

Health

CHAPTER 144

DEPARTMENT OF HEALTH

144.01 STATE BOARD OF HEALTH.

HISTORY. 1872 c. 15 s. 1; G.S. 1878 c. 6 s. 98; 1893 c. 97 s. 1; G.S. 1894 s. 425; R.L. 1905 s. 2127; G.S. 1913 s. 4636; G.S. 1923 s. 5336; 1925 c. 426 art. 1 s. 1; M.S. 1927 ss. 53-33, 5336.

It is impossible for an officer, if he serves at all, to serve without term. His term may be indefinite. It may be terminable at somebody's pleasure; but it is a term of office notwithstanding. State ex rel v Poirer, 189 M 203, 248 NW 747.

144.02 MEETINGS; OFFICERS; QUORUM.

HISTORY. 1872 c. 15 s. 1; G.S. 1878 c. 6 s. 98; 1893 c. 97 s. 1; G.S. 1894 s. 425; R.L. 1905 s. 2128; G.S. 1913 s. 4637; G.S. 1923 s. 5337; M.S. 1927 s. 5337.

The official bond of the secretary of the department of health should be referred to the commissioner of administration for approval and continuation certificates should not be approved. Such bonds can be cumulative. OAG May 7, 1937 (45a).

144.03 GENERAL DUTIES OF OFFICERS.

HISTORY. 1872 c. 15 ss. 3, 4; G.S. 1878 c. 6 ss. 100, 101; G.S. 1894 ss. 427, 428; R.L. 1905 s. 2129; G.S. 1913 s. 4638; G.S. 1923 s. 5338; M.S. 1927 s. 5338.

144.04 SALARIES AND EXPENSES.

HISTORY. 1872 c. 15 s. 3; G.S. 1878 c. 6 s. 100; G.S. 1894 s. 427; R.L. 1905 s. 2150; G.S. 1913 s. 4673; G.S. 1923 s. 5378; M.S. 1927 s. 5378.

144.05 GENERAL DUTIES OF BOARD; REPORTS.

HISTORY. 1872 c. 15 s. 2; G.S. 1878 c. 6 s. 99; G.S. 1894 s. 426; R.L. 1905 s. 2130; G.S. 1913 s. 4639; G.S. 1923 s. 5339; M.S. 1927 s. 5339.

Power of the division of hotel inspection to compel restaurants, hotels and places of refreshments in the matter of proper sterilization. OAG Oct. 24, 1935 (238d).

144.06 STATE BOARD OF HEALTH TO PROVIDE INSTRUCTION.

HISTORY. 1921 c. 392 ss. 1, 2, 3; G.S. 1923 ss. 5340 to 5342; M.S. 1927 ss. 5340 to 5342.

144.07 POWERS OF BOARD.

HISTORY. 1921 c. 392 s. 4; G.S. 1923 s. 5343; M.S. 1927 s. 5343.

144.08 POWERS AND DUTIES; HOTEL INSPECTORS AND AGENTS; INSPECTIONS AND REPORTS.

HISTORY. 1925 c. 426 art. 9 s. 2; M.S. 1927 s. 5334.

144.09 TO COOPERATE WITH FEDERAL AUTHORITIES.

HISTORY. 1921 c. 392 s. 5; G.S. 1923 s. 5344; M.S. 1927 s. 5344.

144.10 FEDERAL AID FOR MATERNAL AND CHILD WELFARE SERVICE; CUSTODIAN OF FUND; PLAN OF OPERATION; LOCAL APPROPRIATIONS.

HISTORY. Ex. 1935-1936 c. 70 s. 1; M. Supp. s. 5391-1.

144.11 RULES AND REGULATIONS.

HISTORY. Ex. 1935-1936 c. 70 s. 2; M. Supp. s. 5391-2.

144.12 REGULATIONS OF BOARD.

HISTORY. 1883 c. 132 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 168; G.S. 1894 s. 7045; 1903 c. 299; R.L. 1905 s. 2131; G.S. 1913 s. 4640; 1917 c. 345 s. 1; 1923 c. 227 s. 1; G.S. 1923 s. 5345; M.S. 1927 s. 5345.

Legislative grants of power to municipalities intended to secure the preservation of the public health and to provide for the proper and necessary sanitary organizations to prevent the spread of contagious diseases are entitled to broad and liberal construction by the courts. Where the city charter defines the duties of the commissioner of health, such duties are self-executing and require no action on the part of the city council or the board of health to authorize the apportionments of these duties. A regulation made by the commissioner of health enforcing vaccination as a preventative to the spread of smallpox is valid and enforceable. *Freeman v Zimmerman*, 86 M 353, 90 NW 783.

