to the public, and

19 the construction or operation of private water supplies or
20 sewage disposal facilities.

1 Sec. 10. The state department shall, after consultation with
2 existing county and city boards, develop and may amend from time
3 to time as necessary a district health department plan. The
4 plan shall set forth recommended areas for the development of
5 district health departments.

1 Sec. 11. The state board shall adopt rules and regulations
2 setting minimum standards and procedures for the formation and
3 approval of district health departments.

1 Sec. 12. The county and city boards in any area designated
2 by the district health department plan may at any time submit
3 to the state department a request for approval as a district
4 health department. The request shall include:

5 1. A plan for appointment of a district board of health,
6 the membership of which shall not exceed eleven (11) members
7 who shall be reasonably representative of all existing health
8 jurisdictions in the area. At least one (1) and not more than
9 three (3) of the members shall be licensed in Iowa as doctors of
10 medicine and surgery or osteopathic physicians and surgeons, as
11 defined by law. The plan shall specify the terms of office of
12 the members, by whom appointments to the board are to be made,
13 and methods for filling vacancies.

14 2. Evidence that the proposed district health department is
15 consistent with the state district health department plan and
16 will meet the requirements of rules and regulations of the
17 state board.

1 Sec. 13. The state department shall review requests sub-
2 mitted under section twelve (12) of this Act. The state
3 department, upon finding that all necessary conditions are met,
4 shall approve the formation of a district health department
5 and shall so notify the local boards from whom the request was
6 received.

1 Sec. 14. On receipt of notice of approval as a district
2 health department, a district board shall be appointed as

3 specified in the plan. Board members shall serve without
4 compensation, but shall be reimbursed from the local health
5 fund, established under section nineteen (19) of this Act, for
6 necessary expenses in accordance with rules and regulations
7 established by the state board.

1 Sec. 15. On appointment of a district board, the county
2 and city boards involved shall be disbanded and their powers
3 and duties specified in sections eight (8) and nine (9) of this
4 Act transferred to the district board.

1 Sec. 16. A city or county may be added to an existing dis-
2 trict health department by submission and approval of a request,
3 as specified in sections twelve (12) through fifteen (15) of
4 this Act, and upon approval of the request by both the district
5 board and the commissioner.

1 Sec. 17. A city or county may withdraw from an existing
2 district health department upon submission of a request for
3 withdrawal and approval of the request by both the district
4 board and the commissioner.

1 Sec. 18. The treasurer of each city which has a city board
2 and the treasurer of each county shall establish a "local
3 health fund".

1 Sec. 19. On establishment of a district health department,
2 the district board shall designate the treasurer of a city or
3 county within its jurisdiction to establish a "local health
4 fund" for the district. Upon establishment of the fund, monies
5 in previously existing local health funds in the district
6 shall be transferred to the fund.

1 Sec. 20. All monies received for local health purposes from
2 state or federal appropriations, from local taxation, from
3 licenses, from fees for personal services, or from gifts, grants,
4 bequests, or other sources shall be deposited in the local health
5 fund. Expenditures shall be made from the fund on order of the
6 local board for the purpose of carrying out its duties.

1 Sec. 21. On or before July 15 of each year, the commissioner
2 shall notify each local board of the amount of its share of the

3 yearly state appropriation for local health services, determined
4 as follows:

5 1. The commissioner may reserve not more than two (2) per-
6 cent of the total appropriation for emergencies.

7 2. The total share of each local board shall consist of a
8 basic share which shall be the same for each local board, plus
9 a per capita share determined on the basis of population.

10 a. The amount of the basic share shall be determined by the
11 commissioner in such a way that the total share of every local
12 board of health shall be at least one quarter (1/4) of one (1)
13 percent of the total appropriation.

14 b. The per capita share of each city and county board shall
15 be in the same ratio to the total appropriation, less the emer-
16 gency reserve and the basic shares, as the population of the
17 city or county has to the total population of the state as de-
18 termined by the most recent federal decennial census, increased
19 by one-fourth (1/4) the population served by the district health
20 departments within the state.

21 c. The per capita share of each district board shall be in
22 the same ratio to the total appropriation, less the emergency
23 reserve and the basic shares, as the population of the district
24 times one point twenty-five (1.25) has to the total population of
25 the state determined by the most recent federal decennial cen-
26 sus, increased by one-fourth (1/4) the population served by the
27 district health departments within the state.

1 Sec. 22. Federal funds which may become available for
2 support of local health services shall be allotted to local
3 boards as specified in section twenty-one (21) of this Act,
4 unless other requirements are established by federal law or
5 regulation, upon which allotment shall be made according to the
6 federal laws or regulations.

