

1 HOUSE BILL NO. 145

2 INTRODUCED BY P. FIELDER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL BOARD OF HEALTH TO ISSUE
5 RECOMMENDATIONS FOR COMPLIANCE WITH PUBLIC HEALTH LAWS, RULES, AND REGULATIONS;
6 AND AMENDING SECTION 50-2-116, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 50-2-116, MCA, is amended to read:

11 **"50-2-116. Powers and duties of local boards of health.** (1) In order to carry out the purposes of
12 the public health system, in collaboration with federal, state, and local partners, each local board of health shall:

13 (a) appoint and fix the salary of a local health officer who is:

14 (i) a physician;

15 (ii) a person with a master's degree in public health; or

16 (iii) a person with equivalent education and experience, as determined by the department;

17 (b) elect a presiding officer and other necessary officers;

18 (c) employ qualified staff;

19 (d) adopt bylaws to govern meetings;

20 (e) hold regular meetings at least quarterly and hold special meetings as necessary;

21 (f) identify, assess, prevent, and ameliorate conditions of public health importance through:

22 (i) epidemiological tracking and investigation;

23 (ii) screening and testing;

24 (iii) isolation and quarantine measures;

25 (iv) diagnosis, treatment, and case management;

26 (v) abatement of public health nuisances;

27 (vi) inspections;

28 (vii) collecting and maintaining health information;

- 1 (viii) education and training of health professionals; or
- 2 (ix) other public health measures as allowed by law;
- 3 (g) protect the public from the introduction and spread of communicable disease or other conditions of
- 4 public health importance, including through actions to ensure the removal of filth or other contaminants that
- 5 might cause disease or adversely affect public health;
- 6 (h) supervise or make inspections for conditions of public health importance and issue written ~~orders~~
- 7 recommendations for compliance or for correction, destruction, or removal of the conditions;
- 8 (i) ~~bring and pursue actions and issue orders~~ issue to the proper elected body or elected authority
- 9 recommendations necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local
- 10 regulations;
- 11 (j) identify to the department an administrative liaison for public health. The liaison must be the local
- 12 health officer in jurisdictions that employ a full-time local health officer. In jurisdictions that do not employ a full-
- 13 time local health officer, the liaison must be the highest ranking public health professional employed by the
- 14 jurisdiction.
- 15 (k) subject to the provisions of 50-2-130, adopt necessary regulations that are not less stringent than
- 16 state standards for the control and disposal of sewage from private and public buildings and facilities that are
- 17 not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting
- 18 variances from the minimum requirements that are identical to standards promulgated by the board of
- 19 environmental review and must provide for appeal of variance decisions to the department as required by 75-5-
- 20 305. If the local board of health regulates or permits water well drilling, the regulations must prohibit the drilling
- 21 of a well if the well isolation zone, as defined in 76-4-102, encroaches onto adjacent private property without the
- 22 authorization of the private property owner.
- 23 (2) Local boards of health may:
- 24 (a) accept and spend funds received from a federal agency, the state, a school district, or other
- 25 persons or entities;
- 26 (b) adopt necessary fees to administer regulations for the control and disposal of sewage from private
- 27 and public buildings and facilities;
- 28 (c) adopt regulations that do not conflict with 50-50-126 or rules adopted by the department:

- 1 (i) for the control of communicable diseases;
- 2 (ii) for the removal of filth that might cause disease or adversely affect public health;
- 3 (iii) subject to the provisions of 50-2-130, for sanitation in public and private buildings and facilities that
- 4 affects public health and for the maintenance of sewage treatment systems that do not discharge effluent
- 5 directly into state water and that are not required to have an operating permit as required by rules adopted
- 6 under 75-5-401;
- 7 (iv) subject to the provisions of 50-2-130 and Title 50, chapter 48, for tattooing and body-piercing
- 8 establishments and that are not less stringent than state standards for tattooing and body-piercing
- 9 establishments;
- 10 (v) for the establishment of institutional controls that have been selected or approved by the:
- 11 (A) United States environmental protection agency as part of a remedy for a facility under the federal
- 12 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.; or
- 13 (B) department of environmental quality as part of a remedy for a facility under the Montana
- 14 Comprehensive Environmental Cleanup and Responsibility Act, Title 75, chapter 10, part 7; and
- 15 (vi) to implement the public health laws; and
- 16 (d) promote cooperation and formal collaborative agreements between the local board of health and
- 17 tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting,
- 18 information and data sharing, reporting, resource allocation, service delivery, jurisdiction, and other matters
- 19 addressed in this title.
- 20 (3) A local board of health may provide, implement, facilitate, or encourage other public health
- 21 services and functions as considered reasonable and necessary."

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