

# REVISED LAWS

# MINNESOTA

## 1905

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was wilful, in addition thereto exemplary damages not exceeding double the actual damages, which shall be found by special verdict. ('03 c. 403 s. 6)

**2126. Penalties**—Every person who shall wilfully alter or destroy any register of such certificates; or issue any receipt of certificates without entering and preserving in such book the registered memorandum; or shall knowingly issue any such certificates when the commodities therein described are not in the warehouse; or who, with intent to defraud, shall issue a second or other certificate for which a former valid certificate is outstanding; or who shall, under such circumstances, sell, incumber, ship, transfer, or remove from the warehouse any such certified property, or knowingly permit the same to be done, without the written consent of the certificate holder; or who knowingly receives, or helps to remove, any such property; shall be guilty of a felony, and punished by imprisonment in the state prison for not more than five years, or by a fine of not more than ten thousand dollars. ('03 c. 403 s. 7)

## CHAPTER 29

### PUBLIC HEALTH

**2127. State board of health**—The state board of health shall consist of nine members, learned in sanitary science, who shall be appointed by the governor for such periods that the terms of three members will end on the first Monday of January in each year. Vacancies therein shall be filled by like appointment for the unexpired terms, and each member shall serve until his successor qualifies. (425)

**2128. Meetings—Officers—Quorum**—The board shall hold an annual meeting at the capitol on the second Tuesday in January, at which it shall elect from its members a president. Regular meetings shall be held at the same place on the second Tuesdays in April, July, and October of each year. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint, upon three days' notice to the members by mail. The board shall elect a secretary, to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum, and any meeting may be adjourned from time to time. (425)

**2129. General duties of officers**—The president shall preside at the meetings, when present, and, in the absence or disability of the secretary, shall perform all the duties imposed upon the latter by law, and be paid therefor; but he may appoint a secretary pro tem. to keep the minutes of a meeting. The secretary shall be the executive officer of the board, and, in addition to keeping a record of its proceedings, shall see that all lawful rules and orders of the board, and all duties laid upon it by law, are enforced and performed, and that every law enacted in the interests of human health is obeyed. And he shall be the custodian of the official records and documents of the board. (427, 428)

**2130. General duties of board—Reports**—The board shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value, and advise all state officials and boards in hygienic and medical matters—especially those involved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions. It shall report its doings and discoveries to the legislature at each regular session thereof, with such information and recommendations as it shall deem useful. (426)

**2131. General and special rules**—The board may adopt, alter, and enforce reasonable regulations, of permanent application throughout the whole or any

portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general, and the due publication thereof, such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinances of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

1. The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;
2. The business of scavenging and the disposal of sewage;
3. The location of mortuaries and cemeteries, and the removal and burial of the dead;
4. The management of lying-in houses and boarding places for infants, and the treatment of infants therein;
5. The pollution of streams and other waters, and the distribution of water by private persons for drinking or domestic use;
6. The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;
7. The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, the disinfection and quarantine of persons and places in case of such diseases, and the reporting of sicknesses and deaths therefrom;
8. The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated. But no rule of the state board or of any public board or officer shall at any time compel the vaccination of a child, or shall exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools, for the reason that such child has not been vaccinated. Any person thus required to be vaccinated may select for said purpose any licensed physician, and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous.
9. The accumulation of filthy and unwholesome matter to the injury of the public health, and the removal thereof; and
10. The collection, recording, and reporting of vital statistics by public officers, and the furnishing of information to such officers, by physicians, undertakers, and others, of births, deaths, causes of death, and other pertinent facts. (7045; '03 c. 299)

Compulsory vaccination (86-353, 90+783).