1 Sec. 23. On or before September 15 of each year, each local
2 board shall submit to the commissioner, on forms prescribed by
3 the commissioner, a proposed budget for the following calendar
4 year.

1 Sec. 24. On or before October 15 of each year, the commis-
2 sioner shall determine the allotment of funds to each local
3 board for the following calendar year. The amount determined
4 shall not be more than the amount requested in the proposed
5 budget submitted under section twenty-three (23) of this Act
6 and shall not be less than the share determined in sections
7 twenty-one (21) and twenty-two (22) of this Act, unless the
8 proposed budget is for a lesser amount, which amount may not
9 be further reduced.

1 Sec. 25. On or before January 15 of each year, each local
2 board shall certify to the commissioner the total of its
3 expenditures for the previous calendar year.

1 Sec. 26. The commissioner shall remit to each local board,
2 prior to June 30, its allotment as determined in section
3 twenty-four (24) of this Act reduced by any amount by which its
4 allotment for the previous calendar year exceeds the total ex-
5 penditure described in section twenty-five (25) of this Act.

1 Sec. 27. Funds remaining in the local health appropriation
2 after payment of the allotments shall be divided in proportion
3 to population, as described in sections twenty-one (21) and
4 twenty-two (22) of this Act, among those local boards whose
5 original allotments, as determined in section twenty-four (24)
6 of this Act, were less than the amounts of their proposed budget
7 No local board shall receive a total allotment greater than its
8 proposed budget.

1 Sec. 28. A local board may, in emergency situations, re-
2 quest additional appropriations, which may, upon approval of
3 the commissioner, be allotted from the funds reserved for that
4 purpose. On termination of the emergency situation, the local
5 board shall report its expenditures of emergency funds. to the
6 commissioner and return any unexpended funds. Emergency ex-
7 penditures shall not be included in the total expenditures
8 certified as required under section twenty-five (25) of this
9 Act.

1 Sec. 29. The board of supervisors of any county may appro-
2 priate from the county general fund and the council of any city
3 or town may appropriate from the sanitation fund for the pur-
4 pose of providing local health services. Monies appropriated for
5 this purpose shall be deposited in the local health fund as
6 specified in section twenty (20) of this Act.

1 Sec. 30. Any person who violates any provision of this Act
2 or the rules and regulations of a local board or any lawful
3 order of said board, its officers, or authorized agents shall
4 be guilty of a misdemeanor and shall be punished by a fine not
5 to exceed one hundred (100) dollars or by imprisonment in the
6 county jail for not more than thirty (30) days. Each additional
7 day of neglect or failure to comply with such provision, rule or
8 lawful order after notice of violation by the local board shall
9 constitute a separate offense.

1 Sec. 31. Section one hundred twenty-three point twenty-seven
2 (123.27), subsection four (4), Code 1966, is hereby amended by
3 inserting in line thirty-seven (37) preceding the word "county"
4 the words "any official".

1 Sec. 32. Section one hundred thirty-five point thirty-one
2 (135.31), Code 1966, is hereby amended by inserting in line
3 eleven (11) after the word "state," the word "district,".

1 Sec. 33. Section one hundred thirty-nine point twelve
2 (139.12), Code 1966, is hereby amended by striking lines three
3 (3) through twelve (12) and inserting in lieu thereof the
4 following:

5 "shall be accomplished according to the rules and regula-
6 tions of the local board of health or the rules of the state
7 board of health."

1 Sec. 34. Section one hundred thirty-nine point eighteen
2 (139.18), Code 1966, is hereby amended by striking from line
3 two (2) the words "or town".

1 Sec. 35. Section one hundred thirty-nine point twenty
2 (139.20), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of the" and
4 inserting in lieu thereof the words "of a".

5 2. By striking from line six (6) the words "health officer"
6 and inserting in lieu thereof the words "local board of
7 health".

1 Sec. 36. Section one hundred thirty-nine point twenty-seven
2 (139.27), Code 1966, is hereby amended by striking from line
3 seven (7) the words "clerk of the".

1 Sec. 37. Section one hundred forty point twenty (140.20),
2 Code 1966, is hereby amended by striking from line three (3)
3 the word "the" and inserting in lieu thereof the word "a".

1 Sec. 38. Section one hundred forty point thirty (140.30),
2 Code 1966, is hereby amended by striking from line two (2)
3 the words "health officer,".

1 Sec. 39. Section one hundred forty point thirty-four
2 (140.34), Code 1966, is hereby amended by striking lines two
3 (2) and three (3) and inserting in lieu thereof the following:

4 "local board of health shall cause an examination to be
5 made of every person reason-".

1 Sec. 40. Section one hundred forty-one point seventeen
2 (141.17), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "local board
4 or".

