
CHAPTER 762-H.F.No.1869

[Coded in Part]

An act relating to public health; authorizing the contractual provision of statutorily prescribed public health services by the commissioner of health; modifying the definition of child in the maternal and child nutrition act; expanding scope of functions that may be performed by local health agencies; authorizing the cities of Duluth and Hermantown to make the determination of need for ambulance service; providing injunctive relief; appropriating money; amending Minnesota Statutes 1976, Sections 145.031, Subdivision 1; 145.55, Subdivision 1; 145.892; 145.893; 145.918, Subdivision 2; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 12.56; 12.57; and 144.146, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.0741] CONTRACTS FOR PROVISION OF PUBLIC HEALTH SERVICES. The commissioner of health is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed public health services by the department. The contracts shall specify the services to be provided and the amount and method of reimbursement therefor. Funds generated in a contractual agreement made pursuant to this section are appropriated to the department for purposes of providing the services specified in the contracts. All such contractual agreements shall be approved by the commissioner of finance.

All non-residential chemical dependency services to the Range Area Human Resources Board, Inc., funded by state grant-in-aid moneys, shall continue after June 30, 1978, to be provided on a contractual basis to the Arrowhead Center on Problem Drinking.

Sec. 2. Minnesota Statutes 1976, Section 145.031, Subdivision 1, is amended to read:

145.031 AGREEMENTS TO PERFORM FUNCTIONS OF COMMISSIONER OF HEALTH. Subdivision 1. ~~The state board~~ commissioner of health may enter into an agreement with any county, two or more contiguous counties, or city, hereafter called the designated agent, under which agreement the designated agent may agree to perform all or part of the licensing, inspection, and enforcement duties authorized under sections 144.075 ~~and~~, 144.12, 144.71 ~~to~~ 144.76, 327.14 ~~to~~ 327.29 and chapter 157. The agreement shall also set forth criteria by which the ~~board~~ commissioner will determine that the performance by the designated agent complies with state standards and is sufficient to replace licensing by the ~~board~~ commissioner. The agreement may specify minimum staff requirements and qualifications and provide for termination procedures if the ~~board~~ commissioner finds that the designated agent fails to comply with the terms and

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requirements of the agreement.

Sec. 3. Minnesota Statutes 1976, Section 145.55, Subdivision 1, is amended to read:

145.55 AGREEMENT TO PERFORM FUNCTIONS OF COMMISSIONER.

Subdivision 1. The ~~state board~~ commissioner of health hereafter called the state agency may enter into an agreement with any county which has established a health department, hereafter called the county agency, under the provisions of Laws 1969, Chapter 235, or Minnesota Statutes, Sections 145.47 to 145.54, under which agreement such county agency may agree to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of Minnesota Statutes, Sections 144.075 ~~and~~, 144.12, 144.71 to 144.76, 327.14 to 327.29 and Chapter 157. ~~Such~~ The agreement may set out requirements that the county agency comply with rules ~~and regulations~~ promulgated by the state agency for the performance of duties under the provisions of Minnesota Statutes, Sections 144.075 ~~and~~, 144.12, 144.71 to 144.76, 327.14 to 327.29 and Chapter 157. It may also set forth criteria under which the state agency will determine that the performance by the county agency complies with state standards and shall be deemed sufficient to replace licensing by the ~~state board~~ commissioner of health.

The agreement may further specify minimum staff requirements and qualifications and may provide for procedures for termination if the state agency finds that the county agency fails to comply with the terms and requirements of the agreement.

Sec. 4. Minnesota Statutes 1976, Section 145.892, is amended to read:

145.892 **DEFINITIONS.** Subdivision 1. For purposes of sections 145.891 to 145.897, the terms defined in this section have the meanings given them.

Subd. 2. "Local health agency" means the county public health nursing service or any public or private nonprofit organization which enters into a contract with the ~~board~~ commissioner of health pursuant to sections 145.891 to 145.897.

Subd. 3. "Pregnant woman" means an individual determined by a licensed physician, midwife, or appropriately trained registered nurse to have one or more fetuses in utero.

