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**PUBLIC HEALTH LAWS**  
**OF THE**  
**STATE OF NORTH DAKOTA**  
**AND**  
**Rules and Regulations**  
**OF THE**  
**State Department of Health**



Issued by:

**STATE DEPARTMENT OF HEALTH**  
**MAYSIL M. WILLIAMS, M.D., C.P.H.**  
State Health Officer

1939

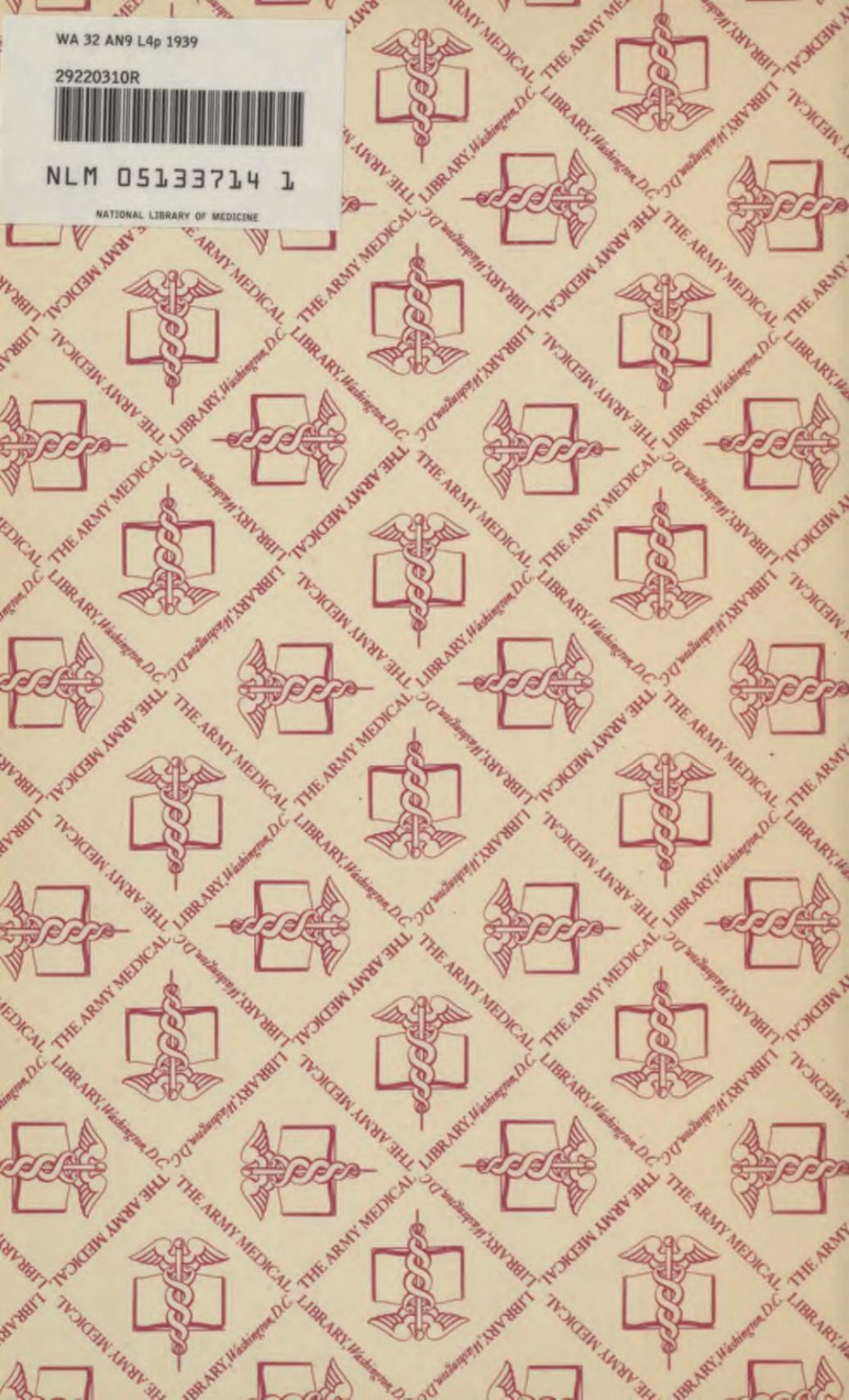
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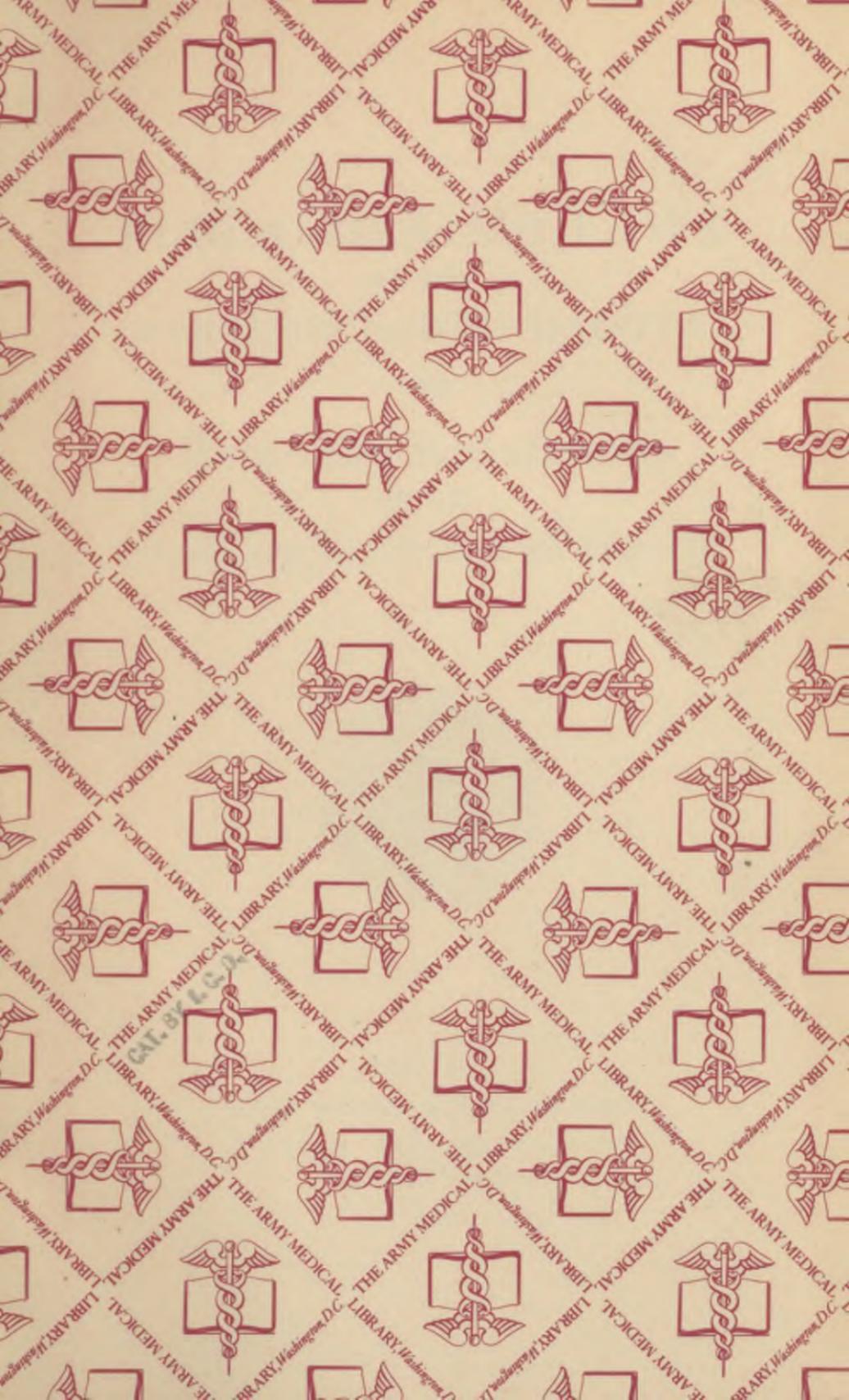
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# PUBLIC HEALTH LAWS

of the

STATE OF NORTH DAKOTA

Bismarck, N. Dak.

## RULES AND REGULATIONS OF THE STATE DEPARTMENT OF HEALTH MADE IN CONFORMITY THEREWITH

June 30, 1939

### PUBLIC HEALTH ADVISORY COUNCIL

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# PUBLIC HEALTH LAWS

of the

## STATE OF NORTH DAKOTA

### PUBLIC ADMINISTRATION

#### STATE DEPARTMENT OF HEALTH

**Section 396d1. State Department of Health.** There is hereby created and established a State Department of Health, which shall be constituted as provided in this Act, and shall exercise all the powers and duties now conferred upon the State Board of Health, and such other powers and duties as are herein provided for. The State Department of Health shall consist of a public health advisory council, a state health officer, directors of divisions and other employees as herein provided for. (Laws of 1933, Chapter 189.)

**Section 396d2. Public Health Advisory Council.** The public health advisory council shall consist of five (5) members, three (3) of whom shall be appointed by the Governor; the Superintendent of Public Instruction and the Attorney General shall be ex-officio members of the council. The term of office of the appointive members shall be six years except as hereinafter provided for, and until their successors are appointed and qualified.

The Governor shall fill all vacancies by appointment but in case of a vacancy before the expiration of a term the appointment shall be for the residue of the term only. Immediately after the passage of this Act the Governor shall appoint one member for a term of two years, one member for a term of four years, one member for a term of six years. Thereafter each original appointment shall be for six years.

At least one of the appointive members of the public health advisory council shall be a woman; at least one shall be a physician who is a graduate of a regular medical school of Class A standing; and at least one shall be a dentist, who is a graduate of a regular dental school of Class A standing. The public health advisory council shall meet in January and June of each year and at such other times as may be directed by the council of its president. The members of the council shall receive only their actual and necessary traveling expenses when engaged in the actual discharge of their official duties.

A member of the council shall be chosen president thereof and his term of office shall be two years. His duties shall be prescribed by the statutes of the state. A member of the council shall be chosen secretary thereof.

**Section 396d3. Health Officer.** The state health officer shall be appointed by the public health advisory council. He or she shall be a physician who has graduated from a regular school of medicine

of Class A standing, who shall have had special training and experience in public health administration and shall be duly licensed to practice his profession in North Dakota. He shall receive a salary not to exceed \$3,000.00 a year, payable in monthly installments and necessary traveling expenses incurred in the performance of official business. He shall not engage in any other occupation or business and shall hold office for two years beginning July, 1933. The state health officer shall be the administrative officer of the state department of health. His duties shall be those prescribed by the statutes of the state and the regulations of the state department of health for the state health officer. (Laws of 1933, Chapter 189.)

**Section 396d4. Accepting Provisions of Sheppard-Towner Infant and Maternal Hygiene Act.** The provisions of the Sheppard-Towner Act, allotting \$5,000.00 annually for five years to the state department of health, which provisions have already been accepted by the Governor during the legislative recess, are hereby accepted by the legislative assembly. (Laws of 1933, Chapter 189.)

**Section 396d5. Making an Appropriation to Meet the Allotment of the Sheppard-Towner Act.** The sum of \$2000.00 is hereby appropriated out of the moneys in the general fund in the state treasury, not otherwise appropriated, for the purpose of conducting infant and maternal hygiene work in North Dakota under the supervision of the state department of health. Provided, a like sum is allotted by the Federal Government under the provisions of the Sheppard-Towner Act. (Laws of 1933, Chapter 189.)

**Section 396d6. Acceptance of Funds by State Department of Health.** The State Department of Health shall be authorized to accept funds from cities, counties, the Federal Government, private organizations and individuals for infancy and maternal hygiene, and other public health work and to match the same from any unexpended portion of their budget, in accordance with specifications agreed to or required by Congressional Act when approved by the Governor of the State. All such work shall be done by the State Department of Health. (Laws of 1933, Chapter 189.)

**Section 399. Meetings of the Board.** The several persons composing the state department of health shall meet as often as once in every six months at such place in the state as they may appoint. (C.L. 1913.)

**Section 400. Powers and Duties of Board.** The board shall have power and it shall be its duty:

1. To fix the time and place of the meetings of the board, subject to the provisions of the last section.

2. To make rules and regulations for the government of the board, its officers and its meetings.

3. To make and enforce all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious, infectious or malarial diseases among persons and domestic animals.

4. To establish quarantine, and isolate any person affected with contagious or infectious disease.

5. To isolate, kill or remove any animal affected with contagious or infectious disease.

6. To remove or cause to be removed any dead, decaying or putrid body, or any decayed, putrid or other substance that may endanger the health of persons or domestic animals.

7. To condemn or cause to be destroyed any impure or diseased article of food that may be offered for sale.

8. To superintend the several boards of health in cities, villages and towns and the county boards of health of the several counties.

9. To empower and direct the state health officer to do or cause to be done any or all of the things mentioned in subdivisions four, five, six, seven and eight of this section.

10. To make such rules and regulations as it may deem necessary to govern the preparation of dead bodies for transportation and to govern what classes of dead bodies may be transported and the manner thereof. (C.L. 1913.)

**Section 400a. Powers and Duties.** The powers and duties of the state department of health and the public health advisory council shall be those prescribed by the statutes of the state and the regulations of the state department of health. (Laws of 1933, Chapter 189.)

**Section 402. Reports.** The state health officer shall on the first day of December of each even numbered year make a full report to the governor, which report shall show all that has been done by the state department of health and by such state health officer during the two years preceding the making of such report, the number of cases treated by him and in each county by the county superintendent, the character and extent during such time of all contagious or infectious diseases that have been reported to him, all expenditures by the state department of health, and in each of the organized counties by the county board and such recommendations as he may deem advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases of persons and of domestic animals. (C.L. 1913.)

**Section 403a1. Changes in Titles.** Whenever the words "State Board of Health" appear in the statutes of the state and the regulations of the state board of health there shall be substituted therefor the words "State Department of Health."

Wherever the words "Superintendent of Public Health" appear there shall be substituted therefor the words "State Health Officer," in the statutes of the state and the regulations of the state board of health. (Laws of 1933, Chapter 189.)

**Section 403a2. Working Divisions.** The state department of health may establish the following divisions, together with such other divisions as may from time to time be determined:

1. Division of Vital Statistics.
2. Division of Preventable Disease.
3. Division of Child Hygiene and Public Health Nursing.
4. Division of Sanitary Engineering.

(Laws of 1933, Chapter 189.)

**Section 403a3. Office Space.** The state shall provide suitable office space in Bismarck for housing and maintaining the state department of health. Special fireproof vaults shall be provided for the storage of birth and death certificates. (Laws of 1933, Chapter 189.)

**Section 403a4. Repealing Sections 397, 398, 401, and 403.** Sections 397, 398, 401, and 403 of the Compiled Laws of 1913 are hereby repealed. (Laws of 1933, Chapter 189.)

### COUNTY BOARDS OF HEALTH

**Section 404. Board, How Composed.** There are hereby established county boards of health, composed of a president, vice-president and superintendent; the state's attorney in each county shall be president of the county board; the county superintendent of schools shall be vice-president, and the board of county commissioners shall at the first meeting of the board each year appoint a superintendent of public health for the county, who shall be learned in medicine, and hold a license to practice medicine and surgery within the state, and the several persons appointed shall hold their offices for one year and until their successors are elected and qualified.

Provided, however, that whenever the state department of health has reason to believe that the county superintendent of public health is failing to perform his duties as prescribed by law they may report the case to the board of county commissioners, and the latter may, after proper hearing, at their next meeting declare the office vacant, and appoint another physician in his place for the remainder of the unexpired term. (1925 Supp.)

**Section 405. Duties of Officers of County Board.** The president of each county board of health shall preside at the meetings thereof and in his absence the vice-president shall perform the duties of president. The county superintendent of health shall be secretary of the board of health of his county. The county superintendent of health shall keep a record of all the proceedings of the board and of his official acts, and he shall at the end of every month make a full report in writing to the state health officer of the proceedings of the county board of health and of his official acts, and shall, whenever the health of persons or domestic animals is endangered, or when any contagious or infectious disease occurs in his county, either among persons or domestic animals, immediately report the same to the state health officer. (C.L. 1913.)

**Section 406. Meetings of County Boards of Health.** The several county boards of health shall meet at the county seat in their respective counties at such time within thirty days after the appointment of the county superintendent of health as he may designate. Notice of the time and place of such meeting shall be by him given to the other members of the county board at least five days prior to such meeting, and thereafter the board shall meet at the county seat as often as once in every three months. (C.L. 1913.)

**Section 407. Powers and Duties of County Boards of Health.** The several county boards of health shall have power within their respective counties outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the state department of health and its secretary:

1. To supervise all matters relating to the preservation of life and health of the people, including public water supplies and sewerage system, and have supreme authority in matters of quarantine, which it may declare and enforce when none exists and modify, relax or abolish when it has been established.

2. To isolate, kill or remove any animal affected with contagious or infectious diseases that is a menace to the health of human beings.

3. To remove or abate, or cause to be removed or abated, any public or private nuisance that may endanger the health of others.

4. To make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with promptness or efficiency, or when such board has not been established, as provided by law. In such cases the necessary expense incurred shall be paid by the county for which the services are rendered. All expenses actually and necessarily paid or incurred by the county board of health in carrying out the provisions of this article, such as livery, hotel bills, quarantine guards, automobile hire, railroad fare, stamps, etc., shall be audited by the board and certified to the county commissioners, and shall be paid the same as other county expenses are paid. (C.L. 1913.)