School authorities have authority to temporarily exclude from school attendance pupils who have been exposed to smallpox. Laws 1903, Chapter 299, does not apply to a pupil who has been exposed to smallpox. *Bright v Beard*, 132 M 375, 157 NW 501.

Defendant physician attending a child in the hospital with scarlet fever advised plaintiff and his wife that it was safe to visit the child and safe to remove the child from the hospital to the plaintiff's home, and that there was no danger of the disease being communicated. Nevertheless, plaintiff contracted scarlet fever to his damage. It was held that the negligent advice and act of the physician is actionable. *Skillings v Allen*, 143 M 323, 173 NW 663.

Where medical experts give contrary opinions, it is for the jury to decide the cause of the death. The death certificate is not conclusive proof of the cause of the death. *Jorstad v Benefit Ass'n*, 196 M 568, 265 NW 814.

Power of local boards to make vaccination a prerequisite to the privilege of attending school. 8 MLR 453.

The authorities cannot administer toxin, antitoxin, and scarlet fever serum without obtaining consent of the relatives of children, inmates for the Home School for Girls. OAG March 24, 1934.

School district funds may not be used to vaccinate school children. OAG Feb. 1, 1935 (611a-9).

The state board of health must approve the plans or specifications, otherwise a city may not construct a swimming pool. OAG April 30, 1935 (225m).

The health department has the authority to return and quarantine a tubercular patient of a sanatorium. OAG Aug. 30, 1935 (225f-1).

The state board of health must approve plans and specifications of a sewage disposal plant under construction by a metropolitan drainage district. OAG June 1, 1936 (225m).

In the establishment of quarantine, the charges are payable by the town or village which may in turn recover one half from the county. Where the service is for the benefit of individual patients in cases such as vaccination, the patient is primarily liable but the expense may be allowed as a public charge if such is uncollectible from the patient. OAG June 16, 1939 (611a-1).

MINNESOTA STATUTES 1945 ANNOTATIONS

144.13 DEPARTMENT OF HEALTH

836

The state board of health may adopt regulations prohibiting the sale of remedies for treatment of venereal diseases, except under prescription. 1918 OAG 322, June 27, 1918.

The state board of health may post placards calling attention to the serious nature of venereal diseases and recommending proper treatment. 1918 OAG 323, June 21, 1918.

144.13 NOTICE OF REGULATIONS PUBLISHED.

HISTORY. 1883 c. 132 s. 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 169; G.S. 1894 s. 7046; 1901 c. 230; R.L. 1905 s. 2132; G.S. 1913 s. 4641; G.S. 1923 s. 5346; M.S. 1927 s. 5346.

144.14 QUARANTINE OF INTERSTATE CARRIERS.

HISTORY. 1883 c. 132 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 168; G.S. 1894 s. 7045; R.L. 1905 s. 2133; G.S. 1913 s. 4642; G.S. 1923 s. 5347; M.S. 1927 s. 5347.

VITAL STATISTICS

144.15 VITAL STATISTICS; BOARD TO HAVE CHARGE.

HISTORY. 1877 c. 114 ss. 4, 5, 6; G.S. 1878 Vol. 2 (1888 Supp.) c. 68 s. 102d, 102e, 102f, 1891 c. 109 ss. 2, 3; G.S. 1894 ss. 439 to 441; 1899 c. 337-3; R.L. 1905 s. 2140; 1907 c. 454 s. 1; 1909 c. 23; G.S. 1913 s. 4649; G.S. 1923 s. 5354; M.S. 1927 s. 5354; 1937 c. 263 s. 1. (Superseded by 1945 c. 512).

Laws 1911, Chapter 250, Section 5, excluding from the operation of the act all counties having a population of 100,000 is not an arbitrary or unreasonable classification and does not violate the provisions of the constitution prohibiting special legislation. There is a reasonable basis for its support. *Gard v Otter Tail County*, 124 M 136, 134 NW 748.

Medical certificate of death provided for by the statutes is admissible in evidence to prove, prima facie, the immediate cause and the fact of death. *Estate of Gjermund Olson*, 176 M 360, 233 NW 677.

Duties of the county attorney relating to prosecutions independent of complaints filed by an officer or a private citizen. 1942 OAG 189, Nov. 10, 1942 (121B-7).