5 2. By striking from line four (4) the word "local health
6 officer or".

1 Sec. 41. Section one hundred forty-three point one (143.1),
2 Code 1966, is hereby amended by striking lines one (1) through
3 three (3) and inserting in lieu thereof the following:

4 "Any local board of health, the county board of education
5 of any county, or the school board of any school".

1 Sec. 42. Section one hundred forty-three point two (143.2),
2 Code 1966, is hereby amended by striking from lines one (1) and
3 two (2) the words "and councils within any county".

1 Sec. 43. Section two hundred thirty-seven point seven

2 (237.7), Code 1966, is hereby amended by striking from lines
3 four (4) and five (5) the words "of the city, village, or town
4 in which" and inserting in lieu thereof the words "in whose
5 jurisdiction".

1 Sec. 44. Section two hundred thirty-eight point twenty-one
2 (238.21), Code 1966, is hereby amended by striking from lines
3 three (3) and four (4) the words "of the city, village, or town
4 in which" and inserting in lieu thereof the words "in whose
5 jurisdiction".

1 Sec. 45. Section three hundred fifty-one point thirty-six
2 (351.36), Code 1966, is hereby amended by striking lines one (1)
3 and two (2) and inserting in lieu thereof the following:

4 "Local health and law enforcement officials shall".

1 Sec. 46. Section three hundred fifty-one point thirty-eight
2 (351.38), Code 1966, is hereby amended as follows:

3 1. By striking from lines five (5) and six (6) the words
4 "county or city or town" and inserting in lieu thereof the word
5 "local".

6 2. By striking from line eight (8) the words "county or city
7 or town" and inserting in lieu thereof the word "local".

1 Sec. 47. Section three hundred fifty-one point thirty-nine
2 (351.39), Code 1966, is hereby amended by striking from lines
3 one (1) and two (2) the words "county or city or town" and
4 inserting in lieu thereof the word "local".

1 Sec. 48. Section three hundred fifty-one point forty (351.40),
2 Code 1966, is hereby amended by striking from lines one (1) and
3 two (2) the words "county or city or town" and inserting in
4 lieu thereof the word "local".

1 Sec. 49. Section seven hundred thirty-four point one
2 (734.1), Code 1966, is hereby amended by striking from lines
3 seven (7) and eight (8) the words "or local health officer of
4 the city, town, or township in which" and inserting in lieu
5 thereof the words "in whose jurisdiction".

1 Amend Senate File 342 as follows:
2 Section 29, by striking from lines five (5) and six (6) the
3 following: "amount which would be produced by a levy of one-
4 (1/2) mill on the taxable property within such county or city"
5 and
6 inserting in lieu thereof the following: "statutory limitations
7 found in chapters for hundred four (404) and four hundred forty-
four (444) of the Code".

Filed - *Adopted 6-28*
April 20, 1967

COMMITTEE ON PUBLIC HEALTH AND
WELFARE

1 Amend Senate File 342 as follows:
2 Amend Section 4, by striking after the comma in line
3 two (2), the remainder of the section, and substitute in
4 lieu thereof the following: "at least one of whom shall be
5 a member of one of the licensed healing arts in Iowa, as de-
6 fined by law."

Filed - *Lost 6-28*
June 22, 1967

MALONEY of Polk.

1 Amend Senate File 342 as follows:
2 1. In Section 8, lines one (1) and two (2),
3 strike the words "and duties".

Filed - *Adopted 6-28*
June 23, 1967

GITTINS of Pottawattamie.

1 Amend Senate File 342 as follows:
2 By striking from Section 12 all of lines nine (9) and
3 ten (10) and substituting in lieu thereof the following:
4 "three (3) of the members shall be licensed member of the
5 licensed healing arts in Iowa, as".

Filed - *Withdrawn 6-28*
June 23, 1967

MALONEY of Polk.

1 Amend Senate File 342 as follows:
2 1. Section 3, by striking in line six (6), the word
3 "department" and inserting in lieu thereof the word "board".
4 2. Section 9, by striking in line eighteen (18) the
5 words ", the preparation or serving of food to the public,".
6 3. Section 20, by striking in line two (2) the words
7 "state or".
8 4. By striking Sections twenty-one (21) through twenty-
9 seven (27) and renumbering the remaining sections.

Filed - *Adopted 6-28*
June 23, 1967

DODERER of Johnson.
SORG of Linn.
TIEDEN of Clayton.
GITTINS of Pottawattamie.

1 Amend Senate File 342 by adding the following new section:
2 "Nothing in this Act shall be construed to impede, limit,
3 or restrict the right of free choice by an individual to
4 the health care or treatment that he may select."