**Section 408. Powers and Duties of the Superintendent.** The county superintendent of health shall have charge of and superintend, subject to the supervisory control of the state department of health, all matters and things mentioned in subdivisions 1, 2, 3 and 4 of section 407, throughout the county outside of the corporate limits of cities. He shall exercise supervisory control of the local boards of health within his county, known as village boards of health and township boards of health. He shall furnish at the expense of the county board of health all township and village clerks and all physicians within his jurisdiction with proper blanks for reporting to him all contagious and infectious diseases. He shall properly instruct the township and village clerks and the physicians within his jurisdiction on the proper methods to employ in reporting contagious diseases. He shall be charged with strict and thorough

enforcement of the laws, rules and regulations to the end that the health of the people be conserved and protected. When it shall come to his notice, or when he believes that there is a probability that a dangerous disease exists within his jurisdiction he shall make such sanitary inspection of such places as he may deem advisable, and shall take such action and enforce such rules and regulations as he may deem necessary for the protection of the public health. Whenever a village board of health or township board of health within his jurisdiction neglects or refuses to perform any of its duties as specified in this act (article), or refuses or neglects to execute any of the orders or regulations of the county board of health, then the superintendent of said county board of health may execute its orders and regulations by agents of its own appointment. He shall have full and complete control, subject to the supervisory control of the state department of health, of all matters pertaining to public health outside the limits of incorporated cities within his county. He shall decide when quarantine and disinfection are necessary for the safety of the public, and shall have power to establish and perform the same. All expenses incurred in quarantining or disinfecting outside of incorporated cities shall be audited by the county board of health and paid for out of the general fund of the county. He may send out circulars permitting the use of the long distance telephone at the expense of the county board of health in all cases of emergency. He may also investigate, subject to the supervisory control of the state department of health, all public water and ice supplies which are suspected of being infected and cause them to be condemned whenever he finds it necessary. He may also investigate public milk supplies and prohibit the sale of unwholesome milk and dairy products, stop shipment of spoiled or unwholesome meat, the slaughtering of diseased animals, and subsequent sale of the meat thereof. He shall enforce cleanliness in schools, inspect overcrowded, poorly ventilated and insanitary school houses, and when necessary report such cases to the board of inspection, as provided in section 80, chapter 266, of the Session Laws of 1911. He shall by the tenth day of each month report to the secretary of state department of health, on blanks furnished for that purpose, the name and address of each case of dangerous and contagious, infectious diseases occurring in his jurisdiction for the preceding month, with the name of the party reporting the same, together with a detailed statement of his official acts. (1925 Supp.)

**Chapter 176. Section 1. Duties of County and City Health Officers to Make Reports.** All city and county health officers shall make such reports to the state department of health as are required by law. No city or county health officer shall be paid the last month's salary in any year until the county auditor has received a certificate from the state department of health certifying that all required reports from such officer have been received and approved. (Laws of 1929.)

**Section 409. Compensation.** The president and vice president of the board shall receive three dollars per day for every day in which they may be actually and necessarily engaged in the performance of their duties and five cents per mile for every mile actually and necessarily traveled, in the discharge of their duties. The county superintendent of health shall receive from two hundred dollars to six hundred dollars a year for his office work, which sum shall be determined annually by the county commissioners, and according to the efficiency of the health officer and the amount and character of the work performed. He shall also receive five dollars per day for every day or fraction thereof that he may be actually and necessarily engaged in the performance of his official duties, not including work confined to his office, and in addition thereto, all his other necessary and actual expenses incurred while so engaged. Neither the county superintendent of health, or any deputy shall receive more than ten cents per mile for each mile actually and necessarily traveled in the performance of his duties. (Laws of 1935, Chapter 113.)

**Section 410. Boards of Health Heretofore Established, Not Affected.** Nothing contained in this article shall in any manner affect any board of health heretofore established or that may be hereafter established in any city, village or incorporated town; provided, however, that all such boards of health shall be under the superintending control of the state department of health. (C.L. 1913.)

## CITY BOARDS OF HEALTH

### Aldermanic System

**Section 411. City Board, How Constituted.** There is hereby established in each incorporated city in this state a board of health, which shall be constituted as follows: The mayor of such city shall at the first meeting of the city council in April in each year appoint four aldermen, who, together with the city engineer and the health officer as hereinafter provided, shall constitute a board of health and shall have and exercise the powers conferred upon such board by law and by the ordinances of such city. (C.L. 1913.)

**Section 412. Health Officer, City Board, Duties of Officers.** At the first meeting of the city council in April of each odd-numbered year there shall be appointed by the mayor and confirmed by the council one health officer, who shall hold his office for two years and until his successor is appointed and qualified. Provided, however, that when the state department of health is satisfied that the city health officer is neglecting or refusing to perform the duties of his office in conformity with the laws, rules and regulations which are in force governing such matters, they may report the case to the city council and the mayor shall at the next meeting declare the office vacant and appoint another physician to fill the unexpired term. (C.L. 1913.)

**Subdivision A. Meetings.** The board shall meet on the first Tuesday after the first meeting of the city council in April at such hour and place as may be named by the city health officer. The board shall organize by electing from its members a president and vice-president. The city health officer shall be secretary and executive officer of the board. A majority of the board shall constitute a quorum. The other regular meetings of the board shall be held on the second Tuesday in July, October and January. Special meetings may be held at any time on call of the president and secretary.

**Subdivision B. Duties of Officers of Board.** The president of each city board of health shall preside at the meetings thereof and in his absence the vice-president shall perform the duties of the president. The secretary shall keep a record of all the proceedings of the board and of his official acts. He shall see that the health ordinances of the city, the rules and regulations of his board and the rules and regulations of the state department of health and the health laws of the state are full complied with throughout his jurisdiction and he is hereby charged with strict enforcement of the same. He shall properly instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious diseases and shall furnish said physicians with the necessary blanks for that purpose, such blanks to be of the form prescribed by the state department of health. He shall keep a record of all dangerous, contagious and infectious diseases occurring within his jurisdiction, which record shall show the name and address of the party affected, the name of the disease, by whom reported and such other statistical data as may be required by the state department of health. He shall by the tenth of each month report to the secretary of the state department of health on blanks furnished for the purpose, all cases of dangerous, infectious and contagious diseases that have occurred within his jurisdiction during the preceding month, with such further data as may be required by the state department of health. The diseases that shall be regarded as infectious or contagious shall be those so designated in the rules and regulations of the state department of health. (C.L. 1913.)

**Section 3595. Jurisdiction.** The city council shall have jurisdiction in and over all places within one-half mile of the city limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. (C.L. 1913.)

#### Commission System

**Section 3783. Officers.** The officers of cities incorporated under this act shall be a president of the board of city commissioners and four city commissioners who, together, shall be known as the board of city commissioners of the city of.....; a treasurer, auditor, attorney, a police magistrate, one or more justices of the peace, one or more assessors, a physician, street commissioner, chief

of fire department, city engineer, chief of police, a board of public works, one or more policemen, and such other officers or boards as the board of city commissioners may deem necessary; provided, that the board of city commissioners by a majority vote may dispense with the offices of street commissioner, engineer and board of public works, and provide that the duties thereof be performed by other officers or boards, by the board of city commissioners or a committee thereof. (C.L. 1913.)

**Section 3794. Departments of Administration.** In addition to the powers aforesaid, the said commissioners shall have the right, and it shall be their duty, by a majority vote of all the said commissioners elected, to designate from among their members one commissioner, who shall be known as "police and fire commissioner," and who shall have under his special charge the enforcement of all police regulations of such city and general supervision over the fire department of such city, and one commissioner to be known as the "commissioner of streets and of improvements," who shall have under his special charge the supervision of streets and alleys of such city, and be charged with the duty of lighting such streets and keeping the said streets and alleys in clean and sanitary condition, and with the enforcement of all rules and regulations necessary to that end, for the preservation of the health of the inhabitants of such city, and who shall also have under his special charge the supervision of all public improvements, and shall see that all contracts therefor are faithfully complied with, and that the conditions of any grant of any franchise or privilege are faithfully complied with and performed, and one commissioner to be known as the "water works and sewerage commissioner," who shall have under his special charge the water works and sewerage department of such city, and shall see to the enforcement of all regulations with respect to said departments, and with respect to all the revenues pertaining thereto, and one commissioner who shall be known as the "commissioner of finance and revenues," who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to such city, from whatever source the same may be derived; and who shall also examine into and keep informed as to the finances of such city. Provided that by a majority vote of the commissioners the duties assigned in this section may be otherwise distributed. (C.L. 1913.)

**Section 3801. Officers. Appointment of.** The board of city commissioners in all cities, at their first meeting after their qualification or as soon thereafter as possible, shall appoint the following officers, to wit: A treasurer, auditor, attorney, one or more assessors, a physician, street commissioner, chief of the fire department, a board of public works, one or more policemen, and such other officers or boards as the board of city commissioners may deem necessary; provided, that the board of city commissioners, by a

majority vote, may dispense with the offices which in its judgment are unnecessary. (C. L. 1913.)

**Section 3818. General Powers of Commissioners.** The board of city commissioners shall have power (among other things) to:

6. Provide for the cleaning and health of the city.

9. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any other offensive matter, in, and to prevent injury to any street, avenue, alley or public ground.

31. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions, and to license and regulate the sale of milk, provide for the inspection of same, and all dairies and premises wherever situated, from which any milk is offered for sale in such city, and to prohibit the sale of impure and diseased milk.

53. To erect and establish hospitals and medical dispensaries and control and regulate the same, and provide and enforce quarantine regulations against all contagious and infectious diseases.

54. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or for the suppression of disease.

59. To prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation.

60. To compel the owner of any grocery, cellar, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof. (C.L. 1913.)

**Section 3819. Exercise of Power Through Ordinances.** When by this chapter the power is conferred upon the board of commissioners to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the board of commissioners may provide by ordinance the details necessary for the full exercise of such power. (C.L. 1913.)

**Section 3820. Powers of Commissioner of Public Health.** The commissioner of public health shall have all the power and authority heretofore given or which hereafter may be given to boards of health by any general law and it shall be his duty to provide such additional rules and regulations as shall be proper and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases and to cause the removal of all objects detrimental to the health of such people and to enforce such rules and regulations as are hereinafter provided. (C.L. 1913.)

**Section 3821. Health Regulations.** All rules and regulations prepared by such commissioner shall be by him reported to the board of city commissioners, and if the board of city commissioners shall approve the same by vote of the majority of its members, such rules and regulations shall have the full force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances. (C.L. 1913.)

**Section 3822. Sanitary Recommendations.** The commissioner of public health shall also, from time to time, recommend to the board of city commissioners such sanitary measures to be executed at the public expense as shall seem to him to be necessary for the preservation of the public health. (C.L. 1913.)

**Section 3823. Salary of Commissioner of Public Health. Assistants.** It shall be the duty of the board of city commissioners to fix the salary of said commissioner, which shall be paid out of the city treasury. The commissioner may appoint, subject to confirmation by the president of the board of city commissioners, such assistants as may be necessary, and all such appointees shall receive such salary or compensation as the board of city commissioners may fix. (C.L. 1913.)

**Section 3824. Authority to Inspect Premises.** The commissioner of public health or any person acting under him shall have authority to enter into and examine at any time all buildings, lots and places of any description within the city for the purpose of ascertaining the condition thereof, so far as the public health may be affected thereby, and any person refusing to allow entrance into or upon his premises at reasonable hours for such purpose, shall, on conviction thereof, be fined not less than ten dollars nor more than one hundred dollars; and in all cases in which the commissioner shall deem it necessary for the protection of the health of the city to abate or remove any nuisance, source of filth, or cause of sickness which shall be found on private property, he shall cause a notice to be served on the owner or occupant thereof, requiring him to remove the same at his own expense within a reasonable time, not less than twenty-four hours; and if said owner or occupant shall refuse or neglect to comply with such notice, or if such nuisance, source of filth or cause of sickness exist on the property of nonresident owners or upon property the owners of which cannot be found, the commissioner shall cause the removal of such nuisance, source of filth, or cause of sickness under his direction at the expense of the city, and the costs thereof shall be charged against the lots, pieces or parcels of land upon which said work has been done, and shall be assessed against said property in the manner provided for the assessment and certificate of sidewalk assessments. (C.L. 1913.)

**Section 3825. Contagious Diseases. Duties of Physicians.** It shall be the duty of every physician practicing in any city which has adopted this charter to report in writing to the commissioner of public health every patient he shall have who is sick with smallpox, scarlet fever, diphtheria, typhoid fever, asiatic cholera or any other dangerous contagious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. The report shall be in such form as may be prescribed by the state department of health and shall state the name, sex, age and place of residence of the person whose sickness is reported, the nature of the disease and such additional facts as said board may prescribe. Any practicing physi-

cian who shall neglect or refuse to perform the duties required of him by this section or who shall make a false return of the facts required shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense or by imprisonment in the county jail for a period of not exceeding sixty days, or by both fine and imprisonment. (C.L. 1913.)

**Section 3826. Reports to State Department of Health.** The commissioner of public health shall also discharge such duties not herein enumerated, as may from time to time be imposed upon him by the board of city commissioners by ordinance or resolution, and shall make such reports to the state department of health and generally perform such duties as are or may be required of health officers by these statutes. (C.L. 1913.)

**Chapter 176. Section 1. Duties of County and City Health Officers to Make Reports.** All city and county health officers shall make such reports to the state department of health as are required by law. No city or county health officer shall be paid the last month's salary in any year until the county auditor has received a certificate from the state department of health certifying that all required reports from such officer have been received and approved. (Laws of 1929.)

**Section 3827. Duties of Peace Officers, as to Health Regulations.** It shall be the duty of the members of the police force of the city and all magistrates and other civil officers and all citizens to aid to the utmost of their power the commissioner of public health in the discharge of his duties, and on his requisition it shall be the duty of the chief of police to serve or detail one or more of the policemen to serve the notices issued by said commissioner and to perform such other duties as he may require. (C.L. 1913.)

#### LOCAL BOARDS OF HEALTH, DUTIES AND POWERS

**Section 413. Local Boards of Health. Duties of.** Each city board of health shall perform the duties and exercise the powers herein provided within the limits of the city for which it is established. Each county board of health and city board of health shall be known as the local board of health. (C.L. 1913.)

**Section 414. Board To Make Sanitary Regulations.** Each local board of health, within its jurisdiction, may examine into all nuisances, sources of filth and causes of sickness, and make such regulations regarding the same as it may judge necessary for the public health and safety of the inhabitants, and every person who shall violate any published order or regulation made by any board of health, shall be guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both. (C.L. 1913.)

**Section 415. Local School Boards, Duties.** Each local board of health shall, at least once every thirty days, in such manner as it

shall direct, cause to be adequately disinfected each school house, within its jurisdiction; provided this section shall not apply to school houses during vacation; provided, that except in case of emergency, the disinfection of school houses shall be made after school hours on Friday afternoon or on Saturday. (C.L. 1913.)

**Section 416. Regulations Published.** Notice shall be given by each local board of health of all general orders and regulations made by them by publishing the same in some newspaper, if there is one published within the jurisdiction of such board; if there is none, then by posting such orders and regulations in five public places therein, and such publication of such orders and regulations shall be deemed a legal notice to all persons. (C.L. 1913.)

**Section 417. Nuisance. Owner to Remove.** Whenever any nuisance, source of filth or cause of sickness is found on private property any member of the local board of health may order the owner or occupant thereof at his own expense to remove the same within twenty-four hours, and such order may be given to such owner or occupant personally or left at his usual place of abode. (C.L. 1913.)

**Section 418. Board to Act in Default of Owner.** Whenever such owner or occupant shall fail to comply with the order of such board, it may cause such nuisance, source of filth or cause of sickness to be removed and all expenses incurred thereby shall be paid by such owner or occupant, or by such other person as has caused or permitted the same. (C.L. 1913.)

**Section 419. Complaint to Justice, When.** Whenever any local board shall deem it necessary for the preservation of the health of the inhabitants within its jurisdiction to enter any building or vessel within such jurisdiction for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness and shall be refused entrance, any member of the board may make complaint under oath to a justice of the peace within the jurisdiction of the board, stating the facts in the case so far as he has knowledge thereof. (C.L. 1913.)

**Section 420. Justice to Issue Warrant.** Such justice shall thereupon issue a warrant directed to the sheriff or other peace officer, commanding him to take sufficient aid and accompanied by at least one member of the board of health between the hours of sunrise and sunset to have such nuisance, source of filth or cause of sickness destroyed, removed or prevented under the direction of such of the board of health as accompany him. (C.L. 1913.)

**Section 421. Any Physician to Report Cases of Contagion.** Whenever it shall come to the knowledge of any physician or other person that a case of tuberculosis, typhoid fever or any other dangerous infectious disease exists within the jurisdiction of any county or city board of health, he shall immediately report to the superintendent of the county board of health or to the city health office

in whichever jurisdiction the case may be, the name and place of residence, if known, of every person afflicted with such disease, and if he is the attending physician of such person he shall report not less than twice each week, the condition of each person so afflicted with the state of such disease. (C.L. 1913.)

**Section 422. Duty of Physician in Case of Death.** It shall be the duty of each practicing physician in this state to report in writing to the local board of health the death of each of his patients, who shall have died within the jurisdiction of such board of any contagious, infectious or epidemic disease. Such report shall be made within twenty-four hours after such death and shall state the specific name and character of such disease. (C.L. 1913.)

**Section 423. Keeper of House to Report.** Each keeper of any private house, boarding house, lodging house, inn or hotel shall report in writing to the local board of health within whose jurisdiction the same may occur each case of contagious, infectious or epidemic disease which may occur in his house, inn or hotel; such report shall be made within twenty-four hours after the existence of such disease shall become known to such person, and shall state the name of each person afflicted with such disease and the nature thereof. (C.L. 1913.)

**Section 424. Removal of Sick Person.** No person shall without a permit from the local or state department of health carry or cause to be removed from without this state to this state, or from one building to another within this state, or from or to any car or vessel, any person afflicted with any contagious, infectious or epidemic disease, or the body of any person who died of such disease. (C.L. 1913.)

**Section 425a1. Vaccination or Inoculation Not To Be Made a Condition Precedent.** No form of vaccination or inoculation shall hereafter be made a condition precedent, in this state, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person. (1925 Supp.)

**Section 425a2. Repeal.** Section 425 of the Compiled Laws of North Dakota is hereby repealed, as well as are all acts and parts of acts in conflict with the provisions of this act. (1925 Supp.)

**Section 426. Duty of School Officials.** No principal, superintendent or teacher of any school, and no parent or guardian of any minor child, shall permit any child having scarlet fever, diphtheria, smallpox, whooping cough, measles or any other dangerous infectious or contagious disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public or private school until the local board of health shall have given permission therefor. (C.L. 1913.)

**Section 427. Burial, Case of Contagion, Regulations.** No person shall allow to be unburied the body of any human being for a longer

time than four days, or, when death has been caused by an infectious or contagious disease, for a longer time than twenty-four hours after the death of such person without a permit from the local board of health, which permit shall specify the length of time during which such body may be unburied. In all cases where death has been caused by an infectious or contagious disease, the body shall, if directed by said board, be immediately disinfected as may be directed by it. If the body remains unburied for more than twenty-four hours it shall immediately be inclosed in a tightly sealed metallic coffin which shall not thereafter be opened and the funeral of such person shall be strictly private. In the removal of such body for burial, or otherwise, only such hearses or other vehicles shall be employed as may be authorized by said board, and no undertaker or other person shall bury or prepare for burial the body of any human being without a certificate signed by the attending physician or by the coroner, which certificate shall state the name, age, sex and place of abode and date of death of such deceased person, the name and duration of the disease of which such person died and whether or not such disease is contagious, and such certificate shall after the burial of such body be filed with the local board of health, and whenever any such dead body shall be presented to any common carrier within the state for transportation by such carrier, it shall be accompanied by a duplicate of such certificate signed by such attending physician or coroner; and no common carrier shall receive any such body for transportation unless such certificate shall state that the disease of which such person died is not contagious, which duplicate shall be securely attached to and remain upon the outside of the coffin or other receptacle containing such dead body. (C.L. 1913.)