**2132. Publication**—Three weeks' published notice of such regulations, if of general application throughout the state, shall be given at the seat of government; if of local application only, as near such locality as practicable. Special rules, applicable to particular cases, shall be sufficiently noticed when posted in a conspicuous place upon or near the premises affected. Every person violating any such regulation, or any lawful direction of a board of health or health officer, shall be guilty of a misdemeanor. Fines collected for violations of regulations adopted by the state board shall be paid into the state treasury; and of local boards and officers, into the county treasury. (7046; '01 c. 230)

**2133. Interstate carriers**—Whenever necessary, the board may establish and enforce a system of quarantine against the introduction into the state of any plague or other communicable disease by common carriers doing business across its borders. Its members, officers, and agents may board any conveyance used by such carriers, to inspect the same, and, if it be found infected, may detain such conveyance, and isolate and quarantine any or all persons found thereon, with their luggage, until all danger of communication of disease therefrom is removed. (7045)

**2134. Local boards—Health officers**—Every town board shall be a board of health within and for the town, and shall have jurisdiction over every village within its boundaries wherein no organized board of health exists. Every village may, and every city shall, provide by ordinance for the establish-

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ment of a board of health therefor. In the absence of such provision in any city, the state board may appoint three or more persons to act as such until a local board is established and organized, and may fix their compensation, which the city shall pay. Two members of every county board, chosen by it yearly at its annual meeting, and one resident physician elected at the same time, shall constitute the county board of health, with jurisdiction over all unorganized towns therein, and with such other powers and duties in reference to the public health as the state board shall by its published regulations prescribe. All local health boards of each county shall co-operate so far as practicable, and the state board, by written order, may require any two or more local boards to act together for the prevention or suppression of epidemic diseases. At least one member of every local board shall be a physician, who shall be the local health officer and executive of the board. If no member of a town board is a physician, it shall appoint a health officer for the town. The compensation of all local health officers shall be prescribed by the body appointing him or to which he belongs, and the same, together with his necessary expenses, shall be paid by the county or municipality in which he serves (1459, 7048, 7058; '01 c. 239)

61-205, 63+621; 86-353, 90+783; 93-134, 100+734.

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**2135. Duties and penalties**—All local boards of health and health officers shall make such investigations and reports, and obey such directions concerning communicable diseases, as the state board may require or give; and, under the general supervision of the state board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced. Every member or officer refusing or neglecting to perform any duty imposed upon him by or pursuant to this chapter, or by any statute, ordinance, or by-law relating to the public health, shall be guilty of a misdemeanor. (7054)

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**2136. Entry for inspection, etc.**—For the purposes of performing their official duties, all members, officers, and employees of the state and local boards of health, and all health officers, shall have the right to enter any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected. Every person who wilfully prevents or hinders such entry, or otherwise interferes with the performance of such duties, shall be guilty of a misdemeanor. (7052, 7053)

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**2137. Necessary help—To whom chargeable**—Every local board of health shall employ, at the cost of the town, county, or place in which it exists, when necessary, all medical and other help required for the prevention or suppression of epidemic diseases, or for carrying out within its jurisdiction the lawful regulations and directions of the state board and its officers and employees; and, upon its failure so to do, the state board may employ such assistance at the local charge. But all persons whose duty it is to care for another infected with a communicable disease, to isolate such patient, or to fumigate or otherwise disinfect any article or place, shall be liable for the reasonable cost thereof to any one performing such duty, or to any county, town, or municipality paying such cost. (7072, 7073; '01 c. 238; '02 c. 29)

87-425, 92+405; 89-91, 93+1052; 32-532, 21+718; 91-247, 97+888; 89-402, 95+221; 93-134, 100+734; 92-88, 99+427, 100+652; 93-240, 101+164.

**2138. Allowance and payment of expenses, etc.**—All claims arising under § 2137 against any town, village, or city, if not paid by persons liable therefor, shall be presented to the town board or council for audit and allowance as in the case of other claims. If any such claim be deemed excessive, or the whole or any part of the services or expenses charged for unnecessary, the items or parts objected to shall not be allowed without the approval of two disinterested physicians, given in the presence of the board or council. Upon the allowance of any such claim, the amount thereof shall be paid, and a certified statement shall be transmitted to the county auditor, embracing a copy of the claim as allowed, the date of such allowance, and showing for what purpose and to whom the allowance was made. The auditor shall lay such statement before the county board at its meeting next following the receipt thereof.

