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PROVISIONS RELATING TO PUBLIC HEALTH 145.03

CHAPTER 145

PROVISIONS RELATING TO PUBLIC HEALTH

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145.01 LOCAL HEALTH BOARDS; HEALTH OFFICERS. Every town board shall be a board of health within and for the town and 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 establishment of a board of health therefor. In the absence of such provision in any city, the state board of health, hereinafter called 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 each 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 cooperate 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.

[R. L. s. 2134] (5348)

145.02 DEPUTY HEALTH OFFICER IN CITIES OF THE THIRD CLASS. The governing body of any city of the third class in this state shall have authority to appoint a deputy local health officer with power to exercise, under the supervision of the local health officer, all of the powers and duties of such officer and to be paid such compensation as the governing body of the city shall determine. The total compensation for the local health officer and the deputy local health officer shall not exceed that now or hereafter authorized to be paid to the local health officer.

[1925 c. 215] (5348-1)

145.03 DUTIES OF LOCAL BOARDS OF HEALTH; 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. When the state board shall have reason or cause to believe, from its records or any other information in its possession, that the provisions of this section are being or have been violated, the state board shall advise the attorney general thereof, giving the information in support of such belief, and the attorney general or, under his direction, the county attorney of any county in which the violation

occurs, shall forthwith institute proceedings for the enforcement of the provisions of this section and for the punishment of the violation thereof.

[R. L. s. 2135; 1923 c. 92 s. 1] (5349)

145.04 ENTRY FOR INSPECTION. 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.

[R. L. s. 2136] (5350)

145.05 POWERS OF HEALTH OFFICER IN ASSUMING JURISDICTION OVER COMMUNICABLE DISEASES. The health officer in a municipality or the chairman of the board of supervisors in a town shall employ, at the cost of the health district over which his local board of health has jurisdiction and in which the person afflicted with a communicable disease is located, all medical and other help necessary in the control of such communicable disease, or for carrying out, within such jurisdiction, the lawful regulations and directions of the state board, its officers or employees, and, upon his failure so to do, the state board may employ such assistance at the expense of the district involved. Any person whose duty it is to care for himself or another afflicted with a communicable disease shall be liable for the reasonable cost thereof to the municipality or town paying such cost, excepting that the municipality or town constituting such district shall be liable for all expense incurred in establishing, enforcing, and releasing quarantine, half of which may be recovered from the county, as provided for under sections 145.06 and 145.07.

[R. L. s. 2137; 1907 c. 327 s. 1; 1917 c. 427 s. 1] (5351)

145.06 ALLOWANCE AND PAYMENT OF EXPENSES. All claims arising under section 145.05 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.

[R. L. s. 2138] (5352)

145.07 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 appellant shall recover more than the amount allowed by the county board, he shall be liable for costs and disbursements; otherwise the county shall be liable.

[R. L. s. 2139] (5353)

145.08 PUBLIC HEALTH NURSES. Every city council, village council, board of county commissioners, school board, and town board is hereby authorized and empowered to employ and to make appropriations for the compensation and necessary expenses of public health nurses, for such public health duties as may be deemed necessary.

The term "expenses" may cover and include suitably furnished office rooms, records, stationery, postage, nursing and nurses' supplies, transportation, including the purchase and maintenance of automobiles, meals and lodging of nurses when on duty away from their places of residence, telephone, rent and tolls, clerical assistance, and such other actual expenses as shall be necessarily incidental to the carrying out of these purposes.

[1919 c. 38 s. 1; 1921 c. 138 ss. 1, 2; 1925 c. 196 s. 1] (5353-1, 5353-2)

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145.09 HEALTH NURSES TO REGISTER. Such health nurses, if not registered in Minnesota, shall apply for registration immediately upon their employment and, unless registered within six months from date of application, their further employment shall be illegal.

[1921 c. 138 s. 1; 1925 c. 196 s. 1] (5353-3)

145.10 LIST OF NURSES FURNISHED BY STATE BOARD. There shall be available from the state board, for the use of councils and boards included in sections 145.08 to 145.12, employing such nurses, a list of nurses qualified for public health duties, approved and certified by a majority of a committee consisting of a physician appointed by the state medical association and four registered nurses; one representing the faculty of the course in public health nursing of the University of Minnesota, one representing the state organization for public health nursing, one representing the state board of health; the state director of nursing education.

[1925 c. 196 s. 1] (5353-4)

145.11 STATE BOARD TO ASSIST HEALTH NURSES. Such nurses shall receive upon request the aid and advice of the state board in regard to nursing problems and make written reports through the board employing them to the state and local boards of health in such form and at such times as shall be prescribed by the state board.

[1925 c. 196 s. 1] (5353-5)

145.12 COUNTY BOARD OF HEALTH. The board of county commissioners of any county may detail county public health nurses to act under the direction of the county board of health or a nursing committee composed of at least five members, as follows:

- (1) The county superintendent of schools;
- (2) The county health officer or a physician appointed by the county commissioners;
- (3) A county commissioner appointed by the board of county commissioners;
- (4) Two residents of the county appointed by the county commissioners.

The nursing committee of each county shall effect a permanent organization and meet at regular intervals with the nurses.

[1921 c. 138 s. 1; 1925 c. 196 s. 1] (5353-6, 5353-7)

145.13 DISINFECTION OF PREMISES AFTER CONTAGIOUS DISEASES THEREIN. No wall, partition, or ceiling of any room in which there has been contagious disease in any tenement house, hotel, or dwelling shall be repapered, calcimined, or have any other covering placed thereupon, unless the old paper or other covering shall have first been disinfected and removed therefrom and the wall, partition, or ceiling cleaned, disinfected, and freed from bugs, insects, or vermin.

[1919 c. 479 s. 1] (5388-1)

145.14 DELIVERY OF SUBJECTS FOR DISSECTION. Except as otherwise provided in section 145.15, the bodies of all persons dying within the state and not claimed for burial within 36 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, 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.

[R. L. s. 2152] (5392)

145.15 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 the law another disposition thereof be required.

[R. L. s. 2153] (5393)

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145.16 DELIVERY OF BODIES. 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.

[R. L. s. 2154] (5394)

145.17 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 \$50.00 for each day of 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.

[R. L. s. 2143] (5371)

145.18 ASSIGNMENT OF PLACES. 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 24 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 \$100.00 for each day thereafter on which the same is continued, to be recovered as provided in section 145.17.

[R. L. s. 2144] (5372)

145.19 APPEAL TO DISTRICT COURT. Within five days after service of such notice, any party aggrieved by an order made under sections 145.17 and 145.18 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 \$500.00, to be approved by the judge of the court, conditioned for the prosecution of the appeal to judgment and for payment of all costs and expenses that may be awarded against the appellant. If the appeal be taken within 20 days before the time for holding any general term of the court within the county, it shall be heard at such time and, at either party's request, may be tried by a jury; if taken more than 20 days before any such term, the judge shall appoint a time and place for hearing the same and, if demanded, direct the sheriff of the county to summon a jury of 12 persons to serve in the cause, any of whom may be challenged as in civil cases, and talesmen may be called and the appeal tried as in other civil cases. During the pendency of the appeal such trade or employment shall not be exercised contrary to the order of the 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.

[R. L. s. 2145] (5373)

145.20 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 this building or premises shall forfeit \$100.00 for each day after the first, to be recovered as provided in sections 145.17 to 145.19. Any person aggrieved by such order may appeal, and the appeal shall be taken and determined, in the same manner as prescribed in section 145.19. 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.

[R. L. s. 2146] (5374)

145.21 OTHER REMEDIES PRESERVED. Nothing in section 145.17 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.

[R. L. s. 2149] (5377)

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145.22 NUISANCE, SOURCE OF FILTH, OR CAUSE OF SICKNESS; DUTY OF HEALTH OFFICER; NOTICE; PRIVY VAULTS. When any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city, village, or town shall order the owner or occupant thereof to remove the same, at his expense, within a time not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by the sheriff, marshal, or other peace officer by delivering a copy thereof to the owner, occupant, or agent of the property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal, or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal, or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist. In carrying out the provisions of sections 145.22 and 145.23, no debt or claim against any individual owner, or any one piece of real property, shall exceed the sum of \$25.00. In all cities of the first class in this state, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by, the department of health of such cities.