**Section 428. Infected Persons, Removal of.** It shall be the duty of each local board of health, whenever it shall come to its knowledge that a case of smallpox, scarlet fever, diphtheria or other infectious or contagious disease exists within its jurisdiction, immediately to examine into the facts of the case and, if such disease appears to be of the character herein specified, such board shall adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to a separate house, if in the opinion of the health officer or state health officer, such person can be so removed without danger to his health, and, if such infected person cannot be removed without danger to his health, the local board shall make such quarantine regulations as it deems proper with reference to the house within which such infected person is, and in such case may cause the persons in the neighborhood to be removed and take such other measures as it deems necessary for the safety of the inhabitants, and shall immediately notify the state department of health of the existence and nature of such dis-

ease and of the measures adopted by it with reference thereto. (C.L. 1913.)

**Section 429. Temporary Hospital.** Each local board of health may provide such temporary hospital or place of retention for persons afflicted with infectious or contagious diseases as it judges best for their accommodation and the safety of the inhabitants, and all such hospitals and all private houses or other places in which exists any infectious or contagious disease shall during the existence of such disease be under the control and subject to the regulations of the local board of health and all the inmates of such house or other place during the existence of such disease therein must conform to the regulations and obey the instructions of such local board with reference thereto. (C.L. 1913.)

**Section 430. Infected Clothing, etc. Destruction of.** Any local board of health may cause to be destroyed any bed or bedding, clothing, carpets or other articles which have been exposed to infection from such infectious or contagious disease, and may allow reasonable compensation for the same, or may provide a proper place with all necessary apparatus and attendants for the disinfection of such articles and cause all such articles to be disinfected thereby, and may provide a carriage for the conveyance of such articles or of persons suffering from such contagious or infectious disease. (C.L. 1913.)

**Section 431. Board Has Full Power.** Local boards of health may employ such persons as may be necessary to carry into effect the provisions of this article and the regulations established by them, and such physicians as they deem necessary, and provide such necessities of life as in their judgment shall be needed for the maintenance, welfare and comfort of persons afflicted with contagious and infectious diseases. All expenses incurred by any local board of health in carrying into effect the provisions of this article, and in providing for the care and maintenance of such sick persons, and all expenses incurred under any of the provisions of this article, shall be audited and allowed by the board incurring the same; such expenses in case of township boards of health shall be certified to the township clerk and paid out of the general fund of the township, and in case of city boards of health shall be certified to the city auditor and paid out of the general fund of the city, and in case of county boards of health, shall be certified to the county auditor and paid out of the general fund of the county. (C. L. 1913.)

**Section 432. Expense, Who Chargeable.** All expenses incurred by such boards of health for the care, medical attendance or support of any such sick person shall be a charge upon such person and upon the person legally chargeable with the support of such person, and may be collected by suit in the name of the township, city or county, which shall have incurred such expense; provided, however, that in cases where, after due investigation, such township or

city board of health is satisfied that such sick person or the person legally charged with the support of such person is too poor to pay the expenses incurred in his behalf, then and in such cases the local board of health shall make an indorsement to such effect on the bill of expenses incurred in such case, and the clerk of such township or the city auditor of such city shall send a certified statement of such bill of expenses with the indorsement of such local board of health to the county auditor. Such statement shall contain the date upon which such claims were allowed, to whom allowed, for what purpose and the amount allowed, and an itemized statement of the expenses incurred. Upon receipt of such statement the county auditor shall refer the same to the county board of health, and if approved by the county board of health, the county auditor shall issue his warrant upon the county treasurer, payable out of the general fund of the county, the amount allowed by such township or city. Such warrant shall be made payable to the treasurer of such township or city, as the case may be. (C.L. 1913.)

**Section 433. Neglect of Duty Herein. Penalty.** Any health officer, superintendent of public health or any member of any local board of health, who shall neglect or refuse to perform any of the duties required to be performed by him under the provisions of this article, and any person who fails to comply with, or violates any of the provisions of this article, or neglects or refuses to conform to any rules, regulations or measures adopted by the local board of health within whose jurisdiction he shall at the time be and which shall have been published or shall have come to his knowledge, or refuses or neglects promptly to obey any orders, directions or instructions given to him by such board of health, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both. (C.L. 1913.)

### TOWNSHIP BOARDS OF HEALTH

**Section 4175. Who Constitutes. Powers of.** The supervisors of each township and the trustees of each incorporated village shall constitute a board of health and within their respective townships or villages shall have and exercise under the supervisory control of the county superintendent of public health, all the powers necessary for the preservation of public health. (C.L. 1913.)

**Section 4176. Powers of Board of Health.** The board of health may examine into all nuisances, sources of filth and causes of sickness and make such temporary regulations respecting the same as it shall judge necessary for the public health and safety of the inhabitants, but upon taking such action, the board shall immediately report the same to the county superintendent of public health, who shall then take the matter up and give the board specific instructions or proceed to the place and take such action as he may deem

necessary for the protection of public health, and each person who violates any order or regulation made by any board of health, and duly published, is guilty of a misdemeanor and is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months. (C.L. 1913.)

**Section 4177. Public Notice of Orders and Regulations.** Notice shall be given by the board of health of all orders and regulations made by it, by publishing the same in some newspaper if there is one published in such township or the county; if there is none, then by posting such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons. (C.L. 1913.)

**Section 4178. Penalty for Refusal to Obey Order.** Whenever any nuisance, source of filth or cause of sickness is found on private property, the board of health shall order the owner or occupant thereof at his own expense to remove the same within twenty-four hours, and if the owner or occupant thereof neglects so to do he shall forfeit a sum not exceeding fifty dollars, to be recovered in the name of and for the use of the township. (C.L. 1913.)

**Section 4179. Proceedings on Such Refusal.** Whenever such owner or occupant shall fail to comply with such order of the board of health said board may cause the said nuisance, source of filth or cause of sickness to be removed, and all expenses incurred thereby shall be paid by such owner or occupant or by the person causing or permitting the same. (C.L. 1913.)

**Section 4180. Board to Enter Infected Premises. Proceedings if Opposed.** Whenever the board of health deems it necessary for the preservation of the health of its inhabitants to enter any building or vessel in the township for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and shall be refused such entry, any member of the board may make complaint under oath to a justice of the peace of his township, stating the facts in the case so far as he has knowledge thereof. (C.L. 1913.)

**Section 4181. Warrant to be Issued by Justice.** Such justice shall thereupon issue a warrant directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by two or more members of the board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of may be, and destroy, remove or prevent the same under the direction of the members of such board of health. (C.L. 1913.)

**Section 4182. Quarantine of Infected Person.** When any person coming from abroad or residing in any city, town or village in this state is infected or lately has been infected with the smallpox or other contagious disease dangerous to the public health, the board of health of the city, town or village where such sick or infected

person is, may immediately cause such person to be removed to a separate house if it can be done without danger to his health, and shall provide for such person a nurse, medical attendance, and other necessities, which shall be a charge in favor of such city, town or village against the person so provided for, his parents, guardian or master, if able, otherwise against the county to which he belongs, or the state if such person is a nonresident of the state. (C.L. 1913.)

**Section 4183. Same. When Person Cannot be Moved.** If such infected person cannot be removed without danger to his health, the board shall make provision as directed in the preceding section, for such person in the house where he may be, and in such case it may cause the persons in the neighborhood to be removed; and may take such other measures as it deems necessary for the safety of the inhabitants. (C.L. 1913.)

**Section 4184. Board to Provide Hospital.** When a disease dangerous to the public health breaks out in any township, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected person to be removed thereto, unless his condition will not permit such removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital, and with all its inmates subject to the regulations of the board. (C.L. 1913.)

### VILLAGES—BOARD OF TRUSTEES

**Section 3861. General Powers.** The board of trustees shall have the power (among other things):

4. To construct and keep in repair culverts, drains, sewers, catch basins, manholes and cesspools, and to regulate the use thereof, and to regulate the construction and use of any culvert, drain, sewer, catch basin, manhole or cesspool within the corporate limits and to declare what shall cause a nuisance, and to abate and remove the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist, and take such other measures for the preservation of the public health as it shall deem necessary. (C.L. 1913.)

17. To direct the location and regulate the management and construction of packing houses, smoke houses, renderies and slaughter houses; and prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation; to compel the owner of any grocery, cellar, stable, pigsty, sewer or other unwholesome or nauseous house or place; to cleanse, abate or remove the same, and regulate the location thereof. (C.L. 1913.)

## PUBLIC HEALTH LABORATORIES

Note: Chapter 189 of the Laws of North Dakota for 1933 made the following provision for the operation of the public health laboratories:

**Section 3.** That the operation of the state public health laboratories at Grand Forks, Bismarck, Minot and Fargo is hereby transferred to the state department of health and any appropriation theretofore made or any funds now belonging to said laboratories is hereby also transferred to the state department of health. The state department of health is hereby authorized and empowered to close one or more of said laboratories or substations if in their judgment, conditions so warrant. (Laws of 1933, Chapter 189.)

Note: Previous legislation for operation of the laboratories included:

**Section 1650. Laboratory Established.** There is hereby established a public health laboratory. Such laboratory shall be established at the state university and school of mines. It shall be under the control and regulation of the trustees of the university and the professor of bacteriology and pathology at the state university shall be the director of said laboratory. (C.L. 1913.)

**Section 1651. Director Makes Examinations.** It shall be the duty of the director of said laboratory to make bacteriological examinations of bodily secretions and excretions, waters and foods, and make preparations and examinations of pathological tissues submitted by the state health officer, or by any county (superintendent) of public health, or by any regularly licensed physician of North Dakota. These analyses and preparations shall be made and the results furnished as expeditiously and promptly as the nature of the work and the equipment of the laboratory permits. (C.L. 1913.)

**Section 1652. Statistics Collected.** The board of trustees shall cause to be collected and tabulated such sanitary statistics, and shall cause to be ascertained by research work such methods as will lead to the improvement of the sanitation of the various parts of the state. (C.L. 1913.)

**Section 1653. Specimens Preserved.** It shall be the duty of the said board to cause proper specimens of bacteriological and pathological material discovered or examined in the work of said laboratory to be skillfully prepared, secured, labeled and preserved for public inspection free of cost in the University of North Dakota in rooms convenient of access and properly furnished and in charge of a proper scientific curator. (C.L. 1913.)

**Section 1654. Director Issues Bulletins.** The director of said laboratory shall cause to be issued from time to time, bulletins and reports setting forth the results of the sanitary and pathological work done in such laboratory. The substance of these bulletins and reports, embodying all useful and important information resulting

from the work carried on in such laboratory each year, shall be incorporated in an annual report to the governor, who shall lay the same before the legislative assembly. (C.L. 1913.)

**Section 1655. Who Director.** The professor of bacteriology and pathology in the medical college of the state university shall be the director of the public health laboratory and shall be ex-officio the state bacteriologist. (C.L. 1913.)

**Section 1656. Appropriation.** For the purpose of meeting the necessary expenses in the conduct of the public health laboratory in the medical department of the state university and school of mines at Grand Forks, and of its branches now established at Bismarck and at Minot, there is hereby annually, and commencing January first, 1911, appropriated out of the state treasury from any moneys not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, subject to the control and regulations of the board of trustees of the state university and school of mines. (C.L. 1913.)

### VITAL STATISTICS

**Section 434. Bureau of Vital Statistics.** For the complete and proper registration of births and deaths, for legal, sanitary and statistical purposes, there shall be, and hereby is, created and established a state bureau of vital statistics, to be under the immediate superintendence of the state department of health, and the secretary of said department shall have general supervision over the bureau which is hereby authorized to be established by the department, and for the purposes of this act he shall be ex-officio state registrar of vital statistics. (C.L. 1913.)

**Section 435. Deputy Registrar.** The state registrar may employ such clerical and other assistants as are necessary for the proper performance of the duties of the office, and fix their compensation within the amount appropriated therefor by the legislature. He shall designate, in writing, one of his assistants, who shall possess the powers and perform the duties of the state registrar during his absence, illness or disability, or during a vacancy in the office, and he is hereby empowered to make, promulgate and enforce such rules and regulations as he may consider necessary to carry out the provisions of this act. Suitable apartments shall be provided by the custodian of the capitol, in the state capitol at Bismarck, for the bureau of vital statistics, which shall be properly equipped with fire proof vault and filing cases for the safe and permanent preservation of all official records made and returned under this article. (C.L. 1913.)

**Section 436. Registration Districts.** For the purposes of this act the state shall be divided into registration districts as follows: Each incorporated village and city and each township, exclusive of

any incorporated village or city, shall constitute a primary registration district. (C.L. 1913.)

**Section 437. Local Registrars, Duties of Sub-Registrars.** The clerk of each township, village or city shall be the local registrar in and for the township, village or city of which he is clerk, and he shall perform all the duties of local registrar as hereinafter provided, and he shall immediately appoint in writing, a deputy, who shall be authorized to act in his stead in case of absence, illness or disability; provided, that in unorganized townships the state registrar may appoint suitable persons as local registrars, and when it may appear necessary for the convenience of the people in any township, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the townships as may be designated, and each sub-registrar shall note the date each certificate was filed, over his signature, and forward all certificates to the registrar of the township within ten days, and in all cases before the third day of the following month; provided, that all sub-registrars shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this article, or the rules and regulations of the state registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar. (C.L. 1913.)

**Section 438. Registration of Births.** All births that occur in the state shall be immediately registered in the districts in which they occur, as hereinafter provided. (C.L. 1913.)

**Section 439. Regulation of Burials.** The body of any person whose death occurs in the state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial or removal shall have been properly issued by the registrar of the registration district in which the death occurs, and no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter provided; provided, that in case of any death outside of the state, where the body is accompanied by a removal or transit permit, issued in accordance with the (law) and the health regulations in force where the death occurred, such removal or transit permit may be accepted as of the same authority as a permit from the local registrar. (C.L. 1913.)

**Section 440. Still-born Children to be Registered.** Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the

words, "still-birth." The medical certificate of the cause of death shall be signed by the attending physician, and shall state the cause of death as "still-born," with the cause of the still-birth, if known; whether a premature birth, and if born prematurely, the period of uterogestation in months, if known, and a burial or removal permit in the usual form shall be required. (C.L. 1913.)

**Section 441. Death Certificate, Form of.** The certificate of the death shall be of the standard form recommended by the bureau of the census of the American Health Association, and shall contain the following items:

1. Place of death, including state, county, township or town, city or village. If in a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

2. Full name of decedent. If an unnamed child, the surname, preceded by "unnamed."

3. Sex.

4. Color or race, as white, black (Negro or Negro descent), Indian, Chinese, Japanese or other.

5. Conjugal condition, as single, married, widowed or divorced.

6. Date of birth, including the year, month and day.

7. Age, in years, months and days.

8. Place of birth, state or foreign country.

9. Name of father.

10. Birthplace of father, state or foreign country.

11. Maiden name of mother.

12. Birthplace of mother, state or foreign country.

13. Occupation, the occupation to be reported of any person who had any remunerative employment, women as well as men.

14. Signature and address of informant.

15. Date of death, including the year, month and day.

16. Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.

17. Cause of death, including the primary and immediate causes and contributory causes or complications, if any, and the durations of each.

18. Signature and address of physician or official making the medical certificate.

19. Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.

20. Place of burial or removal.

21. Date of burial or removal.

22. Signature and address of undertaker.

23. Official signature of registrar, with date when certificate was filed and registered number.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred; and he shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit, and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction and definition. Causes of death which may be the result of other disease or violence, shall be carefully defined, and if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal. And in case of deaths in hospitals, institutions or away from home, the physician shall furnish the information required under this head (item 19) and shall state where, in his opinion, the disease was contracted, and the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar. (C.L. 1913.)

**Section 442. Death Without Medical Attendance, Duty of Undertaker.** In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer and refer the case to him for immediate investigation and certification, prior to issuing the permit; provided, that when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts; provided, further, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. (C.L. 1913.)

**Section 443. Duties of Undertakers.** The undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death

and other particulars necessary to complete the records, as specified in section 441, and he shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the registrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany same to destination, when it shall be accepted by the sexton as authority for interment of the body. (C.L. 1913.)

**Section 444. Burial Permit, Form of.** If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar. But in case the interment or other disposition of the body is to be made in some registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit. (C.L. 1913.)

**Section 445. Duty of Sextons. Record.** No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial, removal or transit permit as herein provided, and each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment over his signature, and shall return all permits, so indorsed, to the local registrar of his district within ten days from the date of interment, or within the time (limited) by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection. (C.L. 1913.)

**Section 446. Certificate of Birth, Filed When and by Whom.** It shall be the duty of the attending physician or midwife to file the certificate of birth properly and completely filled out, giving all the particulars required by this article, with the local registrar of the district in which the birth occurred, within three days after the date of birth, and if there be no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to file said certificate of

birth with the local registrar within three days after birth. (C.L. 1913.)

**Section 447. Form of Certificate.** The certificate of birth shall be of the standard form recommended by the bureau of the census and shall contain the following items:

All certificates, either of birth or death, shall be written legibly in unfading black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein or satisfactorily account for their omission.

1. Place of birth, including state, township or town, village or city. If in a city, the ward, street and house number. If in a hospital or other institution the name of the same to be given instead of the street and house number.

2. The full name of the child. If the child dies without a name before the certificate is filed enter the words "died unnamed." If the living child has not been named at the date of filing of the certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report as hereinafter provided.

3. Sex of child.

4. Whether a twin, triplet or other plural birth. A separate certificate shall be required for each child of plural birth, giving number of child in order of birth.

