

**Senate File 2266 - Introduced**

SENATE FILE 2266  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3046)

**A BILL FOR**

1 An Act creating the local public health governance Act, and  
2 providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 137.100 **Title and purpose.**

2 This chapter shall be known and may be cited as the "*Local*  
3 *Public Health Governance Act*". The purpose of this chapter is  
4 to define the structure, powers, and duties of local boards  
5 of health. This chapter also provides an optional process  
6 for counties to merge to form a district board of health in  
7 order to increase efficiencies and enhance the delivery and  
8 availability of public health services.

9 Sec. 2. NEW SECTION. 137.101 **Definitions.**

10 As used in this chapter unless the context otherwise  
11 requires:

12 1. "*City board*" means a city board of health in existence  
13 prior to July 1, 2010.

14 2. "*City health department*" refers to the personnel and  
15 property under the jurisdiction of a city board in existence  
16 prior to July 1, 2010.

17 3. "*Council*" means a city council.

18 4. "*County board*" means a county board of health.

19 5. "*County health department*" refers to the personnel and  
20 property under the jurisdiction of a county board.

21 6. "*Director*" means the director of public health.

22 7. "*District*" means any two or more geographically  
23 contiguous counties.

24 8. "*District board*" means a board of health representing  
25 at least two geographically contiguous counties formed with  
26 approval of the state department in accordance with this  
27 chapter, or any district board of health in existence prior to  
28 July 1, 2010.

29 9. "*District health department*" refers to the personnel and  
30 property under the jurisdiction of a district board.

31 10. "*Iowa public health standards*" means Iowa public health  
32 standards as defined in section 135A.2.

33 11. "*Local board of health*" means a city, county, or  
34 district board of health.

35 12. "*Officers*" means a local board of health chairperson,

1 vice chairperson, and secretary, and other officers which may  
2 be named at the discretion of the local board of health.

3 13. "State board" means the state board of health.

4 14. "State department" means the Iowa department of public  
5 health.

6 Sec. 3. NEW SECTION. 137.102 Local boards of health —  
7 jurisdiction.

8 1. A city board shall have jurisdiction over public health  
9 matters within the city.

10 2. A county board shall have jurisdiction over public health  
11 matters within the county.

12 3. A district board shall have jurisdiction over public  
13 health matters within the district.

14 Sec. 4. NEW SECTION. 137.103 Local boards of health —  
15 powers and duties.

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

18 1. A local board of health shall:

19 a. Enforce state health laws and the rules and lawful orders  
20 of the state department.

21 b. Make and enforce such reasonable rules and regulations  
22 not inconsistent with law, the rules of the state board, or  
23 the Iowa public health standards as may be necessary for the  
24 protection and improvement of the public health.

25 (1) Rules of a city board shall become effective upon  
26 approval by the council and publication in a newspaper having  
27 general circulation in the city.

28 (2) Rules of a county board shall become effective upon  
29 approval by the county board of supervisors by a motion or  
30 resolution as defined in section 331.101, subsection 13, and  
31 publication in a newspaper having general circulation in the  
32 county.

33 (3) Rules of a district board shall become effective upon  
34 approval by the district board and publication in a newspaper  
35 having general circulation in the district.

1 (4) Before approving any rule or regulation the local board  
2 of health shall hold a public hearing on the proposed rule.  
3 Any citizen may appear and be heard at the public hearing. A  
4 notice of the public hearing, stating the time and place and  
5 the general nature of the proposed rule or regulation shall be  
6 published in a newspaper having general circulation as provided  
7 in section 331.305 in the area served by the local board of  
8 health.

9 c. Employ persons as necessary for the efficient  
10 discharge of its duties. Employment practices shall meet the  
11 requirements of chapter 8A, subchapter IV, or any civil service  
12 provision adopted under chapter 400.

13 d. Provide the names of all local board of health members  
14 and officers to the state department.

15 e. Provide minutes of local board of health meetings  
16 and reports of the local board of health's operations and  
17 activities to the state department as may be required by the  
18 director, by rule, or by contract.