See Laws 1945, Chapter 512, Section 36, enacting the uniform vital statistics act.

144.16 PRIMARY STATISTICAL REGISTRATION DISTRICTS; LOCAL REGISTRARS.

HISTORY. 1913 c. 579 s. 2; G.S. 1913 s. 4650; G.S. 1923 s. 5355; 1925 c. 190 s. 1; M.S. 1927 s. 5355. (Superseded by 1945 c. 512).

144.17 BIRTH CERTIFICATES; FORM AND CONTENTS.

HISTORY. 1913 c. 579 s. 3; G.S. 1913 s. 4651; 1917 c. 220 s. 1; 1921 c. 273 s. 1; G.S. 1923 s. 5356; 1925 c. 190 s. 2; M.S. 1927 s. 5356; 1939 c. 89 s. 1. (Superseded by 1945 c. 512).

Supplemental birth certificates are admissible in evidence. *Hyde v Kloos*, 134 M 165, 158 NW 920.

Births occurring before the passage of Laws 1913, Chapter 579, if unregistered, cannot now be registered, and the birth must be proved by other evidence. But births occurring after the enactment may still be registered with full probative effect. OAG July 11, 1938 (225L).

In paternity cases, birth records may not be judged except on order of the court. It is proper, however, to attach the affidavit of the father to the record. OAG Aug. 20, 1935 (225k).

Correction of birth certificates. OAG Aug. 11, 1931.

The evidence required for correction of birth reports must be reliable; affidavits are not mandatory, but may be used if the case is peculiar. The source of information and the date of correction must be noted. Affidavits as to whether the child is legitimate or illegitimate are not required in a birth certificate. The child is illegitimate if born before the marriage of the parents. The name of the father or putative father of an illegitimate child may not be entered upon a birth certificate without his consent except upon a judgment of paternity. OAG Aug. 11, 1931.

144.18 DEATH CERTIFICATES; FORM AND CONTENTS.

HISTORY. 1913 c. 579 s. 4; G.S. 1913 s. 4652; 1917 c. 220 s. 2; 1921 c. 273 s. 2; G.S. 1923 s. 5357; 1925 c. 190 s. 3; 1927 c. 156; M.S. 1927 s. 5357; 1939 c. 89 s. 2; 1943 c. 310 s. 1. (Superseded by 1945 c. 512).

A duly certified copy of an original death certificate on file in the office of the state board of health is competent to show cause of death. *Healy v Hoy*, 115 M 321, 130 NW 208.

A physician may not make an autopsy to ascertain the cause of death in order to give a certificate stating the cause of death unless given permission by the next of kin. *Woods v Graham*, 140 M 16, 167 NW 113.

A chiropractor may give a medical certificate of death of a patient upon whom he is attending at the time of death. *State ex rel v Fahey*, 152 M 220, 188 NW 260.

The medical certificate of death required by this section is not admissible in litigation between private parties to prove the "indications" or inference of murder, suicide or accident drawn by the certificate maker from the "means and circumstances" of a violent death. *Backstrom v N. Y. Life*, 183 M 384, 236 NW 708.

In an action under an accident policy statements in the death certificate made by the attending physician and by statute required to be filed, are not conclusive and may be contradicted; and when shown to be hearsay have no probative value. A medical expert may properly give the reasons for an opinion expressed as to the cause of death. *Milliren v Fed. Life Ins. Co.* 185 M 614, 242 NW 290.

The coroner of Hennepin County under the provisions of Laws 1915, Chapter 272, amended 1919, Chapter 404, and modified by Laws 1921, Chapter 280, may order an autopsy when and where he deems proper. *Kingsley v Forsythe*, 192 M 468, 257 NW 95.

In an action where the circumstances indicated simultaneous death, the certificate of the undertaker was rightfully excluded as of no probative force on the issue tried, it being hearsay. *Miller v McCarthy*, 198 M 498, 270 NW 559.

Admissibility of death certificate to show that death was suicidal. 16 MLR 209.

The death certificate of an adopted child should show information relative to both the natural and the adoptive parents. OAG Dec. 11, 1935 (225L).

In case of accidental drowning, the coroner should sign the death certificate even though no inquest is held. A private physician could not make a certificate because not in attendance at time of death. 1940 OAG 186, July 11, 1939 (103f).

It is not the duty of the coroner to view the body of every person who dies without an attending physician. He should not view the body unless it is a case for his office; nor should he make a death certificate. OAG July 27, 1944 (103b).

144.19 DUTIES OF LOCAL REGISTRARS.

HISTORY. 1911 c. 250; 1913 c. 579 s. 5; G.S. 1913 s. 4653; G.S. 1923 s. 5358; M.S. 1927 s. 5358; 1939 c. 89 s. 3. (Superseded by 1945 c. 512).

An original birth certificate may not be changed or destroyed, though the child is legitimized by the subsequent marriage of the parents. The laws forbid disclosure of information as to the legitimacy of a child, except upon an order of a court of record. 1918 OAG 329, Sept. 18, 1918.

144.20 BURIAL PERMITS.

HISTORY. 1913 c. 579 s. 6; G.S. 1913 s. 4654; G.S. 1923 s. 5359; 1925 c. 190 s. 4; M.S. 1927 s. 5359. (Superseded by 1945 c. 512).

144.21 RECORDS AND REPORTS BY UNDERTAKERS.

HISTORY. 1913 c. 579 s. 7; G.S. 1913 s. 4655; G.S. 1923 s. 5360; 1925 c. 190 s. 5; M.S. 1927 s. 5360. (Superseded by 1945 c. 512).

144.22 INTERMENT, DUTIES OF PERSONS IN CHARGE.

HISTORY. 1913 c. 579 s. 8; G.S. 1913 s. 4656; 1921 c. 273 s. 3; G.S. 1923 s. 5361; M.S. 1927 s. 5361; 1939 c. 89 s. 4. (Superseded by 1945 c. 512).

A body buried in that part of the cemetery set aside for the use of unknown persons, though buried within authority of the cemetery officers, may not be removed to a different part of the cemetery unless with the consent of the nearest of kin or without order of court. OAG May 14, 1937 (870d).

144.23 PERSONAL AND STATISTICAL RECORDS OF INMATES OF INSTITUTIONS.

HISTORY. 1913 c. 579 s. 9; G.S. 1913 s. 4657; 1921 c. 273 s. 4; G.S. 1923 s. 5362; M.S. 1927 s. 5362. (Superseded by 1945 c. 512).

144.24 FORMS AND BLANKS FURNISHED BY THE BOARD.

HISTORY. 1913 c. 579 s. 10; G.S. 1913 s. 4658; G.S. 1923 s. 5363; M.S. 1927 s. 5363. (Superseded by 1945 c. 512).

Loose leaf record books are legal. The books and forms should be purchased by the state and furnished to the governing body of the local registration district at actual cost. 1940 OAG 221, May 15, 1940 (225L).

144.25 CERTIFICATES PRESERVED BY STATE REGISTRAR.

HISTORY. 1913 c. 579 s. 11; G.S. 1913 s. 4659; G.S. 1923 s. 5364; M.S. 1927 s. 5364.

Discussion of vital statistics and the state board of health. 1918 OAG 328.

144.26 FEES; TABULATIONS; CERTIFIED COPIES; INDEX; CORRECTION OF BIRTH OR DEATH RECORDS; RECORDS OF JUDGMENTS OF PATERNITY; ILLEGITIMACY NOT DISCLOSED; BIRTH AND DEATH RECORDS OPEN TO INSPECTION; RECORD OF LEGITIMATION OF CHILD BY MARRIAGE OF PARENTS.

HISTORY. 1887 c. 114 s. 6; G.S. 1878 Vol. 2 (1888 Supp.) c. 6 s. 102f; G.S. 1894 s. 441; 1899 c. 337 s. 4; R.L. 1905 s. 2141; 1913 c. 579 s. 12; G.S. 1913 s. 4660; 1917 c. 220 s. 4; 1921 c. 273 s. 5; G.S. 1923 s. 6365; 1925 c. 190 s. 6; M.S. 1927 s. 5365; 1939 c. 85 s. 5. (Superseded by 1945 c. 512).

The clerk of court has authority to correct false birth records upon proper showing by affidavit. OAG Dec. 13, 1934, 144b-27.

Confidential information given to child welfare board is privileged. OAG Dec. 29, 1933.

Following the birth of an illegitimate child, the father signed the affidavit admitting paternity, and then afterward married the mother, and later the parties were divorced. The father could be prosecuted for desertion. OAG Sept. 17, 1935 (494b-27).

The legitimation by marriage of parents of child born illegitimate may be shown by ordinary affidavit. OAG Aug. 11, 1931.

Birth certificates can be obtained only through the department of social security, not through private agencies. Certified copies must include all informa-

MINNESOTA STATUTES 1945 ANNOTATIONS

839

DEPARTMENT OF HEALTH 144.153

tion and the registrar must refuse to issue certificate if the record shows that the child was illegitimate, except on an order to the court. OAG Nov. 23, 1931.

144.27 CERTIFIED COPIES AS RECORD OF EVIDENCE.

HISTORY. 1913 c. 579 s. 13; G.S. 1913 s. 4661; G.S. 1923 s. 5366; M.S. 1927 s. 5366. (Superseded by 1945 c. 512).

A case concerning the validity of deeds wherein a birth certificate is introduced as evidence. Birth certificate as such discussed. *Hyde v Kloos*, 134 M 165, 158 NW 920.

The medical certificate of death provided for by statute is admissible in evidence to give plaintiff the immediate cause, as well as the fact, of death. In re Estate of Olson, 176 M 360, 223 NW 677. See also *Backstrom v N. L. Life Ins. Co.* 183 M 384, 236 NW 708, relative to litigation between private parties.

Statements in the death certificate made by the attending physician and by statute required to be filed, are not conclusive and may be contradicted. If the certificate is made on hearsay, it has no probative value. *Millirin v Fed. Life*, 185 M 614, 242 NW 290; *Krema v Great Northern Life*, 204 M 186, 282 NW 822.

The certificate of the undertaker required by section 144.18, was rightly excluded as of no probative force on the issue tried; it being palpably hearsay. *Miller v McCarthy*, 198 M 497, 270 NW 559.

The certificate of death, being only prima facie evidence of the cause of death, may be contradicted and explained. *Harris v Wood*, 214 M 497, 8 NW(2d) 818.

Admissibility of death certificate to show that death was suicide. 16 MLR 209.

The coroner's certificate is not admissible in evidence as showing the death was suicidal. *New York Life v Anderson*, 66 F(2d) 705.

Except as to information which cannot be lawfully disclosed without an order of court, the records of the local registrar of public records is public property and the public has access thereto. OAG July 5, 1939 (225L).

The clerk in furnishing a certified copy of an amended birth record, should include therein so much of the record as does not relate to the illegitimacy of the child. A certificate which in any way shows illegitimacy can only be issued based on a court order. OAG May 6, 1937 (144b-27).

Procedure to obtain refunds, including those demanded before being deposited with the state treasurer, as well as those demanded after deposit. OAG Jan. 15, 1944 (454e).

144.28 COUNTY ATTORNEY TO PROSECUTE VIOLATIONS.

HISTORY. 1913 c. 579 s. 15; G.S. 1913 s. 4663; G.S. 1923 s. 5369; M.S. 1927 s. 5369. (Superseded by 1945 c. 512).

Except for certain specific statutory provisions. The law imposes no duty on the county attorney in reference to law violations until an officer or private person presents sufficient evidence to furnish reasonable ground for a conviction and offers to sign a complaint to initiate such criminal prosecution. 1942 OAG 189, Nov. 10, 1942 (121B-7).

144.151 DEFINITIONS FOR SECTIONS 144.151 TO 144.204.

HISTORY. 1945 c. 512 s. 1.

144.152 BOARD SHALL ESTABLISH DIVISION; INSTALL SYSTEM; MAKE RULES.

HISTORY. 1945 c. 512 s. 2.

144.153 REGULATIONS; EFFECTIVE DATE.

HISTORY. 1945 c. 512 s. 3.

MINNESOTA STATUTES 1945 ANNOTATIONS

144.154 DEPARTMENT OF HEALTH

840

144.154 PRIMARY REGISTRATION DISTRICTS.

HISTORY. 1945 c. 512 s. 4.

144.155 STATE REGISTRAR; COMPENSATION.

HISTORY. 1945 c. 512 s. 5.

144.156 SUPERVISION; ENFORCEMENT; EMPLOYEES.

HISTORY. 1945 c. 512 s. 6.

144.157 LOCAL REGISTRAR; DEPUTIES; REPORT; ENFORCEMENT.

HISTORY. 1945 c. 512 s. 7.

144.158 BOARD TO PROVIDE ASSISTANCE.

HISTORY. 1945 c. 512 s. 8.

144.159 FILING OF BIRTH CERTIFICATE.

HISTORY. 1945 c. 512 s. 9.

144.161 DELAYED OR ALTERED CERTIFICATES.

HISTORY. 1945 c. 512 s. 10.