5. Whether legitimate or illegitimate.

6. Full name of father.

7. Residence of father.

8. Color or race of father.

9. Birthplace of father.

10. Age of father at last birthday, in years.

11. Occupation of father.

12. Maiden name of mother, in full.

13. Residence of mother.

14. Color or race of mother.

15. Birthplace of mother.

16. Age of mother at last birthday, in years.

17. Occupation of mother.

18. Number of child of this mother, and number of children of this mother now living.

19. Certificate of attending physician or midwife as to attendance at birth, including statement of year, month, day and hour of birth, and whether the child was dead or alive at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address. If there was no physician or midwife in attendance, then the father of the child, householder or owner of premises, or manager or superintendent of public or private institution, or other competent person whose duty it shall become to file the certificate of birth as required by sec. 446, shall draw a line through the words "I hereby certify that I attended

the birth of above child," and shall write in lieu thereof the words "no physician or midwife," filling out the remainder of the certificate in regard to the year, month, day and hour of birth, and signing the certificate as father, householder, owner of premises, manager or superintendent of institution, as the case may be, with his address.

20. Exact date of filing in office of local registrar, attested by his official signature and registered number of birth, as hereinafter provided.

All certificates, either of birth or death, shall be written legibly in unfading black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein or satisfactory account of their omission. (C.L. 1913.)

**Section 448. Supplemental Report Giving Name of Child.** When any certificate of birth of a living child is presented without statement of the given name, then the the local registrar shall make out and deliver to the informant a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed." (C.L. 1913.)

**Section 449. Physicians, Midwives and Undertakers to be Registered.** Every physician, midwife and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this article, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the state registrar of all physicians and midwives who have registered in this district during the whole or any part of the preceding calendar year, and in certifying names for payment of certificates of birth filed, the state registrar shall not include any physicians or midwives who have not complied with the requirements of this section; provided, that no fee or other compensation shall be charged by local registrar to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the state registrar. (C.L. 1913.)

**Section 450. Hospitals to Keep Record.** All superintendents or managers or other persons in charge of hospitals, lying-in or other institutions, public or private, to which persons resort for treatment of disease, confinement or are committed by process of law, are hereby required to make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, (article) that are required in the form of

certificate herein provided for, as directed by the state registrar, and thereafter such record shall be made by them for all future inmates at the time of admission, and in case of persons admitted or committed for medical treatment of disease the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so, and when they cannot be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends or other persons acquainted with the facts. (C.L. 1913.)

**Section 451. Blanks and Forms Furnished by State Registrar.**

The state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this article, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and all physicians, midwives, informants or undertakers connected with any case, and all other persons having knowledge of the facts are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the state registrar, in person, by mail, or through the local registrar. He shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered, the card to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state department of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. (C.L. 1913.)

**Section 452. Local Registrars to Correct Returns.** It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them, and he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this article and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then

issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state department of health to be infectious, contagious or communicable and dangerous to the public health, no permit for removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death in two separate series, beginning with "number one" for the first birth, and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar, and he shall on the fifth day of each month, transmit to the state registrar all original certificates registered by him during the preceding months, and if no births and no deaths occur in any month he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct. (C.L. 1913.)

**Section 453. Fees of Registrars.** Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and duly returned by him to the state registrar, as required by this act; provided, that in cities in which the city clerk or health officer, acting as registrar, receives a fixed salary of \$100.00 per month or more in lieu of fees, no further compensation shall be paid for the duties required by this act. In case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with the directions of the state registrar. All amounts payable to registrars under provisions of this section shall be paid by the county in which the registration districts are located upon certification by the state registrar, and the state registrar shall annually certify to the auditors of the several counties the number of births and deaths registered with the names of local registrars and the amounts due each at the rates fixed herein. (1925 Supp.)

**Section 454. Certified Copies of Record of Births or Deaths, Fees for.** The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this article, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant, and any such copy of the record of a birth or death, when properly certified by the state registrar to be a true copy

thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant, and the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer. (C.L. 1913.)

**Section 455. Penalty for Failure to Comply With Law:** If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, and if any physician shall willfully or knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars and not more than two hundred dollars, and any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section 446 of this article, who shall neglect or refuse to file a proper certificate of birth with the local registrar within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. If any undertaker, sexton or other person acting as undertaker shall inter, remove or otherwise dispose of the body of any deceased person without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars. Any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this article in his district or shall neglect or refuse to perform any of the duties imposed upon him by this article, or by the instructions and directions of the state registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. Any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment in the discretion of the court. Any other person or persons who shall violate any of the provisions of this article, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this article, shall be deemed

guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person without an accompanying permit, issued in accordance with the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars; provided, that in case the death occurred outside the state and the body is accompanied by a certificate of death, burial or removal or transit permit, issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial, or removal, or transit permit may be held to authorize the transportation or carriage of the body into or through the state. (C.L. 1913.)

**Section 456. Enforcement of Law, Who Charged With.** Local registrars are hereby charged with strict and thorough enforcement of the provisions of this article in their districts, under the provision and directions of the state registrar. They shall make immediate report to the state registrar of any violation of this law coming to their notice by observation or upon complaint of any person, or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this article in every part of the state, and with supervisory powers over local registrars to the end that all of these requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigation. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this article to the prosecuting attorney or official of the proper county or municipality, with a statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys, or officials acting in such capacity, shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law, and upon request of the state registrar the attorney general shall likewise assist in the enforcement of the provisions of this article. (C.L. 1913.)

**Section 457. County Auditor to Furnish Names of Township Clerks.** It is hereby made the duty of each county auditor to furnish, after each township election, the name of the clerk of each organized civil township within his county, with his postoffice address, to the state registrar of vital statistics; and any auditor who shall wilfully neglect or refuse to furnish such named shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars. (C.L. 1913.)

**Section 4378a1. Registration of Marriages.** In addition to being recorded in the office of the judge of the county court, all marriages hereafter occurring within the state shall be registered with the state registrar of vital statistics at the state capitol as hereinafter provided. (1925 Supp.)

**Section 4378a2. Transmitting License and Certificate to Registrar of Vital Statistics.** The judge of the county court as soon as he has recorded a marriage license by him issued and the certificate of the person performing the marriage ceremony thereunder, shall transmit such license together with such certificate to the registrar of vital statistics at the state capitol. (1925 Supp.)

**Section 4378a3. Recording Licenses and Certificates; Index; Account of Fees Received.** As soon as received by him the state registrar shall record all marriage licenses together with the certificate of the person performing the marriage ceremony thereunder in a book of records in his office kept for that purpose, and as soon as the same has been recorded he shall return said license and certificate to the county judge. He shall index all records by him kept and when applied to shall issue a certified copy of the same which shall be prima facie evidence in all courts and places of the facts stated therein, and for which he shall receive a fee of \$1.00. He shall keep an accurate account of all fees received and turn the same over to the state treasurer not later than the 15th of each month. The fees thus collected and turned over to the state treasurer shall be credited to the general fund. (Laws of 1931, Chapter 180.)

## RECORDS OF ILLEGITIMATE AND ADOPTED CHILDREN

**Chapter 109, 1939 Session.** An Act relating to Vital Statistics Records of Illegitimate Children, and to provide for the making of a New Certificate for a child Legitimatized by Marriage of Parents and for a child Legitimatized by Adoption.

**Section 1.** All records of illegitimate children are to be kept in a separate file and not subject to public inspection and no copies shall be issued except to the child, or the mother of the child, or to the legal guardian or guardians of the child, or on order of a court of competent jurisdiction. Whenever it is alleged that the facts are not correctly stated in a certificate of an illegitimate child, the State Registrar shall require satisfactory evidence to be presented in the form of affidavits or otherwise as may be necessary to establish the alleged facts and upon the furnishing of such evidence it shall be attached to the certificate on file.

**Section 2.** A new certificate of birth shall be made whenever the State Registrar receives proof satisfactory to him:

(a) That the previously unved parents of a person have intermarried subsequently to the birth of such persons; or

(b) That a court of competent jurisdiction has entered a judgment, order or a decree relating to the parentage or adoption of a person.

Such new certificate for any person shall be in the form prescribed by the State Registrar, subject to the approval of the State Department of Health, and shall be prepared on the following basis: Such person shall be treated as having had at birth the status subsequently acquired or established and of which proof is submitted. Where such person is illegitimate and paternity has been established by legal proceedings the name of the father shall be inserted; Where such person has been adopted the name of the child shall be fixed by the decree of adoption and the foster parents shall be recorded as the parents of such child.

**Section 3.** When a new certificate of birth is made the State Registrar shall substitute the new certificate of birth for that then on file, if any. The State Registrar shall place the original certificate of birth and all papers pertaining to the new certificate of birth under seal. Such seal shall not be broken except on order of a court of competent jurisdiction. Thereafter when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

**Section 4.** It shall be the duty of the clerks of the several courts of this state to transmit to the State Registrar upon forms to be supplied by him a report of each decree of adoption or adjudication of paternity, and a report of the revocation of any such decree.

**Section 5.** Upon receipt of a certified copy of the annulment of an adoption, the State Registrar shall restore the original certificate of birth. (Laws of 1939, Chapter 109.)

## SCHOOL HEALTH LAWS

**Section 1346. Health Inspection of Pupils in Public Schools.** Upon being petitioned in writing by a majority of the school directors of the county the board of county commissioners may, in its discretion, employ one or more licensed physicians or graduate nurses duly registered and licensed to practice nursing under the laws of this state, whose duty it shall be to visit the schools in the county and to examine and inspect the pupils attending said schools.

The school board or board of education of any school corporation in the state may, in its discretion, when petitioned by a majority of the persons having children attending the schools of the district, employ one or more licensed physicians or graduate nurses duly registered and licensed to practice nursing in this state. (Laws of 1933, Chapter 230.)

**Section 1134. Report Delinquent Teachers, When.** He (county superintendent of schools) shall see to it that the pupils are instructed in the several branches of study required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglects or refuses to give instruction as required by law in physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics, the county superintendent shall promptly notify the superintendent of public instruction. (C.L. 1913.)

**Section 1383. Branches to be Taught.** Each teacher in the common schools shall teach pupils as they are sufficiently advanced to pursue the same, the following branches: Orthography, reading, writing, arithmetic, language lessons, English grammar, geography, and lessons in nature study and elements of agriculture, United States history, civil government, physiology and hygiene, giving special and thorough instruction concerning the nature of alcoholic drinks and narcotics, and their effect upon the human system. There shall also be taught in every school in connection with physiology and hygiene simple lessons in the nature treatment and prevention of tuberculosis and other contagious and infectious diseases. All pupils in the above mentioned schools below the high school and above the third year of school work computing from the beginning of the lowest primary year, shall receive instructions in hygiene every year from text books adapted to grade in the hands of pupils for not less than four lessons per week for ten weeks of each school year. In all schools above mentioned, all pupils in the (three) lowest primary school years, shall be instructed orally in hygiene for not less than three lessons per week for ten weeks of each school year by teachers using text books adapted to grade for such instruction as a guide or standard. Each teacher in schools in special districts and in the cities organized for school purposes under special law shall conform to and be governed by the provisions of this section. (C.L. 1913.)

**Section 1390. Physical Education.** Physical education, which shall aim to develop and discipline the body and promote health through systematic exercise, shall be included in the branches of study required by law to be taught in the common schools, and shall be introduced and taught as a regular branch to all pupils in all departments of the public schools of the state and in all educational institutions supported wholly or in part by money from the state. It shall be the duty of all boards of education and boards of educational institutions receiving money from the state, to make provisions for daily instruction in all the schools and institutions under their respective jurisdiction, and to adopt such method or methods as will adapt progressive physical exercise to the development, health and discipline of the pupils in the various grades and classes of schools and institutions receiving aid from the state. (C.L. 1913.)

**Section 1403. Health and Decency.** It shall be the duty of all boards of education and school boards in this state to provide suitable and convenient water closets or privies for each of the schools

under their charge, at least two in number, which shall be entirely separate, each from the other, and having separate means of access; and it shall be the duty of the school officers aforesaid to keep the same in a clean, chaste and wholesome condition; and a failure to comply with the provisions of this article on the part of any board of education or school board, shall be sufficient grounds for removal from office and for withholding from any district any part of the county tuition fund. (C.L. 1913.)

### PROHIBITING PUBLIC DRINKING CUPS

**Section 2952. Use of Public Drinking Cups Prohibited, Where.** The use of public drinking cups on railroad trains, in railroad stations, in the public, parochial or private schools and other educational institutions and other public buildings of the state of North Dakota is hereby prohibited from and after September first, 1913. (C.L. 1913.)

**Section 2953. Drinking Cups for Public Use Not to be Furnished.** No person or corporation in charge of any railroad train or station, no school board, board of education, town board of school directors or board of trustees of any public, parochial or private school or educational institutions and other public buildings shall furnish any drinking cups for public use, and no person or corporation shall permit upon said railroad trains or in station, or at any said public, parochial or private school or educational institution the common use of drinking cups. (C.L. 1913.)

For State Department of Health Regulations concerning schools see Regulations 31, 42, 43, 44, 45, 46, 47, 48 and 68.

### MANUFACTURE AND SALE OF DAIRY PRODUCTS

**Section 2860. City Council Provide for Inspection of Milk and Dairy Herds.** The council of any city or incorporated town may by ordinance provide for the inspection of milk and of dairies and dairy herds kept for the production of milk within its limits, and issue licenses for the sale of milk within its limits, and regulate the same, and may authorize and empower the board of health to enforce all laws and ordinances relating to the production and sale of milk and the inspection of dairies and dairy herds producing milk for sale within such city. (1925 Supp.)

For State Department of Health Regulations concerning milk sanitation see Regulation 71.

### BUTCHERS; CERTIFICATE OF HEALTH

**Section 2954a. Certificate of Health to Butcher.** Every person who handles meats in a butcher shop or meat market where meats are sold to the public, shall file with the executive officer of the board of health a certificate from a physician licensed to practice medicine in this state, to the effect that he has examined such per-

son and found him to be free from any infection, contagious, or loathsome disease. Every such person must be examined at least once in each year. (1925 Supp.)

### SANITATION OF BARBER SHOPS

**Section 2955. Barbers' Tools Disinfected.** Registered barbers or barber apprentices, and all persons engaged in hair dressing or manicuring, must disinfect all tools used in the performance of their profession before they are brought in direct contact with the person of any one of their customers. This disinfection must be carried on in a manner approved by the State Department of Health of the State of North Dakota. (C.L. 1913.)

**Section 2956. Violation of This Act, How Punished.** Any violation of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred. (C.L. 1913.)

### DISINFECTION OF PUBLIC VEHICLES

**Section 2957. Vehicles to be Disinfected, When.** It shall be unlawful for any person, firm, corporation or association engaged in the business of transporting passengers in or through this state in any car, coach or boat for the purpose of carrying or transporting passengers therein unless such car, coach or boat shall have been adequately disinfected according to modern scientific rules for the prevention of the spread of contagious diseases not more than thirty days from the date of the use of such car, coach or boat in this state. (C.L. 1913.)

**Section 2958. Duty of Carrier.** It shall be the duty of every such person, firm, corporation or association to keep posted in each and every car, coach or boat used in this state for the transportation of passengers for hire a printed placard and notice which shall contain and show the time and place when such car, coach or boat was last disinfected. (C.L. 1913.)

**Section 2959. Penalty.** Any violation of this article shall constitute a misdemeanor and subject the offending person, firm, corporation or association to not more than one hundred dollars for each violation thereof. (C.L. 1913.)

### DISINFECTION OF SECOND HAND GOODS

**Section 2960. Dealers in Second-hand Household Goods to Disinfect Same.** It shall be the duty of every person, firm or corporation dealing in second-hand furniture, before selling or exchanging, or offering for sale or exchange, or intending to sell or offer for sale or exchange to the public in this state, second-hand furniture, bed clothes, wearing apparel or any articles, including kitchen equipments and utensils of every description ordinarily used in furnishing, equipping or decorating a home, to disinfect thoroughly each and every such article before the same shall be sold or exchanged, or offered for sale or exchange, or in any manner disposed of, in a manner approved or prescribed by the state department of health,

and it shall be the duty of said department to prescribe the rules and regulations necessary to secure proper disinfection, as contemplated in this article, and such other rules relative to the working or tagging of disinfected articles, as in the judgment of said department may be necessary to the proper safeguard of the public from contagious infection. (C.L. 1913.)

**Section 2961. Penalty.** Any persons violating any of the provisions of this article in selling or offering for sale or exchange any article or articles of furniture without first having disinfected the same as required herein shall be guilty of a misdemeanor, and shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars, or be imprisoned in the county jail for not less than thirty days nor more than ninety days, in the discretion of the court. (C.L. 1913.)

### VENEREAL DISEASES

**Section 2971b1. Exposure to, Unlawful.** Syphilis, gonorrhea and chancroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection. (1925 Supp.)

**Section 2971b2. Report by Physician Diagnosing.** Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the state department of health shall direct. (1925 Supp.)

**Section 2971b3. Requiring Treatment; Investigation of Sources of Infection.** State, county and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution. (1925 Supp.)

**Section 2971b4. Examination for; Treatment.** All persons convicted of a crime or held in quarantine, under the provisions of this act, who shall be confined or imprisoned in any state, county or city prison in the state shall be examined for and if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any state, county or city prison are directed to make available to the health authorities such portion of any state, county or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 3, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime. (1925 Supp.)

**Section 2971b5. Rules and Regulations.** The state department of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law. (1925 Supp.)

**Section 2971b6. Violations; Penalties.** Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the state department of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both such fine and imprisonment. (1925 Supp.)

#### PREVENTING INFANT BLINDNESS

**Section 3168. Preventing Infant Blindness. Duty of Physician, Midwife or other Attendant.** That whenever a child is born, the

physician, midwife or any other person who is present and engaged as professional attendant, shall report said birth on a blank supplied by the state department of health to the health officer having jurisdiction, within thirty-six hours after such birth occurs. Said birth certificate in addition to other data ordered by the state department of health shall have upon it this question: "Were precautions taken against ophthalmia neonatorum?" And it shall be a violation of this act for any physician or midwife in professional attendance at a birth to fail to report same as herein commanded or to omit answering the said question, "Were precautions taken against ophthalmia neonatorum?" All bills or charges for professional services rendered at a birth shall be unlawful if report is not made as herein commanded. (C.L. 1913.)

**Section 3169. Same.** It shall be the duty of all physicians or midwives in professional attendance upon a birth to always carefully examine the eyes of the infant, and if there is the least reason for suspecting of disease of the eyes then said physician or midwife in professional attendance shall apply such prophylactic treatment as may be recognized as efficient in medical science. (C.L. 1913.)

**Section 3170. Same. Exception.** Should one or both eyes of an infant become inflamed, swollen or reddened, or show any unnatural discharge of secretion at any time within two weeks after its birth, and no legally qualified physician is in attendance upon the infant at that time, it shall be the duty of its parents, or in their absence, whoever is caring for said infant to report the fact in writing within six hours after discovery, to the health officer having jurisdiction. Provided, said report to said health officer need not be made from recognized hospitals. (C.L. 1913.)