One-half the amount so allowed and paid shall be a claim against the county, and, if deemed just and reasonable by the board, the same shall be allowed and paid. ('03 c. 127)

**2139. Appeal from disallowance—Costs—**Within ten days after written notice by the auditor to the clerk of the town, village, or city of the disallowance of the whole or any part of the half of any such claim chargeable upon the county, the claimant may appeal from such disallowance to the district court by giving notice of appeal as in other cases, and without giving any bond or other security thereon. Such appeal shall be noticed, tried, and determined as in other appeals from the disallowance of claims by the county board. Unless the appelliant shall recover more than the amount allowed by the county board, it shall be liable for costs and disbursements; otherwise the county shall be liable. ('03 c. 127)

**2140. Vital statistics—**The state board shall prepare and annually furnish, to the proper local officers, blank forms for all purposes connected with the return of births, deaths, and other vital statistics which it is authorized by law to collect. All clerks, recorders, and health officers to whom such blanks are so furnished shall obey its directions concerning the use, filing, and return thereof, and every failure so to do shall be a misdemeanor. If any such officer shall refuse or fail to obtain and furnish the information so required, the state board may obtain the same by other proper means, and the reasonable cost thereof shall be paid by the county. (439-441; '99 c. 337 s. 3)

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**2141. Fees—**For obtaining and returning the information so required concerning each birth and death, the clerk or other officer so doing shall receive twenty-five cents from the county upon presentation of a voucher for the amount due. On or before January 15 of each year, the secretary of the board shall transmit to the clerk of the district court of each county all the returns received by him during the preceding year from the clerks and health officers of such county, with his certificate showing the whole number of births and deaths reported during such year by each clerk or health officer. Said clerk shall thereupon file the same in his office and shall issue to such town clerk or health officer a voucher showing the amount due them for the aforesaid services, as shown by the certificate of said secretary. For the above named services, said clerk shall receive from the county ten cents for each birth and death recorded. Provided, however, that in cities of over one hundred thousand inhabitants, such health officer shall perform all such duties without any charge therefor, and in counties having a city of over one hundred thousand inhabitants such district court clerk shall not issue any such voucher to the health officer of such a city, nor shall said clerk receive any compensation for any of the duties herein required in connection with births or deaths within such a city. (441; '99 c. 337 s. 4)

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**2142. Parents and others to report—**Parents shall give such notice and information as the rules of the board may require of the birth or death of their children. All householders, all keepers of hotels, hospitals, and infirmaries, and all heads of charitable, penal, or reformatory institutions, shall give like information of births and deaths occurring in their respective places. And every physician and every midwife shall report the births or deaths of persons under their care within ten days thereafter. Every person failing to comply with any provision of this section shall be guilty of a misdemeanor. (437, 438; '99 c. 337 ss. 1, 2)

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**2143. Offensive trades—**No person, without the written permission of the board of health of the town, village, or city, shall engage therein in any trade or employment which is hurtful to the inhabitants, or dangerous to the public health, or injurious to neighboring property, or from which noisome odors arise. Any person so doing shall forfeit fifty dollars for each day on which such trade or employment is exercised, to be recovered by the local board of health by suit in its name and for its benefit. (1489, 1490)

**2144. Assignment of places, etc.—**Such local boards, from time to time, may designate places within their respective jurisdictions wherein such trades

or employments may be carried on, by orders filed with the town, village, or city clerk, and may revoke the same by like orders. Within twenty-four hours after written notice of any such revocation, every person exercising such trade or employment in the locality to which it relates shall cease to do so, or forfeit one hundred dollars for each day thereafter on which the same is continued, to be recovered as provided in § 2143. (1489, 1491)

**2145. Appeal to district court**—Within five days after service of such notice, any party aggrieved by an order made under §§ 2143, 2144, may appeal therefrom to the district court of the county, by giving notice of appeal as in other cases, together with a bond of not less than five hundred dollars, to be approved by the judge of said court, conditioned for the prosecution of such appeal to judgment and for payment of all costs and expenses that may be awarded against such appellant. If such appeal be taken within twenty days before the time for holding any general term of said court within said county, it shall be heard at such time, and, at either party's request, may be tried by a jury; if taken more than twenty days before any such term, the judge shall appoint a time and place for hearing the same, and, if demanded, direct the sheriff of said county to summon a jury of twelve persons to serve in said cause, any of whom may be challenged as in civil cases, and talesmen may be called and said appeal tried as in other civil cases. During the pendency of such appeal such trade or employment shall not be exercised contrary to the order of said board, and upon violation of any such order the appeal shall forthwith be dismissed. Upon the return of the verdict the court may either alter or amend the order of the board or confirm or amend it in full, to conform to such verdict. If the matter be tried by the court, it shall have and exercise the same power. (1492)