Filed - *Adopted 6-28*
June 26, 1967

MALONEY of Polk.

1 Amend Senate File 342 by striking everything after
2 the period in line six (6) Section 28.

Filed and adopted
June 28, 1967

Doderer of Johnson

1 Amend Senate File 342 as follows:
2 1. By striking from line twelve (12) of Section
3 twenty-one (21) the word and numeral "quarter ($\frac{1}{4}$)" and
4 inserting in lieu thereof the word and numeral "half ($\frac{1}{2}$)"

Filed - *Adopted 4-10*
March 2, 1967

By ELY

1 Amend Senate File 342 as follows:
2 1. By striking from section sixteen (16) line
3 five (5), the word "commissioner" and inserting in
4 lieu thereof the words "state board".
5 2. By striking from section seventeen (17), line
6 four (4), the word "commissioner" and inserting in
7 lieu thereof the words "state board".

Filed - *Adopted 4-11*
April 7, 1967

By CASSIDY

1 Amend Senate File 342 by striking section seven
2 (7) and inserting in lieu thereof the following:
3 "Sec. 7. The board of health of any city having
4 a population of twenty-five thousand (25,000) or
5 more, according to the latest federal census, shall
6 continue for one (1) year from the effective date
7 of this Act unless the city council shall either
8 terminate the board sooner or elect to appoint a
9 city board of health. The city board shall have
10 jurisdiction within the municipal limits of said
11 city. The council may appoint a city board in the
12 manner specified in sections four (4) and five (5)
13 of this Act or may appoint itself to act as the city
14 board of health."

Filed - *Adopted 4-10*
April 7, 1967

By CASSIDY

1 Amend Senate File 342 as follows:
2 1. By striking from line one (1) of section twenty-
3 one (21) the word and number "July 15" and inserting in
4 lieu thereof the word and number "June 10".

Filed and adopted
April 11, 1967

By ELY

1 Amend the Messerly and Heying amendment to Section 23
2 of Senate File 342, filed April 11, 1967, by striking lines 2
3 through 4 of Section 2 and inserting in lieu thereof the
4 following: "The local board shall also furnish a copy of
5 said budget to the city council or board of supervisors of
6 each city or county served by the local board."

Filed and adopted
April 11, 1967

By STANLEY

1 Amend Senate File 342 as follows:
2 Amend section 29 by inserting the following after
3 the period in line 4:
4 "Such appropriation shall not exceed the amount
5 which would be produced by a levy of one-half ($\frac{1}{2}$) mill
6 on the taxable property within such county or city.

Filed and adopted
April 11, 1967

By MESSERLY and HEYING

1 Amend Senate File 342 as follows:
2 1. In Section 8, insert the following new paragraph
3 after line 18:
4 "d. However, before approving any rule or regulation
5 the local board of health shall hold a public hearing on
6 the proposed rule or regulation. Any citizen may appear
7 and be heard at the public hearing. A notice of the public
8 hearing, stating the time and place and the general nature
9 of the proposed rule or regulation, shall be published at
10 least ten (10) days before the hearing in a newspaper of
11 general circulation in the area served by the board.
12 The board shall also make a reasonable effort to give
13 notice of the hearing to the communications media located
14 within said area.
15 2. Add the following at the end of section 23:
16 "The local board shall also submit a copy of said
17 budget to the city council or board or supervisors for
18 approval by each city or county served by the local board."

Filed and adopted
April 11, 1967

By MESSERLY and HEYING

1 Amend Senate File 342 as follows:
2 1. Section 3, by striking in line six (6) the
3 word "department" and inserting in lieu thereof the
4 word "board".
5 2. Section 8, lines one (1) and two (2), by
6 striking the words "and duties".
7 3. Section 9, by striking in line eighteen (18)
8 the words ", the preparation or serving of food to
9 the public,".
10 4. Section 20, by striking in line two (2) the
11 words "state or".
12 5. By striking Sections twenty-one (21) through
13 twenty-seven (27) and renumbering the remaining
14 sections.
15 6. Section 28, by striking all of said section
16 after the period in line six (6).
17 7. Section 29, by striking from lines five (5)
18 and six (6) the following: "amount which would be
19 produced by a levy of one-half ($\frac{1}{2}$) mill on the
20 taxable property within such county or city" and
21 inserting in lieu thereof the following: "statutory
22 limitations found in chapters four hundred four (404)
23 and four hundred forty-four (444) of the Code".
24 8. By adding the following new section:
25 "Nothing in this Act shall be construed to
26 impede, limit, or restrict the right of free choice
27 by an individual to the health care or treatment that
28 he may select."

Filed
June 29, 1967

Senate concurred 6-29

HOUSE AMENDMENT