

CHAPTER 471—S. F. No. 14

[Coded as Sections 144.423 to 144.428, and Section 144.471]

An act to provide for the control of tuberculosis; amending Minnesota Statutes 1945, Sections 144.42, 144.43, 144.44, 144.45, 144.46, 144.47, 144.48, 144.49.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1945, Section 144.42, is amended to read:

144.42. Tuberculosis; physicians to report. *Subdivision 1. When any physician has a person under his treatment for tuberculosis he shall report to the state board of health, on forms furnished by the board, full particulars as to such person, within seven days after the date on which the diagnosis is made.*

Subd. 2. If any municipality requires that any physician therein report any person under his treatment for tuberculosis to the board of health of the municipality, the local board shall make a report to the state board of health, on forms furnished by the state board, not later than the fifth day of each month showing full particulars of such reports made during the preceding month.

Sec. 2. Minnesota Statutes 1945, Section 144.44, is amended to read:

144.423. Removal to public sanatorium or hospital. *Subdivision 1. Any member of the state board of health or its authorized agent or any member of a local board of health who has information that a person may be afflicted with tuberculosis in the infectious stage may make a report thereof to the county board of the county in which such person resides or is found.*

Subd. 2. The county board by resolution may require any law enforcing officer to visit such person and persuade such person to go with such law enforcing officer to and enter as a patient in the public sanatorium or hospital named in the resolution.

[144.424] **Sec. 3. Examination of patient.** Subdivision 1. As used in this section, "examination" includes tests and procedures recommended by the state board of health.

Subd. 2. As used in sections 3, 4, and 5, "patient" means any person suspected of being afflicted with tuberculosis in the infectious stage.

Subd. 3. When complaint is made to a board of health that any person is afflicted with tuberculosis and so conducts himself and lives as to expose other persons with whom he associates to the danger of infection, the board forthwith shall investigate the circumstances alleged. If the board finds that there is reasonable grounds to suspect that such person has tuberculosis in the infectious stage and does by his conduct and mode of living endanger the health and well-being of other persons, it shall file with the district court of the county of the patient's residence or present a petition for commitment to a sanatorium or hospital maintaining suitable quarters for the care of such patients, setting forth the name and address of the patient and the reasons for the application. If a judge after a hearing of such court determines it to be for the best interest of the patient, his family or of the public, such judge may direct the sheriff or any other person to apprehend the patient and take him to and confine him in a sanatorium or hospital for examination to determine whether or not he is afflicted with tuberculosis in the infectious stage.

Subd. 4. The person ordered by the court to make such apprehension, conveyance, and confinement may execute the order on any day and at any time thereof by using all necessary means, including the breaking open of any door, window, or other part of a building, vehicle, boat, or other place in which the patient is located, and the imposition of necessary restraint upon the person of such patient.

Subd. 5. In all such proceedings the county attorney shall appear and represent the petitioner, and such judge or court commissioner shall appoint counsel to represent the patient. This counsel shall receive compensation from the county in such amount as such judge or court commissioner may order if the patient is financially unable to provide his own counsel.

Subd. 6. The patient shall be examined at such time and place and upon notice to such persons, served in such manner,

as such judge or court commissioner may direct. Three duly licensed doctors of medicine shall be appointed to assist in the examination. The patient shall be entitled to have his physician present at the time of the examination. The three doctors so appointed shall examine the patient and report their findings. If their findings are positive, a time and place shall be fixed for hearing on the petition for commitment. The patient shall be given at least 24 hours' notice of the time and place of such hearing unless he waives the same.

Subd. 7. At least one of the doctors shall appear at the time of the hearing and give testimony. If the patient is found to be afflicted with tuberculosis in an infectious stage and such judge shall find that such person does by his conduct or mode of living, endanger the health and wellbeing of other persons and finds and determines it to be for the best interests of the patient, his family or the public, such judge may issue to the sheriff or any other person, a warrant in duplicate, committing the patient to the custody of the superintendent of the sanatorium, where he shall remain until discharge therefrom by the superintendent of the said sanatorium when his discharge will not endanger the life or health of any other person, or by the court upon petition of said patient.

Subd. 8. Any person committed to a public sanatorium or hospital under the provision of sections 2 or 3 shall observe all regulations of the sanatorium or hospital. When any person so committed fails to obey these regulations, he may be placed apart from the other patients and restrained from leaving. When any such person wilfully violates these regulations or repeatedly conducts himself in a disorderly manner, he may be taken before a court of competent jurisdiction by order of the superintendent of the sanatorium or the chief medical officer of the hospital, who may enter a complaint against such person for disorderly conduct. After a hearing and upon evidence of such disorderly conduct, the court may commit such patient to the state sanatorium or the state institution where disciplinary quarters are available.

[144.425] Sec. 4. Adequate facilities. The directors of state agencies responsible for the supervision of the operation and maintenance of the state sanatorium and other state institutions are hereby authorized and directed to provide adequate facilities at the state sanatorium and one or more state institutions where proper care can be provided and where proper precautions can be taken to detain by reason-

able force, if necessary, any patient committed to the state sanatorium or institution under the provisions of section 3.

[144.426] **Sec. 5. Charge against county of patient's residence.** The expense of the proceedings to commit and the cost of the care and treatment furnished to the committed person is a charge against the county of his residence. If he did not reside in any county continuously for one year next preceding the institution of the proceedings for his commitment, the cost of the care and treatment shall be paid by the county of the presence of the patient when committed. Any question as to the county of residence of a committed person shall be determined in accord with the provisions of Section 376.18.

Sec. 6. Minnesota Statutes 1945, Section 144.48, is amended to read:

[144.427] **Sputum, saliva.** *It is a nuisance for any person having tuberculosis to dispose of his sputum, saliva, or other secretion or excretion in a manner that the health or well-being of any other person is endangered. When complaint is made to the board of health of the municipality or the county board of the county in which such acts are committed, the board receiving such complaint shall investigate and, if the nuisance is such as to be dangerous, shall serve a notice upon the person so complained of requiring him to dispose of his sputum, saliva, or other bodily secretion or excretion in a manner as to remove all such danger.*

[144.428] **Sec. 7. Household safeguards.** Any physician attending a person having tuberculosis shall give proper instructions to the patient and members of his household on methods and procedures to safeguard the health and well-being of the members of said household as recommended by the state board of health.

[144.429] **Sec. 8. Reports of attending physicians; filed.** The attending physician of any person having tuberculosis, when arrested condition is had, as defined by the state board of health, shall report that fact to the local board of health and the board shall file such report in the records of its office.

Sec. 9. Minnesota Statutes 1945, Section 144.43, is amended to read:

144.43. **Tuberculosis in institutions.** *It is unlawful for any inmate known to be afflicted with tuberculosis in the infectious stage to be cared for in a penal or charitable institution in the same room or ward with other inmates not themselves afflicted with tuberculosis.*

Sec. 10. Minnesota Statutes 1945, Section 144.45, is amended to read:

144.45. **Tuberculosis in schools; certificate.** *No teacher, pupil, or employee about a school building who is afflicted with tuberculosis shall remain in or about such building unless he has a certificate issued by the local board of health stating that he does not endanger the health of other persons by his presence in such building.*

Sec. 11. Minnesota Statutes 1945, Section 144.46, is amended to read:

144.46. **Disinfecting of premises.** *Subdivision 1. Within 24 hours after any apartment or premises are vacated by reason of the death, or the removal of a person having tuberculosis, person or physician in charge shall notify the local board of health thereof. The apartment or premises shall not again be occupied until renovated and disinfected as provided in subdivision 2.*

Subd. 2. Upon receipt of such notice of vacation, the local board of health shall forthwith order the apartment or premises and all infected articles therein effectively renovated and disinfected as recommended by the state board of health. If the apartment or premises are not occupied after such death or removal, the local board of health shall serve written notice upon the owner, of the apartment or premises or his agent requiring the apartment or premises to be renovated or disinfected in accordance with the regulations of the board.

Sec. 12. Minnesota Statutes 1945, Section 144.47, is amended to read:

144.47. **Placard posted on vacated premises.** *If any apartment or premises so vacated are not effectively renovated and disinfected within 36 hours after the order or direction of the board of health is given to the owner or his agent the*

board shall place a placard upon the door of the infected apartment or premises, which placard shall read :

“NOTICE

Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their renovation and disinfection has been complied with. This notice must not be removed under a penalty of the law, except by the health officer or an authorized officer.”

[144.471] Sec. 13. **Local board of health; duties.** When any person having tuberculosis is not attended by any physician or when the physician attending any such person fails to perform any duty required of him by any provision of sections 144.42 to 144.48, the duties required to be so performed by any such physician shall be performed by the local board of health.

Sec. 14. Minnesota Statutes 1945, Section 144.49, is amended to read :

144.49. **Violations and penalties.** Subdivision 1. Any person violating any regulation of the board or any lawful direction of board of health or a health officer *is guilty of a misdemeanor.*

Subd. 2. Any person who wilfully makes or alters any certificate or a certified copy thereof provided for in sections 144.151 to 144.204, except in accordance with the provisions of such sections, upon conviction, *shall be punished by a fine of not more than \$1,000, or by imprisonment for not to exceed six months, or by both such fine and imprisonment.*

Subd. 3. Any person who knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit issued in accordance with the provisions of sections 144.151 to 144.204, upon conviction, *shall be fined not more than \$500.*

Subd. 4. *Unless a different penalty is provided in this section, any person violating any provision of sections 144.151*

to 144.204, or *any regulation* of the board, or *who* refuses to perform any *duty* imposed upon him by such sections or *by any regulation* of the board *is* guilty of a misdemeanor.

Subd. 5. Any person violating any *provision* of sections 144.42 to 144.48 *is* guilty of a misdemeanor.

Subd. 6. Any person, partnership, association, or corporation establishing, conducting, managing, or operating any hospital, sanatorium, rest home, nursing home, or institution *in accordance with the provisions of* sections 144.50 to 144.58, without first obtaining a license therefor *is* guilty of a misdemeanor.

Subd. 7. Any person, partnership, association, or corporation establishing, conducting, managing, or operating any hospital, sanatorium, rest home, nursing home, or institution *in accordance with the provisions of* sections 144.50 to 144.58 violating any *provision* of sections 144.50 to 144.58 or *any regulation* thereunder, *is* guilty of a misdemeanor.

Subd. 8. Any person lawfully engaged in the practice of healing who wilfully makes any false statement in any report required to be made by him pursuant to sections 144.42 to 144.48 or who certifies falsely as to any precautions taken or instructions given to safeguard the health and well-being of any person pursuant to Section 144.48 *is* guilty of a misdemeanor.

Approved April 18, 1949.

CHAPTER 472—S. F. No. 114

[Coded as Sections 357.39, 357.40]

An act fixing the fees to be charged and collected in cities of the first class, by the city clerks thereof, for filing certain papers and documents.

Be it enacted by the Legislature of the State of Minnesota:

[357.39] Section 1. Fees chargeable by city clerk in cities of the first class. Notwithstanding any law or laws or