19 2. A local board of health may:

20 a. Provide such population-based and personal health  
21 services as may be deemed necessary for the promotion and  
22 protection of the health of the public and charge reasonable  
23 fees for personal health services. A person shall not be  
24 denied necessary services within the limits of available  
25 resources because of inability to pay the cost of such  
26 services.

27 b. Provide such environmental health services as may  
28 be deemed necessary for the protection and improvement of  
29 the public health and issue licenses and permits and charge  
30 reasonable fees in relation to the construction or operation of  
31 nonpublic water supplies or private sewage disposal systems.

32 c. Engage in joint operations and contract with colleges and  
33 universities, the state department, other public, private, and  
34 nonprofit agencies, and individuals or form a district health  
35 department to provide personal and population-based public

1 health services.

2 *d.* By written agreement, with the council of any city within  
3 its jurisdiction, enforce appropriate ordinances of the city  
4 relating to public health.

5 **Sec. 5. NEW SECTION. 137.104 Local boards of health —**  
6 **membership and meetings.**

7 1. *Membership, terms, compensation, and vacancies.*

8 *a.* All members of a city board shall be appointed by the  
9 council.

10 *b.* All members of a county board shall be appointed by the  
11 county board of supervisors.

12 *c.* All members of a district board shall be appointed by  
13 the county board of supervisors from each county represented by  
14 the district. Each county board of supervisors shall appoint  
15 at least one but no more than three members to the district  
16 board, and each county board of supervisors shall appoint the  
17 same number of members to the district board. There shall  
18 be no more than one board of supervisors member from any  
19 participating county on the district board.

20 *d.* Local boards of health shall consist of at least five  
21 members. At least one member shall be licensed as a physician  
22 under chapter 148.

23 *e.* A local board of health member shall serve for a term of  
24 three years. A member is eligible for reappointment.

25 *f.* A local board of health member shall serve without  
26 compensation, but may be reimbursed for necessary expenses in  
27 accordance with rules established by the state board or the  
28 applicable jurisdiction.

29 *g.* A local board of health member vacancy due to death,  
30 resignation, or other cause shall be filled as soon as possible  
31 after the vacancy exists for the unexpired term of the original  
32 appointment.

33 2. *Meetings.* A majority of the members of a local board  
34 of health shall be considered a quorum and an affirmative  
35 vote of the majority of the members present is necessary for

1 action taken by a local board of health. The majority shall  
2 not include any member who has a conflict of interest and a  
3 statement by the member that a conflict of interest exists  
4 shall be conclusive for this purpose.

5     **Sec. 6. NEW SECTION. 137.105 District boards of health —**  
6 **request to form.**

7     The county boards of any two or more geographically  
8 contiguous counties may at any time submit a request to form a  
9 district board to the state department. The formation request  
10 shall be in writing, shall be executed by the county boards of  
11 supervisors and the county boards of health for each county  
12 comprising the proposed district board, and shall include but  
13 not be limited to the following required elements:

14     1. A written narrative that explains how the formation of  
15 a district board will increase organizational capacity and  
16 capability to provide population-based and personal public  
17 health services compared with operating as individual county  
18 boards.

19     2. The composition of the district board, including the  
20 number of members each county shall appoint pursuant to section  
21 137.104 and the total number of members on the district board.

22     3. Proof of approval by all county boards of supervisors  
23 and county boards of health involved in the request to form a  
24 district board and of the elements included in the formation  
25 plan.

26     4. The service delivery plan.

27     5. The budget and fiscal plan for the proposed district  
28 board. The budget plan shall include an estimate of proposed  
29 expenditures and revenues and an allocation of the revenue  
30 responsibilities of each of the counties participating in the  
31 proposed district board.

32     6. A table of organization.

33     7. A personnel system description, including identification  
34 of the district treasurer and district auditor and a section  
35 which addresses the employment issues contained in section

1 137.109.

2 8. The location of the district board offices and workforce  
3 throughout the jurisdiction.