144.162 CONTENTS OF CERTIFICATES.

HISTORY. 1945 c. 512 s. 11.

144.163 CERTIFICATE OF DEATH OR STILLBIRTH.

HISTORY. 1945 c. 512 s. 12.

144.164 DEATH CERTIFICATES.

HISTORY. 1945 c. 512 s. 13.

144.165 DELAYED CERTIFICATION.

HISTORY. 1945 c. 512 s. 14.

144.166 FORM AND USE OF CERTIFICATE.

HISTORY. 1945 c. 512 s. 15.

144.167 PRIMA FACIE EVIDENCE.

HISTORY. 1945 c. 512 s. 16.

144.168 CERTIFICATES FURNISHED TO PUBLIC.

HISTORY. 1945 c. 512 s. 17.

144.169 FEES; DEPOSITED WITH STATE TREASURER.

HISTORY. 1945 c. 512 ss. 18, 19.

144.171 DELAYED CERTIFICATE; PROOF.

HISTORY. 1945 c. 512 s. 20.

MINNESOTA STATUTES 1945 ANNOTATIONS

841

DEPARTMENT OF HEALTH 144.29

144.172 DELAYED OR ALTERED CERTIFICATES.

HISTORY. 1945 c. 512 s. 21.

144.173 BEFORE DISTRICT COURT.

HISTORY. 1945 c. 512 s. 22.

144.174 PROBATIVE VALUE.

HISTORY. 1945 c. 512 s. 23.

144.175 ACCESS TO RECORDS.

HISTORY. 1945 c. 512 s. 24.

144.176 ADOPTION.

HISTORY. 1945 c. 512 s. 25.

144.177 LEGITIMATION; PROOF:

HISTORY. 1945 c. 512 s. 26.

144.178 INSTITUTIONS.

HISTORY. 1945 c. 512 s. 27.

144.181 BURIAL PERMIT; REMOVAL OF BODY FROM DISTRICT.

HISTORY. 1945 c. 512 s. 28.

144.182 DEATH OUTSIDE THE STATE; PERMIT.

HISTORY. 1945 c. 512 s. 29.

144.183 REGULATIONS MANDATORY.

HISTORY. 1945 c. 512 s. 30.

144.191 DUTIES OF REGISTRAR.

HISTORY. 1945 c. 512 s. 31.

144.201 CLERK OF COURT.

HISTORY. 1945 c. 512 s. 32.

144.202 DUTIES OF CLERK.

HISTORY. 1945 c. 512 s. 33.

144.203 TRANSMISSION.

HISTORY. 1945 c. 512 s. 34.

144.204 CITATION.

HISTORY. 1945 c. 512 s. 36.

144.29 HEALTH RECORDS; CHILDREN OF SCHOOL AGE.

HISTORY. 1929 c. 277 s. 1; M. Supp. s. 5356-1.

MINNESOTA STATUTES 1945 ANNOTATIONS

144.30 DEPARTMENT OF HEALTH

842

144.30 COPIES OF RECORDS EVIDENCE IN JUVENILE COURT.

HISTORY. 1929 c. 277 s. 2; M. Supp. s. 5356-2.

144.31 CHILDREN'S BUREAU TO RECEIVE REPORTS.

HISTORY. 1929 c. 277 s. 3; M. Supp. s. 5356-3.

144.32 FALSE STATEMENTS TO BE CAUSE FOR DISCHARGE.

HISTORY. 1929 c. 277 s. 4; M. Supp. s. 5356-4.

144.33 HEALERS TO REPORT DEFECTIVE CHILDREN; AVAILABLE TO CHILDREN'S BUREAU.

HISTORY. 1929 c. 328 ss. 1, 2, 3; M. Supp. ss. 5705-24 to 5705-26.

144.34 INVESTIGATION AND CONTROL OF OCCUPATIONAL DISEASES.

HISTORY. 1939 c. 322; M. Supp. s. 4327-1.

144.35 POLLUTION OF WATER.

HISTORY. 1885 c. 225 ss. 1, 2, 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 6 ss. 99a, 99b, 99d; G.S. 1894 ss. 430, 431, 433; R.L. 1905 s. 2147; G.S. 1913 s. 4670; G.S. 1923 s. 5375; M.S. 1927 s. 5375.

144.36 APPEAL TO DISTRICT COURT.

HISTORY. 1885 c. 225 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 6 s. 99d; G.S. 1894 s. 433; R.L. 1905 s. 2148; G.S. 1913 s. 4671; G.S. 1923 s. 5376; M.S. 1927 s. 5376.