**Section 3171. Duty of Health Officer.** Upon receipt of a report as set forth in section 3170, health officers shall direct the parents or whoever has charge of such infant suffering from such inflammation, swelling, redness or unnatural secretion or discharge of the eyes, to immediately place it in charge of a legally qualified physician or in charge of the city or township physician if unable to pay for medical services. (C.L. 1913.)

**Section 3172. Penalty.** Any violation of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than fifty dollars. (C.L. 1913.)

## REGULATING MARRIAGES

**Section 4373. Persons Prohibited From Marrying.** No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom is a common drunkard, habitual criminal, epileptic, imbecile, feeble minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal

disease, shall hereafter intermarry or marry any other person within this state. (C.L. 1913.)

**Section 4374. Performance of Marriage Ceremony Between Certain Persons Prohibited.** No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter perform a marriage ceremony uniting persons in matrimony, either of whom is an epileptic, imbecile, feeble minded person, common drunkard, insane person, habitual criminal or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless the female party to such marriage is over the age of forty-five years. (C.L. 1913.)

**Section 4375. Affidavits to Obtain Marriage License.** The county judge, before a marriage license is issued, shall require each applicant therefor to file in his office upon blanks to be provided by the county for that purpose, an affidavit of at least one duly licensed physician other than the person seeking the license, showing that the contracting parties are not feeble minded, imbeciles, epileptics, insane persons, common drunkards, or persons afflicted with pulmonary tuberculosis in its advanced stages, provided that in addition, the affidavit as to the male contracting party shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested, credible person, showing that said persons are not habitual criminals; the female is over the age of eighteen years and the male is over the age of twenty-one years, unless the consent in writing is obtained of the father, mother or other guardian of the person for whom the license is required in cases where the female is under the age of eighteen years and the male is under the age of twenty-one years, provided, that no consent shall be given, nor license issued, unless such female be over the age of fifteen years. Said affidavit may be subscribed and sworn to before any person authorized to administer oaths.

Any one knowingly swearing falsely to the statements contained in the affidavit mentioned in this article shall be deemed guilty of perjury and punished as provided by the laws of the state of North Dakota. (C. L. 1913.)

**Section 4376. License or Marriage of Intoxicated Persons Prohibited.** A license to marry shall not be issued to one under the influence of intoxicating liquor at the time of making application for license, and no marriage ceremony shall be performed when either or both of the contracting parties are under the influence of intoxicating liquor or any narcotic drug. (C.L. 1913.)

**Section 4377. Physician's Fee for Examination and Affidavit.** For making an examination of either of the contracting parties to a marriage, and the affidavit required in this act, a physician may charge a fee of not to exceed two dollars. (C.L. 1913.)

**Section 4378. Penalty for Violation of Foregoing Provisions.** Any person violating any of the provisions of this article, or any

person knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this act, shall be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment in the county jail not over thirty days or by both such fine and imprisonment. (C.L. 1913.)

Note: For laws on registration of marriages see Sections 4378a1 to 4378a3 under Vital Statistics laws, page 36.

### SEROLOGICAL TEST FOR SYPHILIS REQUIRED

**Chapter 162, 1939 Session, An Act Providing for Serological Test, for Syphilis for all Persons Applying for Marriage Licenses; Prohibiting Marriage of Any Person Afflicted with Syphilis in Communicable Form; Providing for Proofs of Serological Test to be Required by and Submitted to County Judges Before the Issuance of a Marriage License; Repealing Acts and Parts of Acts Inconsistent with or in Conflict Herewith; Making an Appropriation for the State Health Department to Enable it to Comply with the Provisions Hereof.**

**Section 1.** It shall be necessary for all persons intending to be married to obtain a marriage license from the county judge of the proper county as may be provided by law, and to deliver said license, within sixty (60) days from the date of issue, to the clergyman or other qualified person who is to officiate before the marriage can be performed.

**Section 2.** Before any person, authorized by law to issue marriage licenses, shall accept an application for any such license each applicant therefor shall file with him a certificate from a duly licensed physician and surgeon stating that such applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than thirty (30) days prior to the date of such application, and that, in the opinion of such physician and surgeon, the person therein named either is not infected with syphilis, or, if so infected, is not in a state of that disease which is or may become communicable to the marital partner; and no license shall be granted if either party is afflicted with syphilis in a communicable form, and no person who is so afflicted is to be entitled to marry.

**Section 3.** Because of an emergency or other cause shown by affidavit or other proof, a judge of the district court, if satisfied by medical and/or other testimony that neither the health of the individuals nor the public health and welfare will be injuriously affected thereby, may make an order, on joint application of both of the parties desiring the marriage license, dispensing with those requirements of Sections 2 and 4 hereof, which relate to the filing with the licensing authority by either or both of the parties of the aforesaid certificates and the laboratory statements, or, the said certificates and statements having been filed, extending the thirty (30)

day period following the examination and test, to not more than ninety (90) days after such examination and test. The order shall be accompanied by a memorandum in writing from the judge, reciting his reasons for granting the order. Application for such extension may be made before, on or after the expiration of such thirty (30) day period. The order and the accompanying memorandum shall be filed with the county judge and the latter shall thereupon accept the application for the marriage license without the production or filing of the aforesaid certificates and the laboratory statements dispensed with by the order, or shall accept the application within any such extended period, as the case may be. The licensing authority and his clerks and employees shall hold such memorandum of the judge in absolute confidence.

**Section 4.** Each such statement of a physician and surgeon made as aforesaid shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of the person whose blood was tested, but not stating the result of the test. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician and surgeon who, after examining it and if he deems it desirable, discussing it with either or both the proposed marital partners, shall file it with the state health officer, where it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of a justice or a judge of such court requiring its production.

**Section 5.** A standard serological test shall be a laboratory test for syphilis approved by the state health officer and shall be performed by the state department of health, on request for a fee of not to exceed fifty cents, to be collected by the county judge and by him paid into the State treasury.

**Section 6.** Nothing in this Act shall impair or affect existing laws, rules, regulations or codes made by authority of law, relative to the reporting by physicians and others of cases of syphilis discovered by them.

**Section 7.** Marriage licenses shall be issued to all applicants who have complied with the provisions of this Act and all other Acts not in conflict herewith, and who are otherwise entitled under the laws of North Dakota to apply therefor and to contract matrimony.

Every such license, when issued, shall have endorsed thereon or annexed thereto at the end thereof, a statement, subscribed by the person issuing the license, that the application for the license was accompanied by papers complying with the applicable requirements

of Sections 2 and 4 of this Act relative to examination and health of the parties or, if such compliance was dispensed with, wholly or partly, by order of a judge, a statement to that effect.

The license issued, including the above statement and the certificate duly signed by the person who shall have solemnized the marriage therein authorized, shall be returned by him to the county judge who issued the same within five (5) days succeeding the date of the solemnizing of the marriage therein authorized, and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) or more than Fifty Dollars (\$50.00) for each and every offense, or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment.

**Section 8.** Any applicant for a marriage license, any physician or surgeon or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any licensing officer who shall accept an application for a license without the accompanying physician's and surgeons' statement and laboratory report, as required in Sections 2 and 4 hereof, unless the same shall have been dispensed with by judicial order as provided in Section 3 or who shall have reason to believe that any of the facts contained in said statement or report have been misrepresented and shall nevertheless issue a marriage license, or any health officer or his employee who shall not hold the laboratory record confidential, except as provided in Section 4 hereof with respect to its production for evidence on order of a judge, or any officer, clerk or employee of the office issuing the license who shall not hold in strictest confidence the statement filed with him as to the reasons for granting a judicial order, as provided under Section 3 hereof, shall be guilty of a misdemeanor and punishable accordingly.

**Section 9.** The sum of Seven Thousand Dollars, (\$7,000.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury to the State Department of Health, to cover additional clerical, printing, laboratory and other expenses in carrying out the provisions of this act, for the biennium ending July 1, 1941.

**Section 10.** All Acts and parts of Acts in conflict and inconsistent herewith, but only insofar as they are inconsistent or in conflict, are hereby repealed. (Laws of 1939, Chapter 162.)

## MISCELLANEOUS LAWS

### BABY FARMING

**Section 9607. License Required.** It shall be unlawful for any midwife, or other person or corporation, maintaining a maternity

hospital, or lying-in hospital or for any private midwife or nurse, or any other person or corporation caring for children, to place children in family homes for adoption, or otherwise, without a license so to do from the board of administration. (1925 Supp.)

**Section 9608. Violation a Misdemeanor.** Any person who violates the provisions of section 9607, Compiled Laws for 1913, shall upon conviction be guilty of a misdemeanor. (1925 Supp.)

### ADULTERATING MEDICINES

**Section 9741. Adulterating Medicines.** Every person who knowingly, willfully or fraudulently, either:

1. Falsifies or adulterates, or causes or permits to be falsified or adulterated, any drug, medicinal preparation authorized or recognized by any standard work on pharmacy, or used or intended to be used medicinally; or,

2. Mixes or causes or permits to be mixed with any such drug or medicinal preparation any foreign or inert substance, for the purpose or with the intent of destroying or weakening its medicinal power or effect or of lessening its cost; or,

3. Sells, furnishes or delivers or causes or permits any such falsified or adulterated drug or medicinal preparation to be sold, furnished or delivered for medicinal purposes,

Is guilty of a misdemeanor. (1925 Supp.)

### CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY

**Section 9742. Public Nuisance Defined.** A public nuisance is a crime against the order and economy of the state, and consists in unlawfully doing any act or omitting to perform any duty required by the public good, which act or omission, either:

1. Annoys or injures the comfort, repose, health or safety of any considerable number of persons; or,

2. Offends public decency; or,

3. Unlawfully interferes with, obstructs or tends to obstruct any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or,

4. In any way renders life or the use of property uncomfortable. (C.L. 1913.)

**Section 9744. Maintaining Nuisance. Misdemeanor.** Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9747. Fouling Waters with Gas Tar.** Every person who throws or deposits any gas tar or refuse of any gas house or factory into any public waters, river or stream, or into any sewer or stream emptying into any such public waters, river or stream, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9748. Violation of Quarantine Laws.** Every master of a vessel subject to quarantine or visitation of the health officer, by the provisions of any law of this state, now in force or that hereafter may be enacted, arriving in any port or at the boat landing of any city or town in this state, who refuses or omits, either:

1. To proceed with and anchor or land his vessel at the place assigned for quarantine, at the time of his arrival; or,

2. To submit his vessel, cargo and passengers to the examination of the health officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought respectively to be subject; or,

3. To remain with his vessel at quarantine, during the period assigned for her quarantine, and while at quarantine to comply with the directions and regulations prescribed by law, and with such as any of the officers of health, by virtue of the authority given them by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers or crew, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both. (C.L. 1913.)

**Section 9749. Offenses by Master of Vessel.** Every master of a vessel hailed by a pilot or such officer as may be specified by law, who either:

1. Gives false information to such pilot or other officer, relative to the condition of his vessel, crew or passengers, or the health of the place or places from whence he came, or refuses to give such information as shall be lawfully required; or,

2. Lands any person from his vessel, or permits any person, except a pilot or such officer specified by law, to come on board of his vessel, or unloads or tranships any portion of his cargo before his vessel has been visited and examined by the proper health officers; or,

3. Approaches with his vessel nearer any city or town within this state than the place of quarantine to which he may be directed, is punishable by imprisonment in the county jail of the county in which the offense was committed, not exceeding one year, or by a fine not exceeding two thousand dollars, or both such fine and imprisonment. (C.L. 1913.)

**Section 9752. Violating Quarantine Orders.** Every person who, having been lawfully ordered by any health officer to be detained in quarantine, and not having been discharged, leaves the quarantine grounds or anchorage, or wilfully violates any quarantine law or regulation, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9753. Obstructing Health Officer.** Every person who wilfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9754. Violation of Health Laws.** Every person who wilfully violates any provision of the health laws, the punishment for



violating which is not otherwise prescribed by those laws or by this code, and every person who wilfully violates or refuses or omits to comply with any lawful order, direction, prohibition or regulation prescribed by any board of health or health officer, or any regulation lawfully made or established by any public officer under authority of the health laws, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or both. (C.L. 1913.)

### **SELLING ADULTERATED AND UNWHOLESOME FOOD OR MEDICINE**

**Section 9758. Apothecary Negligently Endangering Life.** Every apothecary or druggist, and every person employed as clerk or salesman by an apothecary or druggist, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, wilfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9759. Record of Poison Sold. Label.** No druggist, apothecary or other person dealing or trafficking in drugs or medicines, and no person employed as a clerk or salesman by any apothecary or druggist, shall sell or give away any poisons or poisonous substances, except to practicing physicians, in their ordinary practice of medicine, without recording in a book, to be kept for that purpose, the names of the person or persons receiving such poison, and his, her or their residence, excepting upon the written order or prescription of some practicing physician whose name must be attached to such order or prescription. No person shall sell, give away or dispose of any poisonous substance without attaching to the phial, box or parcel containing such poisonous substance a label with the word "poison" printed or written upon it, in plain and legible characters. (C.L. 1913.)

**Section 9760. Violation, Misdemeanor.** Any person violating any of the provisions of section 9759 shall be deemed guilty of a misdemeanor. (C.L. 1913.)

**Section 9761. Record Subject to Inspection.** Every person whose duty it is by section 9759 to keep any book for recording the sale or gift of poisons, who wilfully refuses to permit any person to inspect said book upon reasonable demand made during business hours, is punishable by fine not exceeding fifty dollars. (C.L. 1913.)

**Section 9762. Laying Out Poison. Exception.** Every person who shall lay out strychnine or other poison, within the limits of any

town, or within one mile of any dwelling house or any barn, stable, or outbuilding, used at the time for the keeping or shelter of horses, cattle, sheep or swine, or within one-half mile of any traveled thoroughfare, or the ceded lands of this state, is guilty of a misdemeanor; provided, nothing in this section shall be construed to prohibit the putting out at any time of poisoned grain, for the purpose of killing gophers. (C.L. 1913.)

**Section 9765. Adulterating Food or Medicines.** Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same or cause or permit to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9766. Adulteration of Candy.** No person shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the mixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Whoever violates any of the provisions of this section shall be punished by a fine of not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court. (C.L. 1913.)

**Section 9767. Knowingly Selling Tainted Food.** Every person who knowingly sells, or keeps or offers for sale or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9786. Exposing Person with Contagious Disease.** Every person who wilfully exposes himself or another person, being affected with any contagious disease, in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor. (C.L. 1913.)

**Section 9990. Powers and Duties of Officers as to Enforcement of Law Prohibiting False and Misleading Advertising.** It shall be the duty of the state's attorneys, sheriffs, police officers, health officers and the food commissioners to enforce the provisions of this statute, and for the purpose thereof they shall have ingress and egress to all places of business where it is believed that violations of this statute, hereinbefore defined, are being made. Grand juries and state's attorneys shall have full inquisitorial powers over offenses committed under this act, and state's attorneys shall make investiga-

tions and prosecutions when proper evidence is furnished to them. (C.L. 1913.)

**Section 10206. Adulterating and Selling Adulterated Food and Medicine.** Every person who, either:

1. With intent that the same may be used as food, drink or medicine for man, sells or offers or exposes for sale, any article whatever, which to his knowledge is tainted or spoiled, or for any cause unfit to be used as food, drink or medicine; or,

2. Knowingly sells any article intended as food or drink for man which contains a sufficient quantity of any drug or other substance to render such article injurious to health, or compounds the same; or,

3. Adulterates or dilutes so as to render it injurious to health, for the purpose of sale as unadulterated or undiluted, any substance intended as food, drink or medicine for man,

Is guilty of a misdemeanor. (C. L. 1913.)

**Section 10207. Calf Less Than Four Weeks Old.** Every person who knowingly, either:

1. Kills or causes to be killed, for the purpose of sale as food for man, a calf less than four weeks old; or,

2. Sells or has in his possession with intent to sell as food for man, the meat of any calf killed when less than four weeks old,

Is guilty of a misdemeanor, and upon conviction thereof is punished by imprisonment in the county jail not exceeding thirty days or by fine not exceeding fifty dollars, or by both. (C.L. 1913.)

**Section 10208. Meat May be Seized.** The meat of any calf killed when less than four weeks old and exposed for sale or kept with intent to sell for food, may be seized without warrant and destroyed by any health officer, sheriff, deputy sheriff or peace officer. (C.L. 1913.)

**Section 10209. Magistrate May Issue Warrant. Procedure.** Any magistrate having reasonable cause to believe by complaint on oath made to him, that the meat of any calf killed when less than four weeks old, is kept or concealed within his county by any person, contrary to the provisions of section 10207, may issue his warrant to any peace officer of such county commanding him, in the daytime only, to search for and, if found, to seize such meat and to notify such owner or keeper of such seizure and that he appear forthwith before the magistrate issuing such warrant to show cause why such meat should not be destroyed. If such owner or keeper does not appear, or if upon investigation before such magistrate it is determined that such meat is kept in violation of such section, the magistrate shall issue his warrant to such officer commanding him forthwith to destroy such meat and such officer shall proceed accordingly, or if it is determined that such meat is not kept contrary to the provisions of such section the same shall be returned to the place where seized. The cost of the proceedings, if contested, shall be taxed against the person claiming such meat if defeated, and collected

upon execution issued against him, as in a civil action, but if such proceedings are not contested the costs shall be taxed and paid by the county wherein such proceedings are had. (C.L. 1913.)

### FOULING THE PUBLIC WATERS

**Section 10225. Fouling Public Waters of This State.** Every person who deposits or places or causes to be deposited or placed any dead animal, offal or other refuse matter offensive to the sight or smell or deleterious to health, upon the banks or in the waters of any lake or stream so far as the same is within the jurisdiction of this state, is guilty of a misdemeanor, and upon conviction thereof, is punishable by a fine of not less than twenty and not exceeding one hundred dollars. (C.L. 1913.)

**Section 10226. Extent of Last Section.** The provisions of the last section shall be construed to include privies and privy vaults and any stable, shed, pen, yard or corral wherein is kept any horse, cattle, sheep or swine and located nearer than sixty feet from the top of the bank of such lake or stream, and also any slaughter house, grave, graveyard or cemetery located nearer than eighty feet therefrom. But the provisions of said section shall not be construed to prevent any incorporated city within this state from running its sewers into any river; provided, that where there is a dam across said river within the corporate limits of any such city, any such sewer shall connect with such river below such dam. (C.L. 1913.)

**Section 10227. Jurisdiction of Justice's Court.** Any justice of the peace within his county shall have concurrent jurisdiction with the district court to hear, try and determine any prosecution arising under the provisions of sections 10206, 10207, and 10225, and upon conviction to impose the punishment prescribed, subject to defendant's right to appeal to the district court as provided by law. (C.L. 1913.)

### JUVENILE COURT

**Section 11413. Sick Children.** The court may, when the health or condition of any child found to be dependent, neglected or delinquent, requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purposes, subject, however, to the supervision and further order of the court. (C.L. 1913.)

### STERILIZATION OF FEEBLEMINDED, INSANE, ETC.

**Section 1.** It shall be the duty of the superintendent, or head of each State Institution in the State of North Dakota, including the State Penitentiary, the State Hospital for the Insane, the State Training School, and the State Hospital for the Feeble-minded to report quarterly to the Board of Examiners herein provided for, all feeble-minded, insane, epileptic, habitual criminals, moral degener-

ates and sexual perverts, who are potential to producing off-spring, who, because of inheritance or inferior or antisocial traits, would probably become a social menace or wards of the State. (Laws of 1927, Chapter 263.)

**Section 2.** For the purpose of carrying into effect the provisions of this Act, there is hereby created a Board of Examiners to consist of three competent physicians and surgeons who shall be appointed by the State Board of Administration upon recommendations made by the State Medical Board, each of whom shall serve during the pleasure of said Board of Administration. Such Board shall appoint one of its members as chairman and one as secretary. (Laws of 1927, Chapter 263.)

**Section 3.** It shall be the duty of such Board of Examiners to examine into the innate traits, the mental and physical condition, the personal records and the family traits and history of all persons reported so far as the same can be ascertained; and for this purpose, said Board shall have the power to summon and examine witnesses and hold a hearing as hereinafter provided; and if, in the judgment of the entire board, procreation by any such person would produce children with an inherited tendency, to feeble-mindedness, insanity, epilepsy, criminality or degeneracy, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or of the physical or mental condition of any such person will be substantially improved thereby, then it shall be the duty of said Board after such examination and hearing to make an order requiring such person to be sterilized. (Laws of 1927, Chapter 263.)

**Section 4.** Each inmate so examined shall, before any order is made adjudging him to be a proper subject for sterilization, be entitled to a hearing before such Board upon reasonable notice, and shall be entitled in his own behalf, or by anyone appearing for him, to offer evidence, either in the nature of expert testimony or otherwise, for the purpose of showing that he is not a proper subject for sterilization under the provisions of this Act. Such notice of hearing shall be in writing and shall be served upon such inmate personally in all cases, and in cases of insane and feeble-minded persons, upon their legal guardian, if any, and if none, upon their nearest kin residing within the State of North Dakota, and in case of a minor, upon his parents or guardian. (Laws of 1927, Chapter 263.)

**Section 5.** The purpose of said examination, findings and order of said Board shall be for the betterment of the physical, mental, neural, or psychic condition of the inmate, or to protect society from the menace of procreation by said inmate, and not in any manner as a punitive measure; and no person shall be sterilized under the authority of this Act except that such operation shall be found to be necessary to improve the physical, mental, neural, or psychic condition of the inmate, or to prevent such inmate from producing

off-spring that would probably become a menace to society, or wards of the state. (Laws of 1927, Chapter 263.)

**Section 6.** After completing such examination and hearing, said Board shall make separate written findings, for each of the inmates so examined, and the same shall be preserved in the records of said Board and a copy thereof, shall be furnished to the superintendent or head of the institution in which the inmate is confined, and if an operation is deemed necessary by said Board, then a copy of the order of said Board shall forthwith be served on the inmate, and in case said inmate is an insane or feeble-minded person, upon his legal guardian, if any, and if none, then upon the nearest kin within the State of North Dakota, and in case such inmate is a minor, then upon his parents or guardian. (Laws of 1927, Chapter 263.)

**Section 7.** Any such inmate desiring to appeal from the order of said Board, or in case the inmate is under guardianship or is a minor, then the guardian of said inmate or the parents of such minor, as the case may be, may take an appeal to the District Court of the County in which the Institution where the inmate is confined, is located. Notice of appeal shall be filed with the Secretary of said Board within 15 days after the date when the notice of said Board's order is served upon the inmate, or his guardian, and said notice of appeal shall stay proceedings of said Board on said matter until the same is heard and determined on said appeal; provided, further, that no sterilization operation shall be performed upon any inmate until the time for appeal from the order of the Board has expired. (Laws of 1927, Chapter 263.)

**Section 8.** Upon an appeal being taken, the Secretary of said Board where the notice of appeal is filed, must within fifteen days thereafter, or such further time as the Court or the judge thereof may allow, transmit a certified copy of the notice of appeal and transcript of the proceedings, findings and order of the Board to the clerk of the court appealed to. The trial on appeal shall be de novo as provided by the Statutes of the State for the trials of actions in equity. Upon such appeal if the inmate be without sufficient financial means to employ an attorney then the court shall appoint an attorney to represent the said inmate, and such attorney shall be compensated upon order of the court as in case of indigent defendants, and it shall be the duty of the State's Attorney of the county wherein such trial is had to represent the said Board. (Laws of 1927, Chapter 263.)

**Section 9.** If the court shall affirm the findings of said Board, said court shall enter a judgment, adjudging that the order of said Board shall be carried out as herein provided; if the court fails to affirm the decision of said Board appealed from, then said order shall be null and void and of no further effect. (Laws of 1927, Chapter 263.)

**Section 10.** Upon the receipt of the order from said Board of Examiners, the superintendent or head of the Institution to which

it is directed shall, after the time for appeal has expired, or in case an appeal upon the entering of a judgment affirming the order of the Board, and it is hereby made his lawful duty to perform, or cause to be performed such surgical operation for the sterilization of the inmate named therein as may be specified in the order of the Board of Examiners, provided, that such operation shall not under any circumstances be by castration or ovariectomy except when organs are diseased. All such operations shall be performed with due regard for the physical condition of the inmate and in a safe and humane manner. (Laws of 1927, Chapter 263.)

**Section 11.** No surgeon performing the operation provided for in the preceding sections shall be held criminally liable therefor or civilly liable for any loss or damage on account thereof, except in case of negligence in the performance of such operation. (Laws of 1927, Chapter 263.)

**Section 12.** The criminals who shall come within the operation of this law shall be those who are moral degenerates and sexual perverts or those who are addicted to the practice of sodomy or the crime against nature, or to other gross, bestial and perverted sexual habits and practices prohibited by Statute. (Laws of 1927, Chapter 263.)

**Section 13.** The provisions of this Act shall apply to both male and female inmates of any of the institutions designated therein. (Laws of 1927, Chapter 263.)

**Section 14.** As compensation for their services as members of said Board of Examiners, each of them shall be entitled to a per diem of \$10.00 per day while in the actual performance of their duties and actual necessary expenses to be paid out of the funds of the institution where the services are performed upon the approval of the Board of Administration. (Laws of 1927, Chapter 263.)

**Section 15.** The Board of Examiners shall keep all files and records in any proceeding had under the provisions of this Act together with full minutes of all meetings of such Board, and for that purpose the Secretary of the Board of Examiners shall be the custodian of all records and files pertaining to proceedings had by such Board. (Laws of 1927, Chapter 263.)

**Section 16.** It shall be the duty of the Chief Medical Officer of any institution in which any sterilized inmates are confined to make careful observations of each of such inmates, particularly with the view of ascertaining the effect of such operation upon the moral, mental and physical condition of such sterilized persons and shall annually make a written report to the Board of Examiners on each of such persons, and keep a copy thereof on file with the records of such institution. (Laws of 1927, Chapter 263.)

#### **TOURIST CAMPS**

**Section 1. Definition.** The words "Tourist Camp" as used in this act shall be construed to mean any plot of land used, main-

tained or held out to the public as a place for use for camping purposes by transient guests, whether equipped with tents, tent-houses, huts or cottages, or not so equipped, and by whatever name the same may be called, and whether any fee is charged for the use thereof or not. (Laws of 1931, Chapter 299.)

**Section 2. License, Penalty for Operation Without License.** No person, firm or corporation, municipal or private, shall establish or maintain any tourist camp in this State without first obtaining a license therefor from the State Food Commissioner, and the State Food Commissioner shall have the power to revoke any license issued upon the failure of the holder thereof to comply with the provisions of this Act, or any other law, or any of the rules and regulations made and promulgated by the State Food Commissioner under authority of this Act. Any person, the members of any firm, and the officers of any corporation, private or municipal, who shall maintain or operate a tourist camp without first obtaining such license, or who shall operate the same after the revocation of such license, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars, or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment. (Laws of 1931, Chapter 299.)

**Section 3. Application for License.** Application for such license shall be made in writing to the State Food Commissioner. The application shall state the location of the camp, type of camp, the approximate number of guests for which facilities are to be furnished, the probable duration of use, the proposed water supply for such camp, the proposed method of sewage and garbage disposal, and such other information as may be required by the State Food Commissioner. Forms for such applications shall be prepared by the State Food Commissioner, and distributed upon request. (Laws of 1931, Chapter 299.)

**Section 4. Inspection. License. Fees.** As soon as possible after the receipt of such application, the State Food Commissioner shall cause an inspection of said premises to be made, and if such Commissioner is satisfied, from such application and inspection, that the existing or proposed tourist camp will not be a source of danger to the health of the guests of such camp or the general public, he shall notify the applicant of his approval of such camp and of the fees for a license therefor. Fees shall be charged and collected upon the basis of the number of sleeping rooms available for use by guests for hire, whether in tents, tent-houses, huts, cottages, or in a single building or several buildings. For tourist camp grounds offering no sleeping rooms, or having not more than five sleeping rooms, the fee shall be Five (\$5.00) Dollars; for any tourist camp having more than five and less than eleven sleeping rooms, Ten (\$10.00) Dollars; and for any tourist camp having eleven or more sleeping rooms, Twenty (\$20.00) Dollars. A fee of Five (\$5.00) Dollars shall be charged and collected for a license to operate any tourist camp

which makes no charge to guests for any of the facilities offered by such tourist camp, provided, however, that no license fee shall be charged for any municipally owned and operated tourist camp. Upon receipt of the required fee, and upon the approval of the application, the State Food Commissioner shall issue a license in writing to the person, firm or corporation named in the application upon a form to be prescribed by the State Food Commissioner. Such license shall be for a term of one year, from January 1 to December 31, and shall be renewable upon the same basis as the same was issued in the first instance. Such licenses shall be transferable only with the consent of the State Food Commissioner, who may, upon application, take up and cancel a license issued for the operation of any tourist camp and issue a new license to the transferee for the balance of the year. The proceeds of all such fees shall be deposited with the State Treasurer by the State Food Commissioner, and credited to the "State Regulatory Fund," and paid out in the same manner as other moneys in such fund. (Laws of 1931, Chapter 299.)

**Section 5. Regulations.** The State Food Commissioner shall have general supervision of the health and sanitary condition of all tourist camps in this State, and shall have the power to make, promulgate and enforce such rules and regulations as may be necessary or desirable for the preservation of the same. The State Food Commissioner and any and all inspectors designated by him, shall have full and free right of access to the premises of each and every tourist camp, and each and every part thereof, at such times as may be proper and reasonable for the inspection of said premises. (Laws of 1931, Chapter 299.)

**Section 6. Garbage Disposal.** Suitable garbage containers of a kind to be approved by the State Food Commissioner shall be provided at a convenient point or points in each tourist camp for the disposal of garbage and refuse, and all garbage and refuse shall be deposited therein. Any person who shall throw or leave garbage or refuse of any kind upon the ground in any such tourist camp shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding Twenty-five (\$25.00) Dollars. (Laws of 1931, Chapter 299.)

**Section 7. Sickness in Tourist Camps. Penalty for Failure to Report.** It shall be the duty of every guest of any such tourist camp immediately to report to the person in charge of such camp, or the local or state health authorities every case of sickness in his or her tent, tent-house, hut, cottage or sleeping room. Any person who shall fail to make a report of such sickness as aforesaid shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding Twenty-five (\$25.00) Dollars. (Laws of 1931, Chapter 299.)

(Note: Sections eight to twelve of this chapter do not pertain to public health.)

## REGULATIONS FOR PREVENTION OF DISEASE

ADOPTED BY THE STATE DEPARTMENT OF HEALTH  
OF NORTH DAKOTA UNDER THE AUTHORITY CON-  
FERRED UPON SAID DEPARTMENT BY THE  
LAWS OF THE STATE

January 1939

### GENERAL REGULATIONS

#### Regulation 1. State Health Officer Given Discretionary Powers.

The state health officer may, from time to time, as he shall deem it of the greatest good to the community, modify, omit, or add to the requirements herein prescribed with regard to communicable diseases, and he may require quarantine for other diseases than those mentioned in the following regulations.

**Regulation 2. Diseases Designated as "Contagious and Infectious."** The following diseases are hereby declared to be "dangerous, contagious, and infectious diseases" and reportable in this state:

<b>Actinomycosis</b>	<b>Plague, bubonic, septicemic, pneumonic</b>
<b>Ancylostomiasis (hookworm disease)</b>	<b>Pneumonia, acute lobar</b>
<b>Anthrax</b>	<b>Poliomyelitis</b>
<b>Botulism</b>	<b>Psittacosis</b>
<b>Chancroid</b>	<b>Puerperal infection (puerperal septicemia)</b>
<b>Chicken pox (varicella)</b>	<b>Rabies</b>
<b>Cholera</b>	<b>Rocky Mountain spotted (or tick) fever</b>
<b>Conjunctivitis, acute infectious</b>	<b>Scarlet fever (scarlatina)</b>
<b>Dengue</b>	<b>Septic sore throat (streptococcus throat infection)</b>
<b>Diphtheria</b>	<b>Smallpox (variola)</b>
<b>Dysentery, amebic (amebiasis)</b>	<b>Syphilis</b>
<b>Dysentery, bacillary</b>	<b>Tetanus</b>
<b>Encephalitis, infectious, lethargic and nonlethargic</b>	<b>Trachoma</b>
<b>Erysipelas</b>	<b>Trichinosis</b>
<b>Favus</b>	<b>Tuberculosis, pulmonary</b>
<b>German measles (rubella)</b>	<b>Tuberculosis, other than pulmonary</b>
<b>Glanders (farcy)</b>	<b>Tularemia</b>
<b>Gonorrhea</b>	<b>Typhoid fever</b>
<b>Influenza</b>	<b>Typhus fever</b>
<b>Leprosy</b>	<b>Undulant fever (brucellosis)</b>
<b>Malaria</b>	<b>Vincent's Infection</b>
<b>Measles (rubeola)</b>	<b>Whooping cough</b>
<b>Meningococcus meningitis</b>	<b>Yellow fever</b>
<b>Mumps (parotitis)</b>	
<b>Paratyphoid fever</b>	

**Regulation 3. Who Shall Report Diseases. Methods.** (1) All physicians; (2) Any person who treats or administers to the sick by whatever method; (3) householders; (4) hotel or lodging house-keepers; (5) nurse; (6) school teacher; (7) any other person or persons treating, nursing, lodging, caring for, or having knowledge of the existence of any communicable reportable disease enumerated in Regulation 2 shall immediately report the same to the nearest health officer having jurisdiction by the quickest means of communication. This report must be followed within twenty-four hours by a written report on blank forms furnished by the county or city board of health, which shall specify the following particulars: name of patient, age, sex, residence, occupation, diagnosis or disease suspected, probable source of infection, date of exposure, date of onset of the disease, school attended or place of employment, name and address of person making report, and any other available information likely to assist the health officer in the prevention or spread of the disease.

**Regulation 4. Morbidity Reports.** All morbidity reports must be made as soon as clinical diagnosis is made, but laboratory confirmation is desirable.

**Regulation 5. Weekly Record and Reports.** Section 1. Each health officer shall keep a record of all reportable diseases occurring in his jurisdiction, showing all of the particulars designated on the original report card. All original report cards shall then be mailed to the State Health Officer once each week, together with the summary report, as specified in Section 2 of this regulation.

**Section 2.** Each Saturday at the close of business each county or city health officer shall submit to the State Department of Health a summarized report of the communicable diseases reported to him during the week. When no cases have been reported during the week, a card shall be mailed as usual, the notation "No Cases reported" being placed on the face of the card. Report cards shall be supplied by the State Department of Health.

**Regulation 6. Annual Report.** Every city and county health officer must make an annual report in triplicate, not later than January 15 of each year, on forms furnished by the State Health Officer, covering all health activities in his jurisdiction during the calendar year just ended. One copy of this report must be sent to the county or city commissioners, one copy to the State Health Officer, and one copy retained for his own files.

**Regulation 7. Telegraphic Reports.** Health officers shall notify the State Health Officer by telegram of any unusual outbreak of disease within his district and of any case of leprosy, bubonic plague, rabies, anthrax, encephalitis, psittacosis, botulism, Rocky Mountain spotted fever, and such other diseases as the State Department of Health may from time to time designate.

**Regulation 8. Health Officer Must Investigate.** Section 1. When any contagious or infectious disease is reported to a health officer or when he has reasons to suspect that such disease exists within his district, he shall make a thorough investigation, if necessary, (any case not reported by a legally qualified physician requires investigation) and if such disease is found to exist, he shall take such steps as are required by the laws of the state and by these regulations. If upon investigation the health officer shall find that a disease for which quarantine is required has recently existed on any premises within his district, he shall place such premises under quarantine until the expiration of the incubation period and until such premises have been disinfected, as required by these regulations.

Section 2. Each health officer must investigate whenever and wherever he has reason to suspect that any unsanitary condition dangerous to public health exists within his district, and if such unsanitary condition is found to exist, he shall order its removal within a specified time by a written notice served on the owner or agent of the property whereon such unsanitary condition exists; and if said owner or agent shall fail to remove or remedy such unsanitary condition within the time specified in such written notice, the health officer shall bring the matter to the attention of the county attorney and, if necessary, file a complaint against such owner or agent for maintaining an unsanitary condition dangerous to public health and in violation of the laws of the state and regulations of the State Department of Health.

**Regulation 9. Sale of Food Forbidden in Certain Cases.** When a case of diphtheria, encephalitis lethargica, epidemic or septic sore throat, amebic or bacillary dysentery, epidemic cerebrospinal meningitis, typhoid fever, paratyphoid fever, scarlet fever, smallpox, acute anterior poliomyelitis (infantile paralysis), tuberculosis, undulant fever, or leprosy exists on any farm or dairy producing milk, cream, butter, cheese, garden truck, or other foods, no such foods shall be sold or delivered from such farm or dairy, except under the following conditions:

1. That such foods are not brought into the house where such case exists.

2. That all persons coming in contact with such foods, eat, sleep and work wholly outside such house.

3. That such persons do not come in contact in any way with such house or its inmates or contents.

4. That said inmates are properly isolated and separated from all other parts of said farm or dairy and efficiently cared for; and

5. That a permit be issued by the local health officer. He may cancel this permit at any time when, in his judgment, the circumstances and conditions warrant such action.