[1907 c. 425 s. 1] (5379)

145.23 ABATEMENT; COSTS ASSESSED ON PROPERTY. If the owner, occupant, or agent fail or neglect to comply with the requirement of the notice, then the health officer shall proceed to have the nuisance, source of filth, or cause of sickness described in the notice removed or abated from the lot or parcel of ground and report the cost thereof to the city clerk, or other like officer, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance, source of filth, or cause of sickness was located, and the city clerk, or other like officer, shall, at the time of certifying their taxes to the county auditor, certify these costs and the county auditor shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city, village, or town as other taxes are collected and paid.

[1907 c. 425 s. 2] (5380)

145.24 VIOLATIONS; PENALTIES. Subdivision 1. Every member of any local board of health or any health officer refusing or neglecting to perform any duty imposed upon him by any statute, ordinance, or by-law relating to the public health shall be guilty of a misdemeanor.

Subdivision 2. Every person who wilfully prevents or hinders any member, officer, or employee of the state board or any member, officer, or employee of any local board of health, or any health officer from entering any building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected, or otherwise interferes with the performance of their duties, shall be guilty of a misdemeanor.

Subdivision 3. Every person who shall fail to comply with the provisions of sections 145.15 and 145.16 shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25.00. Every person who shall use any body mentioned in sections 145.15 and 145.16 for a purpose other than that contemplated therein, 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.

Subdivision 4. Any person, firm, or corporation violating any of the provisions of sections 145.13 and 145.25 to 145.29 shall be guilty of a misdemeanor.

[R. L. ss. 2135, 2136, 2154; 1919 c. 479 s. 2; 1923 c. 92 s. 1; 1941 c. 475 s. 6] (5349, 5350, 5388-2, 5394)

145.25-145.29 [Repealed by 1943 c. 447 s. 1]

145.30 SUPERINTENDENT OF HOSPITALS TO TRANSFER RECORDS. The superintendent or other chief administrative officer of any public or private hospital, by and with the consent and approval of its board of directors or other governing body, is authorized to transfer and record, or cause to be transferred and recorded,

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upon photographic film of convenient size for the preservation thereof as evidence, any or all of the original files and records of any such hospital dealing with the case history, physical examination, and daily hospital records of the individual patients thereof, including any miscellaneous documents, papers, and correspondence in connection therewith.

[1941 c. 229 s. 1]

145.31 PHOTOSTATIC COPIES TO BE USED AS EVIDENCE. Upon the transferring and recording of any such original hospital files and records in the manner hereinbefore provided, such photographic film records thereof shall have the same force and effect, when offered in evidence in any proceeding in this state, as the original records from which the same were so transferred and recorded, and any photographic or photostatic copy made therefrom, when duly certified, by the officer or employee of such hospital in charge of the records, to be such photographic or photostatic copy thereof, shall be admitted and received in evidence in any proceeding in this state with the same force and effect as the original record of such hospital from which such film recording was originally made.

[1941 c. 229 s. 2]

145.32 OLD RECORDS MAY BE DESTROYED. The superintendent or other chief administrative officer of any such public or private hospital, by and with the consent and approval of such board of directors or other governing body thereof, is authorized to divest the files and records of such hospital of any such individual case records bearing dates more than ten years prior to the date of such divestiture and, with such consent and approval, to destroy the same. Such records shall first have been transferred and recorded as authorized in section 145.30.

[1941 c. 229 s. 3]

145.33 CONSTRUCTION. Sections 145.30 to 145.33 shall not be construed as requiring any such public or private hospital to retain among its files and records, during the period hereinbefore specified or otherwise, any such individual hospital case records, miscellaneous documents, papers, or correspondence, except as the preservation and retention thereof is otherwise required by law.

[1941 c. 229 s. 4]