144.37 OTHER REMEDIES PRESERVED.

HISTORY. 1885 c. 222 s. 9; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 273; G.S. 1894 s. 1497; R.L. 1905 s. 2149; G.S. 1913 s. 4672; G.S. 1923 s. 5377; M.S. 1927 s. 5377.

Where the municipality casts sewage upon property and creates and maintains a nuisance thereon, the owner or lawful occupant may maintain an action against the municipal corporation for damages. *Hughes v Nashua*, 177 M 547, 225 NW 898.

Defendant's business being a lawful business, and, it being entitled to a reasonable use of the creek in common with all riparian owners, above and below, the court should only enjoin that use thereof which the evidence shows to be productive of the nuisance. In the instant case the injunction ordered should go no further than to abate the deposit of whey. *Satren v Hader Cheese Factory*, 202 M 555, 279 NW 361.

WATER POLLUTION CONTROL

Sections 144.371 to 144.38

144.371 DEFINITIONS FOR SECTIONS 144.371 TO 144.379.

HISTORY. 1945 c. 395 s. 1.

144.372 WATER POLLUTION CONTROL.

HISTORY. 1945 c. 395 s. 2.

144.373 POWERS AND DUTIES.

HISTORY. 1945 c. 395 s. 4.

144.374 DISPOSAL SYSTEMS.

HISTORY. 1945 c. 395 s. 4.

144.375 FINAL ORDER.

HISTORY. 1945 c. 395 s. 5.

144.376 COOPERATION,

HISTORY. 1945 c. 395 s. 6.

144.377 VIOLATIONS AND PROHIBITIONS.

HISTORY. 1945 c. 395 ss. 8 to 10.

144.378 INTERPRETATION.

HISTORY. 1945 c. 395 s. 7.

144.379 CITATION.

HISTORY. 1945 c. 395 s. 11.

144.38 POLLUTION OF WATERS; BOARD TO ADMINISTER AND ENFORCE LAWS.

HISTORY. 1927 c. 273 ss. 1 to 3; M.S. ss. 5377-1, 5377-2, 5377-3; 1945 c. 395 s. 12.

The statute granting state board of health power to administer and enforce all laws relating to the pollution of waters did not repeal or affect section 561.01 giving the district courts jurisdiction to abate private nuisances arising from the pollution of waters. *Satren v Haider Cheese Factory*, 202 M 553, 279 NW 361.

144.39 HEARINGS AND INVESTIGATIONS.

HISTORY. 1927 c. 273 s. 4; M.S. s. 5377-4.

144.40 COOPERATION WITH BOARD.

HISTORY. 1927 c. 273 s. 5; M.S. s. 5377-5.

144.41 ASSISTANCE FURNISHED TO BOARD UPON ORDER OF DEPARTMENT OF ADMINISTRATION.

HISTORY. 1927 c. 273 s. 6; M.S. s. 5377-6.

144.42 TUBERCULOSIS; PHYSICIANS TO REPORT TO STATE BOARDS; TO LOCAL BOARD IN CERTAIN CASES.

HISTORY. 1913 c. 434 s. 1; G.S. 1913 s. 4676; G.S. 1923 s. 5381; M.S. 1927 s. 5381.

Where school children are suspected of being tubercular, the school district may pay a physician for X-rays taken. OAG May 25, 1934 (159b-7).

144.43 TUBERCULOSIS IN INSTITUTIONS.

HISTORY. 1913 c. 434 s. 2; G.S. 1913 s. 4677; G.S. 1923 s. 5382; M.S. 1927 s. 5382.

144.44 REMOVAL TO PUBLIC SANATORIUM OR HOSPITAL.

HISTORY. 1913 c. 434 s. 3; G.S. 1913 s. 4678; G.S. 1923 s. 5383; M.S. 1927 s. 5383.

The health department has authority to return and quarantine a tubercular patient of hospital or sanatorium. OAG Aug. 30, 1935 (225f-1).

The county board cannot contract to furnish care and support to a poor, tubercular patient beyond its legal obligations under the Poor Relief Law. OAG June 2, 1936 (556a-8).

The county may pay the expense of treatment of an indigent tubercular person outside of state sanatorium. OAG May 18, 1937 (556a-7).

MINNESOTA STATUTES 1945 ANNOTATIONS

144.45 DEPARTMENT OF HEALTH

844

County board has discretionary right to approve or disapprove removal of a person reported to it. OAG June 27, 1938 (611a-8).