**2146. State board—Powers—Appeal**—Upon written complaint made to the state board that any person is occupying or using any building or premises within any town, village or city, for the exercise of any such trade or employment, it shall appoint a time and place for hearing and give notice of not less than ten days to the complainant and the person complained of, and after such hearing, if, in its judgment, the public health or comfort and convenience require, it may order such person to cease from further carrying on such trade or employment in such building or premises; and after written notice of such order, any person thereafter exercising such trade or employment in said building or premises, shall forfeit one hundred dollars for each day after the first, to be recovered as provided in the preceding sections. Any person aggrieved by such order may appeal, and said appeal shall be taken and determined, in the same manner as prescribed in § 2145. During its pendency such trade or employment shall not be exercised contrary to the orders of the state board, and upon the violation of any such order the appeal shall forthwith be dismissed. (1495)

**2147. Pollution of water**—No sewage or other matter that will impair the healthfulness of water shall be deposited where it will fall or drain into any pond or stream used as a source of water supply for domestic use. The state board of health shall have general charge of all springs, wells, ponds, and streams so used, and shall take all necessary and proper steps to preserve the same from such pollution as may endanger the public health. In case of violation of any of the provisions of this section, the state board may, with or without a hearing, order any person to desist from causing such pollution, and to comply with such direction of the board as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions. (430, 431, 433)

**2148. Appeal to district court**—Within five days after service of such order, any person aggrieved thereby may appeal to the district court of the county on which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted and determined in the same manner as provided in § 2145. During the pendency of such appeal, the pollution against which the order has been issued shall not be continued, and upon violation of such order the appeal shall forthwith be dismissed. (433)

**2149. Other remedies preserved**—Nothing in §§ 2143-2148 shall curtail the power of the courts to administer the usual legal and equitable remedies in cases of nuisances or of improper interference with private rights. (1497)

**2150. Salaries and expenses—Employees**—The secretary of the state board shall receive a salary of twenty-five hundred dollars per year, and such additional sum as the board may deem necessary; also all expenses necessarily incurred by him in the performance of his duties. The members of the board shall receive no compensation as such, but the necessary expenses of their attendance upon its meetings shall be reimbursed. The board may employ, and at pleasure dismiss, such agents, experts, and other assistants as it may deem necessary, and may fix their compensation, prescribe their duties, and allow their necessary expenses. All such salaries, compensation, and expenses shall be paid by the state, upon vouchers approved by at least two members of the board; but the total for any year shall not exceed the appropriations of the year therefor. (427)

**2151. Standing appropriation**—For paying the compensation and necessary expenses of the members, officers, and employees of the state board of health, and defraying all the expenses incurred by the board in the performance of its duties, the sum of ninety-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated annually. (443, 7961, 7969)

### SUBJECTS FOR DISSECTION

**2152. Delivery of bodies to medical schools**—Except as otherwise provided in § 2153, the bodies of all persons dying within the state, and not claimed for burial within thirty-six hours after death, shall be delivered, by the person in charge thereof, for purposes of anatomical study. The deans of the medical colleges of the state shall appoint a committee to receive such bodies, which committee shall apportion the same to the several colleges according to the numbers of their students. Any body so received shall be surrendered on demand of a relative entitled to its possession. The remains of any such body, after it has answered the purposes aforesaid, shall be decently buried in a public cemetery, and the expense of transporting and burying such body shall be borne by the college receiving the same. (8031-8033)

**2153. What bodies excepted**—No body shall be so delivered:

1. After it has been regularly interred;
  2. After it has been claimed for burial or cremation by any person entitled to receive it for such purpose;
  3. Without the consent of all known relatives of the person deceased;
  4. If such person, in his last sickness, requested that his remains be buried;
  5. If he died while detained as a witness, or under suspicion of crime; or
  6. If by any provision of law another disposition thereof be required.
- (8031)

**2154. Penalties**—Every official or other person in possession or control of any such body shall forthwith notify the committee and deliver the same according to its request. If he fail to do either within a reasonable time, he shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars. Every person who shall use any such body for a purpose other than that contemplated herein, or who shall remove it from the state, or in any manner traffic therein, or refuse to deliver the same upon proper demand, shall be guilty of a gross misdemeanor. (8031-8034)