Subd. 4. "Lactating woman" means any breast feeding individual who presents competent evidence of having been delivered of a surviving child within the 12 months immediately preceding the filing of an application for nutritional supplements.

Subd. 5. "Infant" means an individual under one year of age.

Subd. 6. "Child" means an individual one to ~~four~~ five years of age.

Subd. 7. "Nutritional risk" means individuals with any of the following characteristics:

(a) For pregnant and lactating women:

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- (i) Known inadequate nutritional patterns;
 - (ii) Anemia;
 - (iii) History of prematurity or miscarriage; or
 - (iv) Inadequate patterns of growth (underweight, obesity, or stunting).
- (b) For infants and children:
- (i) Low birth weight;
 - (ii) Deficient patterns of growth;
 - (iii) Anemia; or
 - (iv) Known inadequate nutritional patterns.

Subd. 8. "Low birth weight" means a birth weight of less than 2,500 grams.

Subd. 9. "Nutritional supplements" means any food authorized by the ~~board~~ commissioner to be made available under this program.

Subd. 10. "~~Board~~" "Commissioner" means the state ~~board~~ commissioner of health or its his representative.

Sec. 5. Minnesota Statutes 1976, Section 145.893, is amended to read:

145.893 **NUTRITIONAL SUPPLEMENT PROGRAM.** Subdivision 1. An eligible individual shall receive vouchers for the purchase of specified nutritional supplements in type and quantity approved by the ~~board~~ commissioner. Alternate forms of delivery may be developed by the ~~board~~ commissioner in appropriate cases.

Subd. 2. An individual shall be eligible for nutritional supplements who is not receiving a similar supplement under any federal, state, or local program and

- (a) Is pregnant or lactating; or
- (b) Is an infant or a child; and
- (c) Is eligible for or a recipient of any form of public assistance authorized by law and is certified by the local health agency to be a nutritional risk; or
- (d) Is certified by the local health agency to be a nutritional risk and is without sufficient resources to purchase necessary nutritional supplements.

Subd. 3. Eligibility for nutritional supplements shall cease upon certification by the local health agency that the individual is no longer a nutritional risk, but in no case later

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than:

- (a) For lactating women, 12 months after the birth of a surviving child; and
- (b) For children, at ~~four~~ five years of age.

Sec. 6. Minnesota Statutes 1976, Section 145.918, Subdivision 2, is amended to read:

Subd. 2. The ~~state board~~ commissioner of health may enter into an agreement as prescribed in section 145.55, with any county or city or group of counties or cities organized under the provisions of section 145.913 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of sections ~~144.075 and 144.12, 144.71 to 144.76, 327.14 to 327.29~~ and chapter 157.

Sec. 7. ~~[145.075]~~ **INJUNCTIVE RELIEF BROUGHT BY COMMISSIONS OR LOCAL BOARD.** In addition to any other remedy provided by law, the commissioner of health or local board of health may in its own name bring an action in the district court in the county in which the activity or practice sought to be enjoined occurs, to enjoin any violation of a statute or rule which the commissioner of health or local board of health is empowered to enforce or promulgate. Any such activity or practice may be enjoined as a public nuisance.

Sec. 8. Notwithstanding any provision of sections 144.801 to 144.808, the cities of Duluth and Hermantown shall jointly determine whether the public convenience and necessity require ambulance service proposed or operating within the limits of each city.

Sec. 9. **REPEALER.** Minnesota Statutes 1976, Sections 12.56; 12.57; and 144.146, Subdivision 2, are repealed.

Sec. 10. **EFFECTIVE DATE.** This act is effective July 1, 1978. Section 1 shall be effective until July 1, 1980.

Sec. 11. Section 8 of this act shall be effective upon the approval of the governing bodies of the cities of Duluth and Hermantown and upon compliance with Minnesota Statutes, Section 645.021, and shall expire July 1, 1980.

Approved April 5, 1978.

CHAPTER 763-H.F.No.1881

[Coded in Part]

An act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Sections 41.58, by adding a subdivision; 290.08, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

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