6. That the local and State Health Officer may add other communicable diseases to this list at any time when the severity and other circumstances surrounding the case seem to justify it.

**Regulation 10. Destruction of Foods in Certain Cases.** When a case of any disease mentioned in Regulation 9 exists on any farm or dairy producing milk, cream, butter, cheese, or other foods, the State Health Officer or the local health officer may destroy or order the destruction of any such foods which, in his opinion, may have been so contaminated as to be a source of danger.

**Regulation 11. Handling of Food Forbidden in Certain Cases.**

Section 1. No person affected with or suspected of being a carrier of any communicable disease shall handle food or food products intended for sale which are liable to convey infective material.

Section 2. No person who resides, boards, or lodges in a household where he comes in contact with any person affected with any disease mentioned in Regulation 9 shall handle food or food products intended for sale or human consumption.

Section 3. No waiter, waitress, cook, or other person of a boarding house, hotel, restaurant, or other place where food is served, who lodges or visits in a household where he comes in contact with any person affected with any disease mentioned in Regulation 9, or is a carrier of any other communicable disease, or is affected himself with such a disease shall prepare, serve, or handle food for others in any manner whatsoever.

**Regulation 12. Milkmen, Grocermen, Etc.** Section 1. Milkmen shall empty milk delivered to premises infected with a quarantinable disease into covered containers placed outside the door of such premises or shall deliver the milk in containers which shall not be used again but shall be burned as soon as they are emptied. They shall not enter such premises or remove milk bottles or anything else therefrom until the house has been released from quarantine and disinfected and the bottles have been sterilized by boiling under the instructions of the health officer.

Section 2. Grocermen and other persons delivering merchandise are forbidden to enter such premises or remove packages or other articles therefrom. Laundrymen are forbidden to enter such premises or to remove any clothing therefrom until such articles have first been boiled or otherwise sterilized under the instructions of the health officer.

**Regulation 13. Duty of the Owners or Persons in Charge of Dairy Farms.** It shall be the duty of the owners or persons in charge of any farm or dairy producing milk, cream, butter, cheese or of one in charge of a creamery or milk station to report forthwith to the local health officer the name and address and all known facts relating to the illness and physical condition of any person who is affected with or suspected of being a carrier of any communicable disease; who is employed or resides on or in such farm, dairy, creamery, or milk station; or who comes in contact in any way therewith or with its product.

**Regulation 14. Specimens to be Submitted.** Any person suspected of being a carrier of disease that may be spread through his

or her bodily excretions or discharges or in any other way shall on request of any health officer of North Dakota submit to the State Department of Health specimens of such bodily excretions or discharges in manner and amount, at such intervals, and under such supervision as prescribed by the State Health Officer. If deemed necessary by the local or State Department of Health for the control of spread of infection, supervision of the collection of specimens shall include temporary hospitalization at public expense.

**Regulation 15. Periods of Incubation.** The average and the maximum periods of incubation for the purpose of these regulations of the following communicable diseases shall be as follows:

	Average	Maximum
Chickenpox .....	14 days	21 days
Measles .....	12-14 days	18 days
Mumps .....	18 days	26 days
Poliomyelitis .....	7-14 days	14 days
Scarlet Fever .....	3-4 days	7 days
Smallpox .....	8-16 days	21 days
Whooping Cough .....	7-10 days	16 days
Diphtheria .....	2-5 days	....
Typhoid Fever .....	7-14 days	38 days
Paratyphoid .....	4-7 days	10 days
Meningococcus Meningitis .....	2-7 days	10 days
Septic Sore Throat .....	1-3 days	....

## QUARANTINE

**Regulation 16. Quarantine Must Be Established by the Health Officer or His Assistant.** When any contagious or infectious disease for which quarantine is required is reported to any health officer, he shall, in person or through his duly appointed assistant, place the premises where such disease exists under quarantine in the manner prescribed by these regulations.

**Regulation 17. Quarantine Placards.** Section 1. All diseases where quarantine or provisional quarantine is instituted shall be placarded as follows:

The health officer shall cause to be securely attached to each entrance of the premises under quarantine a placard of a distinctive color, not less than 6x12 inches in size, upon which is printed, the name of the disease and the words "KEEP OUT" in letters not less than 2½ inches in height and the words, "THIS PLACE IS QUARANTINED IN ACCORDANCE WITH LAW." "BY ORDER OF THE HEALTH OFFICER."

Section 2. This card must not be removed, defaced, or destroyed by any person except the health officer or his authorized agent and not by him until the premises have been thoroughly disinfected in a manner approved by these regulations.

**Regulation 18. Quarantine.** Section 1. By quarantine is meant the limitation of freedom of movement of persons or animals who have been exposed to communicable disease for a period of time equal to the longest usual incubation period of the disease to which they have been exposed.

Section 2. Quarantine is released only upon permission of the health officer in charge in accordance with rules and regulations.

Section 3. The following diseases require quarantine: small-pox, diphtheria, scarlet fever, poliomyelitis, plague, cholera (asiatic), typhus fever, and yellow fever.

Section 4. Any member of the family who can show positive evidence of having had the disease or who has been properly immunized to the satisfaction of the health officer and who is not a carrier may be released after personal disinfection, but such person is forbidden to re-enter the premises.

**Regulation 19. Isolation.** Section 1. By isolation is meant the separating of persons suffering from a communicable disease, or carriers of the infecting micro-organism from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

Section 2. Any member of the family who cannot show evidence of having had the disease in question or having been satisfactorily immunized, is strictly forbidden from attending any public, private, or parochial school, any church or place of amusement or public gathering of any kind unless otherwise stated in these regulations or by written permission of local health officer.

Section 3. When, in the judgment of the health officer having charge; after consideration of the circumstances and conditions surrounding each case; isolation is apt to be ineffective, he shall institute quarantine in such cases.

Section 4. Isolation is released only upon permission of the health officer in charge.

Section 5. The following diseases require isolation: typhoid fever, paratyphoid fever, whooping cough, measles, german measles, septic sore throat, chicken pox, mumps, meningitis, and lobar pneumonia.

Section 6. The placard for diseases where isolation only is required shall be similar in size but of different color than that of a quarantine sign. On this card will be printed the word "WARNING" and the name of the disease in letters not less than 2½ inches in height.

**Regulation 20. Provisional Quarantine.** When any case is reported to a health officer as suspected of being a contagious or infectious disease for which quarantine is required by these regulations, the health officer shall place the premises where such disease exists, or is suspected, under provisional quarantine in the following manner: A card bearing the words "PROVISIONAL QUARANTINE, KEEP OUT" printed in letters not less than 2½ inches in height, shall be securely attached to each entrance to the premises, and the head of the house shall be instructed that the premises are under provisional quarantine and will remain so until the nature of the disease shall have been determined. If the case proves to be one requiring quarantine, the provisional sign shall be removed

and the regular quarantine sign installed. If the case proves to be one not requiring quarantine, the sign shall be removed and the quarantine released.

**Regulation 21. Special Restrictive Precautions.** Special restrictive precautions by the health officer may require that the patient be prohibited from attending any public gathering or from associating freely with other persons. Individual eating utensils, towels, napkins, and clothing may be required for the patient. Toys, books, and anything handled by the patient should not be used by others. Special quarters may be provided and sleeping with other members of the family prohibited.

The corrective treatment or restrictive measures vary with the nature of the disease and are subject to the judgment of the health officer in charge. Restrictive measures are dispensed with only on the consent of the health officer.

Upon failure of members of the household or the patient to comply with isolation or restrictive precautionary measures prescribed by the health officer when reasonable or lawful and where in his judgment the health of others is jeopardized thereby, he shall institute and enforce quarantine in such cases.

The following diseases may require restrictive measures as specified: tuberculosis, trachoma, ophthalmia neonatorum, enterocolitis (epidemic), favus, erysipelas, impetigo contagiosa, scabies, influenza, actinomycosis, hookworm, spotted fever, anthrax, rabies, dysentery (amebic), syphilis, and gonorrhoea.

**Regulation 22. Exclusion of Household Pets.** Dogs, cats, and other household pets shall not be permitted to enter rooms where communicable disease exists.

## DISINFECTION

**Regulation 23. Disinfection.** By this term is meant the destroying of the vitality of pathogenic micro-organisms by chemical or physical means. All disinfection for a disease requiring any form of quarantine shall be done under the supervision of the health officer or his assistant. All disinfection shall be carried out in the manner prescribed by these regulations.

**Regulation 24. Concurrent Disinfection.** When the word "concurrent" is used as qualifying disinfection, it indicates the application of disinfection immediately after the discharge of infectious material from the body of an infected person, or after the soiling of articles with such infectious discharges, all personal contacts with such discharges or articles being prevented prior to their disinfection. Keeping the sick room and patient clean is the most important feature in preventing the transmission of disease. The health officer and attending physician must insist upon an efficient disinfection of the patient's nose, throat, bowel and bladder discharges, bed and body linen. The attendant's hands, all utensils and appliances must

be kept disinfected; the floors, woodwork, etc., should be frequently scrubbed with soap and hot water, the room well ventilated, and direct sunlight admitted as much as possible.

**Regulation 25. Fumigation.** Fumigation, except under special circumstances, is not an effective means of disinfection and is not recommended except where the destruction of insects, mosquitoes, body lice, and animals such as rats is accomplished by the employment of gaseous agents.

**Regulation 26. Terminal Disinfection.** When the word "terminal" is used as qualifying disinfection, it indicates the process of rendering the personal clothing and immediate physical environment of the patient free from the possibility of conveying the infection to others at the time when the patient is no longer a source of infection. Before the release of quarantine, isolation, and restrictive measures, the health officer must be satisfied that the patient, members of the family, attendants, and premises are no longer a source of danger to others and that the following procedure is carried out:

1. Everything of little value that has been in contact with the patient or sick room must be burned.

2. The patient and attendants must take a thorough antiseptic bath and must be supplied with a complete change of uninfected clothing.

3. Before removal from the patient's room all washable clothing, sheets, dishes, etc., must be immersed in a 5 percent carbolic acid solution or other equally potent disinfectant for one-half hour or must be boiled for one-half hour.

4. Other articles in the room of such a nature that they cannot be burned, boiled, or otherwise disinfected should be exposed to the direct rays of the sun, for four or five days after thorough cleaning.

5. All floors, woodwork, furniture, etc., must be thoroughly scrubbed with soap and warm water and wiped with a 1-1000 bichloride of mercury solution, or otherwise treated in a manner satisfactory to the health officer in charge.

**Regulation 27. Renovation.** When, in the judgment of the health officer, the circumstances and conditions of the premises or the nature of the disease seem to warrant it, a thorough renovation shall be required, in addition to disinfection, by repainting or varnishing, repapering or calcimining the sick room or entire premises.

**Regulation 28. Approved Disinfectant Agents.**

1. 1-3000 bichloride solution.
2. 5% carbolic acid solution.
3. Lysol, creolin—B.K. in strengths recommended by manufacturers.
4. Chloride of lime and standard chlorine products.
5. Fresh air and sunshine.

Most of these disinfectants are poisonous and should not be used except under the direction of a physician or after a careful reading of the directions of the manufacturer found on the original container.

**Regulation 28B. Failure to Disinfect Premises.** Whenever the order or direction of the local health officer requiring disinfection or cleansing of articles, premises, or apartments shall not be complied with, he shall cause a placard in words and form as follows to be placed upon the door of such an apartment or premises, to wit:

**NOTICE**

.....is a communicable disease. These apartments have been occupied by a.....patient and may be infected. They must not be occupied until the order of the health officer directing their renovation and disinfection has been complied with.

This notice must not be removed under penalty of law except by the health officer or an authorized officer.

**COMMON CARRIERS**

**Regulation 29. Federal Regulation Adopted.** All common carriers operating in the state of North Dakota, whether engaged in the interstate business or intrastate business or both, shall comply with the regulations of the U. S. Public Health Service made and promulgated for the control of common carriers engaged in interstate business, and the regulations made by the said U. S. Public Health Service are hereby declared to be a part of these regulations of the state department of health of North Dakota.

**REGULATIONS OF COMMUNICABLE DISEASES**

**SMALLPOX**

**Regulation 30. Section 1. Isolation and quarantine are required.**

**Section 2. Period of Isolation.** Isolation shall be maintained until the disappearance of all scabs and crusts and until the thorough disinfection of persons and premises is performed.

**Section 3. Quarantine.** There must be isolation of all contacts until vaccinated and daily medical observation of these contacts until the height of the reaction is passed, if vaccination was performed within twenty-four hours of first exposure. Contacts who cannot produce positive evidence of having had the disease or of a recent successful vaccination as determined by the health officer, must be isolated for 16 days from the last exposure.

**Section 4. Placard.** (See Regulation 17 and 18.)

**Section 5. Concurrent and Terminal Disinfection are Required.** (See Regulation 24-26.)

**Section 6. Health Officers and Physicians Must State on all Reports the Type of the Disease.**

## CHICKENPOX

**Regulation 30b. Section 1. Chickenpox in Adults.** When chickenpox exists in adults, the same quarantine regulations required in smallpox may be maintained at the discretion of the health officer.

**Section 2. Chickenpox in Children.** Isolation. There must be exclusion from school and avoidance of contact with non-immune persons for 10 days.

**Section 3. Concurrent and Terminal Disinfection are Required.** (See Regulation 24-26.)

**Section 4. Placard.** (See Regulation 19, Section 6.)

## DIPHTHERIA

**Regulation 31. Section 1. Isolation and Quarantine are Required.**

**Section 2. Period of Isolation.** Strict isolation of a case or suspected case of diphtheria shall be maintained until two cultures from the throat and two from the nose, taken not less than twenty-four hours apart and submitted to a State Public Health Laboratory, fail to show the presence of diphtheria bacilli. If cultures are still positive three weeks after the onset of the disease, a virulence test may be done, and if the organisms present are an avirulent form, isolation may be terminated. Cultures must be taken by the health officer personally or by an authorized deputy and must be submitted to one of the State Public Health Laboratories.

**Section 3. Quarantine.** All intimate contacts must be quarantined until shown by bacteriological examination not to be carriers.

**Section 4. Persons Released From Quarantine or Isolation** must not re-enter the premises until quarantine or isolation has been removed and the premises properly disinfected.

**Section 5. Adult Members Of The Family** wishing to pursue their occupation may change their residence by permission of the health officer in charge and by compliance with this regulation. (See Section 3.)

**Section 6. Diphtheria in Schools.** When diphtheria appears in school, cultures should be taken from all those who have been exposed or who show signs of throat infection. All persons from whom cultures show positive evidence of diphtheria bacilli should be excluded from school and isolated until two negative cultures have been obtained as required in Section 1 of this regulation.

**Section 7. Placard.** (See Reg. 18.)

**Section 8. Concurrent and Terminal Disinfection Are Required, as Described in Regulation 26.**

**Section 9. Every Physician And Health Officer** having knowledge of a case or suspected case of diphtheria must obtain laboratory confirmation from the State Public Health Laboratory.

MENINGOCOCCUS MENINGITIS  
(Epidemic Cerebro-spinal Meningitis)

**Regulation 32. Section 1. Isolation is Required.**

**Section 2. Period of Isolation** of infected persons shall be 14 days after the onset of the disease or until negative swabs are obtained from the naso-pharynx.

**Section 3. No Quarantine of Exposed Persons is Required.**

**Section 4. Placard.** (See Regulation 19.)

**Section 5. Concurrent and Terminal Disinfection.** (See Regulation 24-26.)

**Section 6.** Each case of meningitis must be considered epidemic until the health officer is satisfied that it is not.

### SCARLET FEVER (Scarlatina)

**Regulation 33. Section 1. Isolation and Quarantine Are Required.**

**Section 2. Period of Isolation.** Isolation shall be maintained for a minimum of 21 days from the onset and until there are no longer any discharges from the nose, throat, ears, abscesses, or wound surfaces. Epidermal scales do not spread the disease.

**Section 3. Quarantine of Exposed Persons.** Exposed children must be isolated, teachers excluded from association with children, and food handlers from their work until 7 days have elapsed since the last exposure to a recognized case.

**Section 4. Placard.** (See Regulations 17 and 18.)

**Section 5. Concurrent and Terminal Disinfection Are Required.** (See Regulations 24-26.)

### POLIOMYELITIS (Infantile Paralysis)

**Regulation 34. Section 1. Reporting.** All cases are to be reported as poliomyelitis, paralytic, or as poliomyelitis, non-paralytic, as the case may be.

**Section 2. Isolation and Quarantine Are Required.**

**Section 3. Period of Isolation.** The patient shall be isolated for at least two weeks from the onset.

**Section 4. Quarantine.** Exposed children of the household of school age are to be kept from school, and adults of the household whose vocations bring them into contact with children or with food to be eaten uncooked are to be kept from such vocation for 14 days from last exposure to recognized case.

**Section 5. Whenever Poliomyelitis Prevails In A Locality,** the local board of health may cause a search for and a careful examination of all ill children and young adults to be made, and all of these having suggestive symptoms shall be placed under a provisional isolation pending diagnosis.

**Section 6. Placard.** (See Regulations 17 and 18.)

**Section 7. Concurrent and Terminal Disinfection.** (See Regulations 24-26.)

## TYPHOID FEVER, PARATYPHOID FEVER

**Regulation 35. Section 1. Isolation Required.** All cases of typhoid fever and paratyphoid fever shall be isolated in a room screened against flies.

**Section 2. Period of Isolation.** No patient shall be released from isolation until reports of two negative laboratory examinations of both the urine and feces, collected not less than twenty-four hours apart, shall have been returned from the State Public Health Laboratory.

**Section 3. Source of Infection.** When a case of typhoid fever or paratyphoid fever is discovered, the health officer having jurisdiction shall immediately proceed in a systematic approved manner to search for the source of infection, missed case, carrier or convalescent, and shall make a special report to the State Department Of Health, describing in detail his method of search and his ultimate conclusions. When the source of infection is discovered, immediate abatement must be instituted.

**Section 4. Placard.** (See Regulation 19.)

**Section 5. Concurrent and Terminal Disinfection.** (See Regulations 24-26.)

(Note: Chloride of lime or other chlorine preparations, 20 per cent solution of carbolic acid are antiseptics of choice.)

