

MINNESOTA STATUTES 1953 ANNOTATIONS

373

PROVISIONS RELATING TO PUBLIC HEALTH 145.05

144.76 VIOLATION, PENALTY

HISTORY. 1951 c 285 s 6.

ALCOHOLISM

144.81 CONSULTANT ON ALCOHOLISM

HISTORY. 1953 c 705 s 1.

144.82 POWERS, DUTIES

HISTORY. 1953 c 705 s 2.

144.83 MINNESOTA ADVISORY BOARD ON PROBLEMS OF ALCOHOLISM

HISTORY. 1953 c 705 s 3.

144.84 CIVIL SERVICE CLASSIFICATION

HISTORY. 1953 c 705 s 4.

CHAPTER 145

PROVISIONS RELATING TO PUBLIC HEALTH

HEALTH BOARDS AND OFFICERS

145.01 LOCAL HEALTH BOARDS; HEALTH OFFICERS

A contract under which the contractor obligates himself to perform work of a ministerial nature in a village health department is not illegal upon the ground that it involves an illegal delegation of the powers of the city council. *State ex rel v Thomas*, 223 M 435, 27 NW(2d) 155.

145.03 DUTIES OF LOCAL BOARDS OF HEALTH; PENALTIES

Where a physician, at the request of the village health officer, examines school children the village must pay for the physician's services. OAG March 25, 1947 (169-L).

The county may not appropriate funds to pay any part of the cost of an immunization program conducted by a county board of health when not initiated by reason of epidemic. OAG Aug. 15, 1951 (611-A-9).

A public health nurse appointed under the provisions of section 145.03 is not an employee of the county welfare board, nor is such appointee subject to the direction or supervision of the county welfare board. A public health nurse is supported by a specific appropriation and is paid from general revenue and not from welfare funds. OAG July 16, 1949 (905-B).

145.05 POWERS OF HEALTH OFFICER IN ASSUMING JURISDICTION OVER COMMUNICABLE DISEASES

Where a person afflicted with tuberculosis is admitted to a county sanatorium, under section 144.44, the county in which the patient resides is responsible for cost of treatment as against a contention that the community where the act of commitment takes place and the county in which it is located are responsible, irrespective of the residence of the patient. *County of Hennepin v County of Houston*, 229 M 418, 39 NW(2d) 858.

MINNESOTA STATUTES 1953 ANNOTATIONS

145.08 PROVISIONS RELATING TO PUBLIC HEALTH

374

PUBLIC HEALTH NURSES

145.08 EMPLOYMENT, APPROPRIATION

HISTORY. 1919 c 38 s 1; 1921 c 138 s 1, 2; 1925 c 196 s 1; 1951 c 563 s 1.

Aid to county nurses. 33 MLR 50.

A county is not authorized to supply a telephone for the use of the county welfare board. OAG Oct. 24, 1947 (125-A-40).

There is no statute authorizing the county board to purchase an automobile for the use of the county welfare board. The provisions for the payment of travel and other necessary expenses do not include such purchases. OAG Oct. 24, 1947 (125-A-40).

The county is without authority to levy a special tax for a county health nursing program under the provisions of sections 145.08 to 145.125. The county board has authority to make appropriations for such purpose if it is disposed to do so and such appropriation should be from the general revenue fund. OAG Dec. 9, 1949 (905-B).

The traveling expense of a public health nurse is allowable if the county board authorizes the attendance at a "staff meeting" and if the public health interests of the county are subserved thereby. OAG Dec. 6, 1950 (905-B).

The authority to employ county public health nurses is vested in the board of county commissioners. No statutory authority exists for holding an election regarding the proposition of such employment. OAG July 27, 1951 (905-J).

A public health nurse employed by Stearns county is not authorized to perform public health service in that part of the city of St. Cloud outside the territorial limits of Stearns county. OAG Jan. 2, 1952 (905-J).

145.12 COUNTY BOARD OF HEALTH, NURSING COMMITTEE

HISTORY. 1921 c 138 s 1; 1925 c 196 s 1; 1951 c 563 s 2; 1953 c 460 s 1.

The county nursing committee serves without compensation or reimbursement for expenses. OAG Feb. 4, 1949 (104-A-6).

The allocation in the county board's annual budget of a sum authorized by Laws 1953, Chapter 460, is a condition precedent to an allowance by the county board of "expenses and payments" to be paid to committee members out of the general revenue fund. OAG Sept. 17, 1953 (104-A-6).

145.125 COUNTY PUBLIC HEALTH NURSING SERVICE

HISTORY. 1947 c 54 s 1.

The county has no authority to levy a special tax for a county health nursing program, but a specific appropriation should have been made by the county board out of moneys in the general fund to compensate and pay necessary expenses of public health nurse appointed by the county board. OAG Dec. 9, 1949 (905-B).

OTHER PROVISIONS

145.17 OFFENSIVE TRADES

A permit granted under the provisions of section 145.17 may be revoked without notice or hearing. There is no liability upon the municipality or its officers. Persons aggrieved have the right to appeal. OAG June 2, 1948 (225-I-4).

Whether the particular hog-feeding activity operated by an individual was within the operation of section 145.17 was a question of fact for determination by the town board, acting as a board of health. OAG March 28, 1950 (225-I-4).