4 9. An inventory of the property and equipment in the  
5 custody of each county board and a description as to whether  
6 such property and equipment shall remain in the custody of the  
7 county or shall be transferred to the district board to become  
8 property of the district board.

9 10. A timeline for the adoption of district board rules and  
10 regulations.

11 11. Other criteria as established by rule of the state  
12 department.

13 Sec. 7. NEW SECTION. 137.106 Request reviewed by state  
14 department.

15 The state department shall review requests submitted  
16 pursuant to section 137.105. The state department, upon  
17 finding that all required elements are present, shall present  
18 findings to the state board. The state board may approve the  
19 formation of a district board and if the formation is approved,  
20 shall notify the county boards from whom the request was  
21 received.

22 Sec. 8. NEW SECTION. 137.107 Initial appointment of  
23 district board of health.

24 Upon receipt of notice of approval as a district board,  
25 district board members shall be appointed as specified in  
26 section 137.104.

27 Sec. 9. NEW SECTION. 137.108 Organizational structure of  
28 district board.

29 A district board is a governing body for purposes of chapter  
30 670 and a district health department is a municipality for  
31 purposes of chapter 670. All meetings of a district board  
32 shall comply with the requirements of chapter 21 and all  
33 records of a district board and a district health department  
34 shall be maintained in accordance with chapter 22.

35 Sec. 10. NEW SECTION. 137.109 District personnel.

1 1. A district board may employ persons as necessary for  
2 the efficient discharge of its duties. A district board shall  
3 have all the duties and powers in employing such persons as  
4 a county board of supervisors is granted pursuant to section  
5 331.324, with the exception of the authority to provide for  
6 support of the civil service commission for deputy sheriffs  
7 as specified in section 331.324, subsection 1, paragraph "k".  
8 A district board may employ persons who were employed at the  
9 time of the formation of the district board by the counties  
10 represented by the district board, or may employ persons who  
11 were not employed by such counties. The county boards involved  
12 shall specify in the request submitted pursuant to section  
13 137.105 whether the individual counties or the district board  
14 will be responsible for payment of unemployment compensation  
15 for any county employees employed by the county board at the  
16 time of formation of the district board but not employed by the  
17 district board following formation.

18 2. If the district board employs persons who were employed  
19 by the counties represented by the district board at the time  
20 of formation of the district board, the district board shall  
21 recognize the term of service of the former county employees  
22 for purposes of all employee benefits offered by the district  
23 board to such employees and such employees shall not forfeit  
24 accrued vacation, accrued sick leave, or longevity by becoming  
25 district board employees.

26 3. Persons who were covered by county employee life  
27 insurance, accident insurance, and health insurance plans prior  
28 to becoming district board employees pursuant to this chapter  
29 shall be permitted to apply prior to becoming district board  
30 employees for life, accident, and health insurance plans that  
31 are available to district board employees so that those persons  
32 do not suffer a lapse of insurance coverage as a result of  
33 becoming district board employees.

34 4. The district board may employ or contract with legal  
35 counsel to enforce this chapter and district board rules,



1 represent and defend the district board and its officers and  
2 employees, provide legal advice to the district board, and  
3 perform any other legal duties required by law or assigned by  
4 the district board. The district board may employ or contract  
5 with the county attorney of a county within its jurisdiction.

6 Sec. 11. NEW SECTION. 137.110 **District treasurer and**  
7 **auditor.**

8 Upon establishment of a district board, the district board  
9 shall designate a treasurer of a county within its jurisdiction  
10 to serve as treasurer of the district health department, and  
11 shall designate the auditor of the same county to serve as  
12 auditor of the district health department. The treasurer's  
13 and the auditor's official bonds shall extend to cover their  
14 respective duties performed on behalf of the district health  
15 department. A county treasurer shall not serve in the capacity  
16 of district health department treasurer without consent from  
17 the county and agreement from the treasurer to perform this  
18 function, and a county auditor shall not serve in the capacity  
19 of district health department auditor without consent from the  
20 county and agreement from the auditor to perform this function.