There are three classes of measures employed in controlling communicable disease, quarantine, other control measures such as vaccination, etc., and measures looking only to the comfort and treatment of a particular individual suffering from disease. The first is purely a public measure, the expenses of which are to be paid by local health districts, one-half to be claimed against the county, and the same is true of the second class, if the individual cannot pay, but there is no public liability as to the third class, except by way of poor relief. Whether the removal of the tonsils of a diphtheria carrier would be a control measure for the benefit of the public, is a question of fact. OAG June 11, 1932.

If the county board reserves decision or delays to commit under section 144.44, the director of social welfare under section 251.03 may apply for the patient's admission to state or county sanatorium. Payment in accordance with the statutory provision. OAG April 6, 1944 (556a).

A non-resident if ill and a menace, and who refuses to return to his own state, may either contract with a sanatorium for treatment or he may be committed by the authorities, if a menace. In either case the superintendent is sole judge as to when he be discharged. The state does not pay his charges. OAG April 7, 1944 (556a-1).

144.45 TUBERCULOSIS IN SCHOOLS; CERTIFICATE.

HISTORY. 1913 c. 434 s. 4; G.S. 1913 s. 4679; G.S. 1923 s. 5384; M.S. 1927 s. 5384.

The defendant's school district was negligent in exposing the plaintiff, a teacher in the school, to tuberculosis. There is no remedy unless liability for such act is imposed by statute. Section 126.02 does not apply. *Bang v Ind. School District*, 177 M 454, 225 NW 449.

The local board of health and not the county child welfare board has the legal right to apply any reasonable test to students to ascertain if they are tubercular. OAG Jan. 7, 1938 (225f-1).

144.46 DISINFECTING OF PREMISES.

HISTORY. 1913 c. 434 s. 5; G.S. 1913 s. 4680; G.S. 1923 s. 5385; M.S. 1927 s. 5385.

144.47 PLACARD TO BE POSTED ON INFECTED PREMISES.

HISTORY. 1913 c. 434 s. 6; G.S. 1913 s. 4681; G.S. 1923 s. 5386; M.S. 1927 s. 5386.

144.48 SPUTUM, SALIVA.

HISTORY. 1913 c. 434 s. 7; G.S. 1913 s. 4682; G.S. 1923 s. 5387; M.S. 1927 s. 5387.

144.49 VIOLATIONS; PENALTIES.

HISTORY. 1883 c. 132 s. 2; G.S. 1878 Vol. 2, (1888 Supp.) c. 124 s. 169; G.S. 1894 s. 7046; 1901 c. 230; R.L. 1905 s. 2132; 1913 c. 434 s. 8; 1913 c. 579 ss. 3, 14; G.S. 1913 ss. 4644, 4651, 4662, 4683; 1917 c. 220 s. 6; G.S. 1923 ss. 5346, 5356, 5367, 5388; M.S. 1927 ss. 5346, 5356, 5367, 5388; 1939 c. 89 s. 1; 1941 c. 549 s. 10; 1943 c. 649 s. 1; 1945 c. 512 ss. 35, 37.

144.50 HOSPITALS MUST OBTAIN LICENSES.

HISTORY. 1941 c. 549 s. 1; 1943 c. 649 s. 1.

144.51 EXISTING HOSPITALS TO OBTAIN LICENSES.

HISTORY. 1941 c. 549 s. 2; 1943 c. 649 s. 1.

144.52 APPLICATIONS FOR LICENSES.

HISTORY. 1941 c. 549 s. 3; 1943 c. 649 s. 1.

MINNESOTA STATUTES 1945 ANNOTATIONS

845

DEPARTMENT OF HEALTH 144.58

144.53 FEES.

HISTORY. 1941 c. 549 s. 4; 1945 c. 192 s. 1.

144.54 INSPECTIONS.

HISTORY. 1941 c. 549 s. 5.

144.55 STATE DEPARTMENT OF HEALTH TO ISSUE LICENSES.

HISTORY. 1941 c. 549 s. 6.

144.56 STANDARDS ESTABLISHED.

HISTORY. 1941 c. 549 s. 7; 1943 c. 649 s. 1.

144.57 APPLICATIONS, TO WHAT INSTITUTIONS.

HISTORY. 1941 c. 549 s. 8.

144.58 INFORMATION NOT TO BE DISCLOSED.

HISTORY. 1941 c. 549 s. 9.