MINNESOTA STATUTES 1953 ANNOTATIONS

375

PROVISIONS RELATING TO PUBLIC HEALTH 145.48

145.18 ASSIGNMENT OF PLACES

A permit granted pursuant to section 145.18 may be revoked without hearing and without any liability upon the town or its officers. Remedy is by appeal from the order. OAG June 2, 1948 (225-I-4).

145.19 APPEAL TO DISTRICT COURT

The holder of a permit to operate a garbage disposal plant may appeal to the district court from an order of the town board revoking his permit. OAG March 28, 1950 (225-I-4).

145.22 FILTH, CAUSES OF SICKNESS

HISTORY. 1907 c 425 s 1; 1949 c 80 s 1; 1951 c 235 s 1.

The question of the reasonableness of an ordinance insofar as it might require separate facilities for men and women in 3.2 beer taverns is one that would have to be determined from all the facts relating to the conduct of the business. At any rate, if the present situation is a nuisance, the health officer of any municipality may cause a removal of the nuisance and provide for prevention or abatement of same. OAG July 17, 1951 (217-C).

Public health and sanitation are broad objects of the police power, and their protection and promotion within a municipality constitute important and far-reaching functions of municipal government. If a sanitary sewer on private property is located sufficiently near a part of the city water system, the city may proceed to abate the nuisance, or, may proceed to remedy the evil by proceeding under sections 145.22, 145.23, 431.29 or 431.31. OAG May 15, 1952 (225-J).

Municipalities do not have power to abate private nuisances by ordinance. A private nuisance may be abated only upon suit of the person wronged. The village health officer lacks authority to cause the removal of a building. Within the cost of limitation of \$25, under certain circumstances, there might be a removal. If a building is a nuisance as a fire hazard, the matter should be referred to the state fire marshal who has authority to condemn buildings and cause their removal. OAG Oct. 28, 1948 (477-B-20).

145.24 VIOLATIONS; PENALTIES

HISTORY. 1872 c 22 s 2-4; 1879 c 42 s 1; 1883 c 132 s 8-10; 1887 c 40; 1919 c 479 s 2; 1923 c 92 s 1.

145.34-145.46 Renumbered, 18.31 to 18.43.

COUNTY HEALTH DEPARTMENT

145.47 HEALTH DEPARTMENT DEFINED

HISTORY. 1949 c 405 s 1.

145.48 ESTABLISHMENT OF HEALTH DEPARTMENTS

HISTORY. 1949 c 405 s 2.

Where members of the county public health association live at various locations in the county, so that it is necessary that some of them should travel 30 miles or more to attend a monthly meeting, those required to travel were eligible for mileage expense in attending the meetings. OAG July 22, 1949 (104-A-6).

A county may not appropriate funds to pay any part of the cost of immunization program conducted by the county board of health when such program is not initiated by reason of an epidemic. OAG Aug. 15, 1951 (611-A-9).

145.49 PROVISIONS RELATING TO PUBLIC HEALTH

376

145.49 POWERS TRANSFERRED

HISTORY. 1949 c 405 s 3.

145.50 RESPONSIBLE TO LOCAL BOARD OF HEALTH

HISTORY. 1949 c 405 s 4.

145.51 FUNDS APPROPRIATED AND FEES COLLECTED

HISTORY. 1949 c 405 s 5.

145.52 COUNTY HEALTH DEPARTMENT; ORGANIZATION, DUTIES

HISTORY. 1949 c 405 s 6; 1951 c 530 s 1.

145.53 RULES AND REGULATIONS

HISTORY. 1949 c 405 s 7.

145.54 SUPERVISED BY STATE BOARD OF HEALTH

HISTORY. 1949 c 405 s 8.

Statutory travel allowances are payable to members of the board of the county department of health. OAG July 22, 1949 (104-A-6).

CHAPTER 146

BASIC SCIENCES

146.01 BASIC SCIENCES; PRACTICING HEALING AND PRACTICE OF HEALING

A hospital cannot be licensed to practice medicine. A board of education cannot employ a hospital to render services customarily rendered by a school physician. OAG Sept. 2, 1947 (156-A-3).

A board of education cannot employ a hospital to render services customarily rendered by a physician. A hospital is not licensed to practice medicine. OAG Sept. 2, 1947 (166-A-3).

The basic science board may control the certificate of registration of one to whom a basic science certificate has been issued when such person has been convicted of manslaughter in the first degree, following the death of a patient upon whom the certificate-holder had performed a criminal abortion. OAG Aug. 27, 1947 (303-B).

If an applicant desires to take the examination for registration in this state it is incumbent upon him to pass an examination in each of the basic sciences listed under the statutory definition of basic sciences. If an applicant desires to procure a certificate under the provisions of M.S.A., section 146.09, dealing with reciprocity, it is incumbent upon him to present to the board sufficient and satisfactory evidence of having passed examinations in the basic sciences as defined in Minnesota Statutes, which does not include the subject of pharmacology. OAG Aug. 2, 1948 (303-B).

The basic science board may accept grades of foreign state examiners in certain basic science subjects as evidence of applicant's qualification in those particular subjects for purposes of Minnesota examination. OAG Sept. 30, 1949 (303-B).

Examiners in basic sciences may accept the certificate of registration in basic science of the state of New York where the requisites of such examination are