21 Sec. 12. NEW SECTION. 137.111 **District public health fund.**

22 1. The district treasurer shall establish a district public  
23 health fund from which disbursements may be made in the manner  
24 specified for disbursements by law for the disbursement of  
25 county funds.

26 2. All moneys received by a district board or district  
27 health department for local public health purposes from federal  
28 appropriations, state appropriations, local appropriations,  
29 fees, gifts, grants, bequests, or other sources shall be  
30 deposited in the district public health fund. Expenditures  
31 shall be made from the fund on order of the district board for  
32 the purpose of carrying out its duties. No more than twenty  
33 percent of the unexpended balance remaining in the fund at the  
34 end of each fiscal year shall be maintained in the district  
35 public health fund. The remainder of the unexpended balance

1 shall revert to the general funds of the member counties in the  
2 manner determined by the district board.

3 3. The district board shall adopt and certify an  
4 annual budget in accordance with section 24.17 relating  
5 to certification of budgets and section 24.27 relating to  
6 protesting budgets.

7 Sec. 13. NEW SECTION. 137.112 **Adding to district.**

8 A county may be added to an existing district board by  
9 submission and approval of a request, as specified in sections  
10 137.105 and 137.106.

11 Sec. 14. NEW SECTION. 137.113 **Withdrawal from district.**

12 A county may withdraw from an existing district board upon  
13 submission of a request for withdrawal to and approval by  
14 the state department. The request shall include a plan to  
15 reform its county board or join a different district board,  
16 information specified in section 137.105, and approval of the  
17 request by the district board and, at the recommendation of  
18 the state department, the state board. Any county choosing to  
19 withdraw from the district board shall commit to the continuity  
20 of services in its county by reestablishing its county  
21 board or joining a different district board. The remaining  
22 counties in the district shall submit an application including  
23 the information specified in section 137.105 to the state  
24 department for review as provided in section 137.106.

25 Sec. 15. NEW SECTION. 137.114 **Dissolution of county boards.**

26 Upon appointment of a district board, the county boards  
27 involved shall be dissolved and their powers and duties  
28 specified in section 137.103 transferred to the district board.  
29 All property and equipment in the custody of the county board  
30 shall either remain the property of the county or shall become  
31 the property of the district board, as so provided in the  
32 district board formation request submitted pursuant to section  
33 137.105.

34 Sec. 16. NEW SECTION. 137.115 **Emergency request for funds.**

35 A local board of health may, during a public health disaster

1 as defined in section 135.140 or in preparation for or  
2 response to such disaster, request additional appropriations  
3 which may upon approval of the director be allotted from the  
4 funds reserved for that purpose to the extent that funds  
5 are appropriated and available. Upon termination of the  
6 disaster response, the local board of health shall report its  
7 expenditures of emergency funds to the director.

8 Sec. 17. NEW SECTION. 137.116 **Penalties — criminal and**  
9 **civil.**

10 1. Any person who violates any provision of this chapter or  
11 the rules of a local board of health or any lawful order of the  
12 board, its officers, or authorized agents is guilty of a simple  
13 misdemeanor. Each additional day of neglect or failure to  
14 comply with such provision, rule, or lawful order after notice  
15 of violation by the local board of health shall constitute a  
16 separate offense.

17 2. A local board of health may impose a civil penalty not to  
18 exceed seven hundred fifty dollars for each violation of this  
19 chapter or the rules of the local board of health or any lawful  
20 order of the board, its officers, or authorized agents. If the  
21 violation is a repeat offense a civil penalty not to exceed one  
22 thousand dollars may be imposed. The local board of health  
23 shall impose and enforce such penalties in the manner provided  
24 in section 331.307 for county infractions.

25 Sec. 18. NEW SECTION. 137.117 **Individual choice of**  
26 **treatment.**

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

30 Sec. 19. NEW SECTION. 137.118 **Adoption of rules.**

31 The state board of health shall adopt rules to implement this  
32 chapter. The department is vested with discretionary authority  
33 to interpret the provisions of this chapter.

34 Sec. 20. Section 135I.1, subsection 2, Code 2009, is amended  
35 to read as follows:

