

MINNESOTA STATUTES 1975 SUPPLEMENT

140.24 LAW LIBRARIES

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CHAPTER 144. DEPARTMENT OF HEALTH

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144.02 Meetings; officers; quorum.

The state board of health shall hold an annual meeting during the first quarter of every year at a time and place designated by the board at which time it shall elect from its members a president. Regular meetings, one of which shall include the annual meeting, shall be held not less than four times a year. At least one such regular meeting shall be held each quarter. The time and place of all such meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. 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, with the advice and consent of the senate, 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.

[1975 c 310 s 2]

144.074 Funds received from other sources.

The state board of health may receive and accept money, property, or services from any person, agency, or other source for any public health purpose within the scope of its statutory authority. All money so received is annually appropriated for those purposes in the manner and subject to the provisions of law applicable to appropriations of state funds.

[1975 c 310 s 9]

144.076 Mobile health clinic.

The state board of health may establish, equip, and staff with its own members or volunteers from the healing arts, or may contract with a public or private nonprofit agency or organization to establish, equip, and staff a mobile unit, or units to travel in and around poverty stricken areas and Indian reservations of the state on a prescribed course and schedule for diagnostic and general health counseling, including counseling on and distribution of dietary information, to persons residing in such areas. For this purpose the state board of health may purchase and equip suitable motor vehicles, and furnish a driver and such other personnel as the department deems necessary to effectively carry out the purposes for which these mobile units were established or may contract with a public or private nonprofit agency or organization to provide the service.

[1975 c 310 s 3]

144.12 Regulation, enforcement, licenses, fees.

Subdivision 1. 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

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thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. The board may control, by adoption of regulations, 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, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;
- Provided, that neither the board nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;
- (8) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant;
 - (9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or 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 that 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;
 - (10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;
 - (11) 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;
 - (12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps, migratory or migrant labor camps, and other industrial camps;
 - (13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations;
 - (14) Atmospheric pollution which may be injurious or detrimental to public

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health; and

(15) Sources of radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials.

Subd. 2. The board may regulate the general sanitation of mass gatherings by promulgation of rules in respect to, but not limited to, the following areas: water supply, disposal of sewage, garbage and other wastes, the prevention and control of communicable diseases, the furnishing of suitable and adequate sanitary accommodations, and all other reasonable and necessary precautions to protect and insure the health, comfort and safety of those in attendance. No permit, license, or other prior approval shall be required of the board for a mass gathering. A "mass gathering" shall mean an actual or reasonably anticipated assembly of more than 1,500 persons which will continue, or may reasonably be expected to continue, for a period of more than ten consecutive hours and which is held in an open space or temporary structure especially constructed, erected or assembled for the gathering. For purposes of this subdivision, "mass gatherings" shall not include public gatherings sponsored by a political subdivision or a non-profit organization.

Subd. 3. Applications for licenses or permits issued pursuant to this section shall be submitted with a fee prescribed by the board pursuant to section 144.122. Licenses or permits shall expire and be renewed as prescribed by the board pursuant to section 144.122.

[1975 c 310 s 4; 1975 c 351 s 1]

144.121 X-ray machines and facilities using radium; fees; periodic inspections.

Subdivision 1. The fee for the registration for x-ray machines and radium required to be registered under regulations adopted by the state board of health pursuant to section 144.12, shall be in an amount prescribed by the board pursuant to section 144.122. The first fee for registration shall be due on January 1, 1975. The registration shall expire and be renewed as prescribed by the board pursuant to section 144.122.

Subd. 2. Periodic radiation safety inspections of the sources of ionizing radiation shall be made by the state board of health. The frequency of safety inspections shall be prescribed by the board on the basis of the frequency of use of the source of ionizing radiation; provided that each source shall be inspected at least once every four years.

[1975 c 310 s 35]

144.122 License and permit fees.

The state board of health, by rule and regulation, may prescribe reasonable procedures and fees for filing with the board as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations and certifications issued under its authority. The expiration dates of the various licenses, permits, registrations and certifications as prescribed by the rules and regulations shall be plainly marked thereon. Fees may include application and examination fees and a penalty fee for renewal applications submitted after the expiration date of the previously issued permit, license, registration, and certification. The board may also prescribe, by rule and regulation, reduced fees for permits, licenses, registrations, and certifications when the application therefor is submitted during the last three months of the permit, license, registration, or certification period. Fees proposed to be prescribed in the rules and regulations shall be first approved by the department of finance. All fees proposed to be prescribed in rules and regulations shall be reasonable. The fees shall be in an amount so that the total fees collected by the board will, where practical, approximate the cost to the board in administering the program. All fees collected shall be deposited in the state treasury and credited to the general fund unless otherwise specifically appropriated by law for specific purposes.

[1975 c 310 s 36]

144.146 Treatment of cystic fibrosis.

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Subdivision 1. Program. The board of health shall develop and conduct a program including medical care and hospital treatment for persons aged 21 or over who are suffering from cystic fibrosis.

Subd. 2. Appropriation. There is appropriated annually from the general fund in the state treasury the sum of \$40,000 or as much of that amount as is necessary for the year to the department of health for the development of the program of treatment for cystic fibrosis.

[1975 c 409 s 1,2]

144.411 Citation.

Sections 144.411 to 144.417 may be cited as the Minnesota clean indoor air act.

[1975 c 211 s 1]

144.412 Public policy.

The purpose of sections 144.411 to 144.417 is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

[1975 c 211 s 2]

144.413 Definitions.

Subdivision 1. As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.

Subd. 2. "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Subd. 3. "Public meeting" includes all meetings open to the public pursuant to section 471.705, subdivision 1.

Subd. 4. "Smoking" includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

[1975 c 211 s 3]

144.414 Prohibitions.

No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, except that the department of labor and industry shall, in consultation with the state board of health, establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

[1975 c 211 s 4]

144.415 Designation of smoking areas.

Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent non-smoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall

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be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

[1975 c 211 s 5]

144.416 Responsibilities of proprietors.

The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by

- (a) posting appropriate signs;
- (b) arranging seating to provide a smoke-free area;
- (c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or
- (d) any other means which may be appropriate.

[1975 c 211 s 6]

144.417 Board of health, enforcement, penalties.

Subdivision 1. Rules and regulations. The state board of health shall adopt rules and regulations necessary and reasonable to implement the provisions of sections 144.411 to 144.417, except as provided for in section 144.414.

The state board of health may, upon request, waive the provisions of sections 144.411 to 144.417 if it determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.

Subd. 2. Penalties. Any person who violates section 144.414 is guilty of a petty misdemeanor.

Subd. 3. Injunction. The state board of health, a local board of health, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of section 144.416.

[1975 c 211 s 7]

144.53 Fees.

Each application for a license, or renewal thereof, to operate a hospital, sanatorium, rest home, or boarding home, or related institution, within the meaning of sections 144.50 to 144.56, except applications by the Minnesota veterans home, the commissioner of public welfare for the licensing of state institutions or by the administrator for the licensing of the university of Minnesota hospitals, shall be accompanied by a fee to be prescribed by the state board of health pursuant to section 144.122. No such fee shall be refunded. Licenses shall expire and shall be renewed as prescribed by the board pursuant to section 14.122.

No license granted hereunder shall be assignable or transferable.

[1975 c 63 s 1; 1975 c 310 s 5]

144.571 Advisory council.

An advisory council of nine members shall be appointed in the following manner to make recommendations to the state board of health and to assist in the establishment of such rules, regulations, and standards and any amendments thereto. This council shall consist of four members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of said four members shall be the superintendent of a hospital operated by a county or other local governmental unit; one member representing homes for chronic or convalescent patients shall be appointed annually by the state board of health; and two members shall be doctors of medicine to be appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The commissioner of public welfare, or a person from the department of public welfare designated by him, shall be the eighth member of the council, and the commis-

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sioner of public welfare shall designate the ninth member who will represent the Minnesota county welfare boards.

[1975 c 234 s 1]

144.61 Annual registration.

Every such person so registered with the state board of health shall register with the board on dates specified by the board and pay a registration fee in an amount prescribed by the board pursuant to section 144.122. All fees received under sections 144.59 to 144.65 shall be deposited by the state board of health to the credit of the general fund in the state treasury. The expenses of the state board of health in carrying out the provisions of sections 144.59 to 144.65 shall be paid out of the appropriations made to the state board of health.

[1975 c 204 s 75]

144.653 Regulations; inspections.

[For text of subd 1, see M.S.1974]

Subd. 2. Periodic inspection. All facilities required to be licensed under the provisions of sections 144.50 to 144.58 shall be periodically inspected by the state board of health to insure compliance with its rules, regulations and standards. Inspections shall occur at different times throughout the calendar year. The state board of health may enter into agreements with political subdivisions providing for the inspection of such facilities by locally employed inspectors.

[For text of subds 3 to 5, see M.S.1974]

Subd. 6. Reinspections; fines. If upon reinspection it is found that the licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 has not corrected deficiencies specified in the correction order, a notice of noncompliance with a correction order shall be issued stating all deficiencies not corrected. Unless a hearing is requested under subdivision 8, the licensee shall forfeit to the state within 15 days after receipt by him of such notice of noncompliance with a correction order up to \$1,000 for each deficiency not corrected. For each subsequent reinspection, the licensee may be fined an additional amount for each deficiency which has not been corrected. All forfeitures shall be paid into the general fund. The board of health shall promulgate by rule and regulation a schedule of fines applicable for each type of uncorrected deficiency.

[For text of subd 7, see M.S.1974]

Subd. 8. Hearings. A licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 is entitled to a hearing on any notice of noncompliance with a correction order issued to him as a result of a reinspection, provided that he makes a written request therefor within 15 days of receipt by him of the notice of noncompliance with a correction order. Failure to request a hearing shall result in the forfeiture of a penalty as determined by the board in accordance with subdivision 6. A request for a hearing shall operate as a stay during the hearing and review process of the payment of any forfeiture provided for in this section. Upon receipt of the request for a hearing, a hearing officer, who shall not be an employee of the state board of health, shall be appointed by the state board of health, and the hearing officer shall promptly schedule a hearing on the matter, giving at least ten days notice of the date, time, and place of the hearing to the licensee. Upon determining that the licensee of a facility required to be licensed under sections 144.50 to 144.58 has not corrected the deficiency specified in the correction order, the hearing officer shall impose a penalty as determined by the board in accordance with

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subdivision 6. The hearing and review thereof shall be in accordance with the relevant provisions of the administrative procedures act.

[1975 c 310 s 6,7,37]

[For text of subd 9, see M.S.1974]

144.802 Licensing.

No operator shall operate an ambulance service within this state unless it possesses a valid license to do so issued by the state board of health. The cost of the license shall be in an amount prescribed by the board pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the board pursuant to section 144.122. The state board of health shall not issue licenses for the operation of a newly established ambulance service in the state unless the service meets the standards required by sections 144.801 to 144.806 and the applicant has demonstrated to the satisfaction of the state board of health at a public hearing that the public convenience and necessity require the proposed ambulance service.

[1975 c 310 s 8]

144.952 Composition of the board.

[For text of subd 1, see M.S.1974]

Subd. 2. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

[1975 c 136 s 6]

CHAPTER 145. PROVISIONS RELATING TO PUBLIC HEALTH

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145.43	Hearing aids; restrictions on sales.	145.811	Appeals. [New]
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		145.895	Department of public welfare. [New]
		145.896	Program not a substitute or replacement. [New]
		145.897	Vouchers. [New]

145.031 Agreements to perform functions of state board of health.

Subdivision 1. The state board 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 and chapter 157. The agreement shall also set forth criteria by which the board will determine that the performance by the designated agent complies with state standards and is sufficient to replace licensing by the board. The agreement may specify minimum staff requirements and qualifications and provide for termination procedures if the board finds that the designated agent fails to comply with the terms and requirements of the agreement.