**Section 6. All Foods** liable to be contaminated must be destroyed before quarantine is released.

**Section 7. Laboratory Confirmation.** Every physician or health officer having knowledge of a case or suspected case of typhoid fever, paratyphoid fever, or any continued fever not otherwise diagnosed must obtain laboratory confirmation by the usual approved methods, if possible. Report, however, shall be made immediately on a clinical diagnosis.

**Section 8.** At the request of the state or local health officer, any case or suspected case or carrier of typhoid fever or paratyphoid fever shall submit stool and urine specimens to the State Public Health Laboratory. These specimens shall be collected under the supervision of the local health officer.

**Section 9.** When any drinking water supply is shown to be a positive or probable source of infection, specimens shall be collected under the supervision of the local health officer.

**Section 10.** Any drinking water supply shown to be a positive or probable source of typhoid fever or other diseases, shall be condemned either by the local board of health or by the State Department of Health, and when so condemned shall not be used again as a drinking water supply until declared safe by the condemning party.

**Section 11. Reporting of Cases in Hospitals and Sanitoria.** It shall be the duty of the superintendent of any public or private hos-

pital or sanitarium to report in writing to the State Department of Health, within twenty-four hours of time of diagnosis each case of typhoid fever or paratyphoid fever or typhoid infection or paratyphoid infection occurring among inmates or employees, giving all available epidemiologic data.

On discharge from any hospital or sanitorium of any person suffering or convalescent from typhoid or paratyphoid fever or of any person known to be a carrier of typhoid or paratyphoid organisms, it shall be the duty of the superintendent of such hospital or sanitorium to report the fact in writing to the State Department of Health within a period of 24 hours, giving the destination of such person.

**Section 12. Control of Typhoid Carriers.** For the purpose of these regulations, a typhoid carrier is a person who harbors typhoid bacteria and emits them, regularly or intermittently. This condition may or may not follow a recognized attack of typhoid fever. A person continuing to discharge typhoid bacteria following an attack of typhoid fever shall be regarded as a case rather than a carrier, for a period of at least twelve (12) weeks following subsidence of clinical symptoms. After that period the health officer may, in his discretion, declare such person to be a carrier.

**Section 13.** The health officer, upon the discovery of a typhoid carrier, shall immediately report the fact to the State Department of Health, giving the full name, age, occupation, and address of such carrier (together with any other information relative to possible or probable infection of others), and shall also communicate the fact to the carrier himself, or his guardian, imparting to him detailed information regarding the precautions to be observed in the disposing of his discharges, in preventing contamination of his hands, and thus protecting others from infection. This information to the carrier himself shall be confirmed by a written notice to such carrier, giving special and specific instructions as may be required in special circumstances. The health officer shall keep the copy of such written instructions given to each carrier on file in his office.

Instruction given by the health officer shall include directions to wash the hands thoroughly with soap and water immediately after using the toilet, and to use individual towels and drinking and eating utensils, which should be thoroughly cleansed, preferably by boiling, before being used by others.

**Section 14.** Bowel or bladder discharges of a carrier should be deposited in a sewer, cess-pool, or privy, properly located, of an approved sanitary construction. The privy should be screened from flies and its interior should be scrubbed at intervals. The privy box should be disinfected from time to time.

**Section 15.** No typhoid carrier may engage in any occupation involving the handling of ready-to-eat food and milk, or to work as a food, drink, or milk handler, or to work in or around any place

where food or drink is manufactured, packed, stored, deposited, collected, prepared, produced, or sold. It is extremely important that typhoid carriers do not prepare food or drink for anyone except themselves or their immediate families; and especially that they do not supply any food, drink, milk or milk products to visitors at their homes, or at community or social gatherings of any type. It is recommended that immediate members of the household should all be immunized against typhoid fever every two years.

**Section 16.** No typhoid carrier shall leave the community in which he resides without notification to the local health officer, who is to be informed of his destination, including his new address. The health officer should immediately notify the State Department of Health of the change of address. The typhoid carrier shall not leave the state without notifying the State Department of Health.

**Section 17.** The local health officer shall visit each typhoid carrier within his jurisdiction at least once monthly in order to determine whether instructions are being observed; and once in each quarter shall render a report regarding such carrier to the State Department of Health, upon a form prescribed for the purpose.

**Section 18.** The health officer shall cause samples of the bowel and bladder discharges from each carrier to be examined bacteriologically at intervals, at one of the State Department of Health Laboratories, or a laboratory approved by the State Department of Health, and a carrier may be regarded as recovered and be discharged from observation when four (4) successive samples of the bowel and of the bladder discharges, taken not less than twenty-four (24) hours apart shall have been found not to contain typhoid bacteria; **Provided**, that in case the history shows that the person has been a carrier for a period of over two years, this rule shall not apply as to recovery of carrier; **And provided further**, that chronic carriers of over two years' duration may be released by the State Department of Health upon satisfactory evidence of recovery.

#### MEASLES, GERMAN MEASLES

**Regulation 36. Section 1. Isolation Required.** Whenever a case of measles or German measles is discovered, the health officer shall immediately isolate the case.

**Section 2. Period of Isolation.** (a) **Measles.** Minimum of 9 days, from 4 days before to 5 days after the appearance of the rash and until the cessation of all abnormal mucous membrane secretions. (b) **German measles.** Separation of patient from non-immune children and exclusion from school and public places for 7 days from the onset of catarrhal symptoms.

**Section 3. Quarantine.** (a) **Measles.** Exclusion of exposed susceptible children and teachers from school until 14 days from the last exposure and of exposed susceptible children from public gatherings for the same period. (b) **German Measles.** None.

**Section 4. Adults May Attend To Their Usual Vocations,** provided they do not visit the sick room or mingle with or visit places where there are children.

**Section 5. Placards.** (See Regulations 18, 19.)

**Section 6. Concurrent and Terminal Disinfection.** (See Regulations 24-26.)

#### WHOOPING COUGH (Pertussis)

**Regulation 37. Section 1. Isolation and Quarantine Required.**

**Section 2. Isolation** shall consist of separation of the patient from susceptible children and exclusion of the patient from school and public places during the communicable stage. Isolation should not be insisted upon at the expense of fresh air in the open, if weather permits. The communicable stage must be considered to extend from seven days after exposure to an infected individual to three weeks after development of the characteristic whoop.

**Section 3. Quarantine.** Quarantine is limited to the exclusion of non-immune children from school and public gatherings for 10 days after their last exposure to a recognized case.

**Section 4. Placard.** (See Regulation 19.)

**Section 5. Concurrent Disinfection** and a good clean-up of premises with soap and water, fresh air and sunshine. (See Regulations 24-26.)

**Section 6.** There are no healthy carriers of whooping cough.

#### MUMPS

**Regulation 38. Section 1. Isolation Required.** This shall consist of separation of the patient from non-immune children and young adults and exclusion of the patient from school and public places until the parotid gland has returned to normal size.

**Section 2. Quarantine.** None. Exposed susceptible individuals should be regularly inspected for the presence of initial symptoms for three weeks from the date of last exposure. Exposed children medically certified as having had the disease should not be excluded from school as susceptibles.

**Section 3. Adults From Families in Which Mumps Is Present May Attend to Usual Vocations,** provided they do not visit the sick room.

**Section 4. Placard.** (See Regulation 19.)

**Section 5. Concurrent Disinfection.** (See Regulation 24.)

**Section 6.** There are no healthy carriers of mumps.

#### OPHTHALMIA NEONATORUM

**Regulation 39. Section 1. Use of Silver Nitrate Urged.** Since it has been clearly demonstrated that a considerable percentage of the cases of ophthalmia neonatorum are due to pyogenic organisms other than the gonococcus and since the prophylactic value of silver nitrate is fully proven in all cases, therefore, all physicians are

urged to use 1 per cent solution of silver nitrate in the eyes of all new-born babies.

**Section 2. Midwives and Nurses Must Report.** All midwives, nurses and other persons having charge of a new born infant shall report immediately to the health officer, or a legally qualified physician, if any pus or secretion forms on the eyes or on the eyelids, or if one or both eyes become reddened or swollen within two weeks after birth.

**Section 3. The Patient and Nurse Shall Be Isolated.**

**Section 4. Concurrent Disinfection.** (See Regulation 24.)

Note: Refer Sec. 3168, C. L. 1913 (page 42).

## RABIES

**Regulation 40. Section 1. How Reported.** Whenever any physician or other person has knowledge that any person or animal has been bitten or injured by a dog or other animal infected or suspected of being infected with rabies and whenever he has knowledge of a case of rabies or suspected rabies, he shall report the fact immediately to the nearest health officer. The local health officer shall then transmit this report to the State Health Officer by wire.

**Section 2. When Animals Should Be Killed Or Quarantined.** Animals suspected of being infected with rabies must be effectively quarantined by being closely confined under the direction and close observation of the local health officer or an authorized agent of the State Livestock Sanitary Board. When any dog or other animal shows positive symptoms of rabies, it shall be immediately killed in such a manner as to preserve the brain intact. Heads of animals which have been killed for suspected rabies or those that have died from suspected rabies must be sent to a State Public Health Laboratory for examination. (When an animal is killed in the early stages of the disease, it is always difficult and often impossible to find the negri bodies. Whereas the process is comparatively simple in the latter stages of the disease.)

**Section 3. Treatment for Rabies.** Any person who has been bitten by a rabid animal may secure the Pasteur Treatment, put up in glass ampules which may be administered at home, by having their physician or health officer wire a request to any reliable firm manufacturing biological products or to their authorized branches in your nearest large city.

**Section 4. Concurrent Regulation in Co-operation with the State Livestock Sanitary Board. Methods of Quarantine and Immunization.** Whenever a case of rabies or suspected rabies has been reported to either the State Livestock Sanitary Board or to the State Department of Health, a strict quarantine of all dogs or other animals susceptible to rabies may be ordered under the direct supervision of the State Veterinarian or his authorized agents, covering as large an area and for such period of time as in their judgment seems reasonable and necessary. Quarantine in such cases shall

consist in effectively muzzling and closely confining all dogs and other animals susceptible to rabies in the quarantined area in a manner as directed by the State Veterinarian and State Health Officer; provided, that any dog or other animal under quarantine having been properly immunized and certified to by the State Veterinarian may be released from quarantine after a period of 21 days.

**Section 5. All Other Rules and Regulations of the State Livestock Sanitary Board** pertaining to rabies are hereby declared to be a part of these regulations when not in conflict therewith. All health officers shall co-operate in their enforcement.

**Regulation 41. Section 1. Typhus Fever, Cholera, Plague, Spotted Fever, Malaria, Anthrax, Glanders, Pellagra, Amebic Dysentery, Trichinosis Infection, Undulant Fever, Psittacosis, Encephalitis** and all other diseases unusual to this state must be reported immediately to the state health officer and a quarantine instituted, pending special regulations and laboratory confirmation.

**Section 2. Placard.** (See Regulation 18.)

**Section 3. Concurrent and Terminal Disinfection.** (See Regulations 24-26.)

#### PREVENTION OF DANGEROUS COMMUNICABLE DISEASES AMONG SCHOOLS AND SCHOOL CHILDREN

**Regulation 42. Trachoma. Section 1. Protection of School Children.** No person suffering from trachoma shall be permitted to attend any school (public, private, parochial, or church) unless under active treatment by a physician licensed to practice medicine in North Dakota, who shall certify in writing to the school board and the health officer that treatment is being faithfully carried on with full cooperation and faithful compliance with all of his orders and instructions by patients and parents.

**Section 2. Modification of Restriction.** Any local health officer may modify these restrictions where in his judgment the circumstances and surroundings of any case justify it, in order to prevent the spread of trachoma.

**Regulation 43. Tuberculosis. Exclusion from School.** Any health officer upon request from the county superintendent of schools, any school principal or patron, or when he has reason to suspect that tuberculosis in any pupil, teacher, or janitor, exists, must make an investigation. If, upon investigation and examination, the health officer decides any pupil, teacher or janitor to be tuberculous, he shall exclude such person from school nor shall any such person be allowed to return to school until proof satisfactory to the health officer that such person is not suffering from tuberculosis, is established.

**Regulation 44. Section 1. Exclusion from School.** All children, teachers, janitors, or other persons suffering from or exposed to any

disease requiring quarantine shall be excluded from all schools, nor shall they be allowed to attend school when living or lodging at any place where a quarantinable disease exists.

**Section 2.** Any pupil, teacher, janitor, or others absent from school for more than three days for illness or when other members of the family are ill for more than three days where the cause is unknown and a possibility of its being a communicable disease exists shall be excluded from school until a written permit is presented from a physician licensed to practice medicine in North Dakota, or health officer, stating that the disease is or is not communicable and that there is no danger of communicating the disease to others.

**Regulation 45. Exclusion from School for Special Diseases.** In addition to the diseases elsewhere declared by these rules to be subject to quarantine, any child shall be excluded from any public, private, or parochial school by the health officer, when such child is afflicted with the following diseases:

Contagious conjunctivitis, impetigo contagiosa, mumps, pediculosis (lice), ringworm, scabies (itch), or any suppurative disease of a foul or offensive nature; provided, that in case of ringworm or scabies or pediculosis, the child may be allowed to continue school attendance at the discretion of the health officer, if proper treatment be immediately instituted and continued until a cure is effected.

**Regulation 46. Disinfection of School Buildings.** Whenever any pupil, janitor, or teacher in any public, private, or parochial school is afflicted with any disease for which disinfection is required by the rules of the State Department of Health, the school buildings, school room, or rooms must be declared infected and dangerous to the public health; and such school building, room, or rooms shall not be used again for school purposes until thorough disinfection of the same has been carried out under the direction of the local health officer.

**Regulation 47. Teacher Must Report Suspected Cases.** Whenever any school principal or teacher in any private, public, or parochial school has reason to suspect that any pupil is suffering from or has been exposed to any communicable disease, such principal or teacher shall send the child home with instructions to see his family physician, and any pupil so excluded shall not be permitted to attend school again until such pupil shall present a certificate from a physician licensed to practice medicine in North Dakota stating that the child is not suffering from a communicable disease and that it is safe for him to return to school. Such principal or teacher shall also report any such suspected case to the local health officer, who, upon receipt of such report, shall use his best judgment as to the necessity for further investigating the case. If no legally qualified physician reports to him within the required time, the health officer must investigate.

**Section 2. Must Notify School Teachers.** When any officer shall have knowledge of the existence of any communicable disease within his district in any house from which any child attends school or in which any person resides who is in the habit of frequenting any school building, he shall immediately notify the superintendent of schools, if located in a town having a superintendent of schools, or the school teacher of the school in the immediate school district, of the existence of the disease and the house in which it is located.

**Regulation 48. School May be Closed.** Whenever, in the judgment of the State Department of Health or of any county or city health officer, it is advisable to close the schools because of the prevalence of any contagious or infectious disease or diseases, he shall serve written notice upon the board of school directors or the responsible officials of any private, parochial, public, or Sunday school in the same district in which such disease or diseases prevail, directing them to close all schools immediately, nor shall any such schools be reopened until ordered by the proper health official.

#### MISCELLANEOUS REGULATIONS

**Regulation 49. Section 1. Toilets, How Constructed and Located.** All human excreta must be disposed of in sanitary sewers, properly constructed settling tanks, or sanitary privies. Settling tanks, cesspools, privies, or other sources of pollution should be located downgrade and at such distances from any well, spring, stream, or cistern used as a source of domestic water supply; provided, that in no case shall such a source of pollution be located within 50 feet, measured horizontally, from a domestic water supply. No privy shall be located within 25 feet of a dwelling. All privies must be constructed as to prevent flies from coming into contact with the privy contents. All privy vaults must be maintained in a sanitary manner.

**Section 2.** No settling tank, cesspool, or privy shall be permitted where sewer connections are available.

**Section 3. Public Toilets.** All toilets used by guests or patrons of any public place or place of business must at all times be kept clean and free from dirt and filth, and the person, persons, firm, or corporation conducting such public place or place of business shall be responsible for the observance of this regulation. It shall be the duty of the local or county health officer or his assistant to see that this regulation is enforced.

**Regulation 50. Disposal of Animal Manure.** No person shall dispose of any manure into any street, alley, or other highway within one-half mile of any house used as a residence. No person shall permit any manure to remain within 500 feet of any house used as a residence, located in an organized village or city, for a longer period than one week, unless such manure is contained in a fly-proof receptacle.

**Regulation 51. Public Health Nursing. Section 1.** All public health nurses, including city school nurses, county school nurses, community welfare nurses, etc., doing work within the State of North Dakota shall be under the immediate control and supervision of the local boards of health where the services are being rendered and as such under the direct control of the State Department of Health, and subject to such rules and regulations of said State Department of Health as may from time to time become effective. It shall be the duty of the State Health Officer to direct the State Public Health nursing program; to require regular, adequate, and uniform reports; and to assist all efforts in the field to improve the quality of the service.

**Section 2.** All public health nurses, including city school nurses, county school nurses, community welfare nurses, etc., before entering on their duties as such within the State of North Dakota, shall procure from the State Health Officer a permit, certifying to their registration within the State of North Dakota as a member of the North Dakota Nursing Association, individual training, qualifications, and fitness for such position, and of having had special public health nursing training satisfactory to the State Health Officer. Provided, however, that all those who are engaged as public health nurses within the State of North Dakota shall be granted a permit if applied for within six months from the date of publication of this regulation.

**Regulation 52. Standard Railway Sanitary Code.** Hereafter contractors and other persons who may establish an industrial camp or camps, for the purpose of logging or any like industry, or for the purpose of construction of any road, railroad, or irrigation canal, or other work, or any other temporary or permanent industrial camp of whatsoever nature, shall report to the State Health Official concerning the location of such camp or camps and shall arrange such camp or camps in a manner approved by the State Health Official, so as to maintain good sanitary conditions, and shall at all times keep such camp or camps in a sanitary condition satisfactory to the State Health Official. The rules governing construction camps contained in the Standard Railway Sanitary Code, which are a part of this Regulation, shall govern all camps unless otherwise specified.

Note: The Railway Sanitary Code is published separately. Copy will be sent on application.

## CONTROL AND SUPPRESSION OF VENEREAL DISEASE

**Regulation 54. Rules and Regulations for the Control and Suppression of Venereal Disease.**

**Rule 1. Venereal Disease Dangerous to Public Health.** The State Department of Health finds the following diseases, namely—syphilis, gonorrhoea, and chancroid—are communicable and dangerous to the public health.

**Rule 2. Prostitution a Prolific Source of Venereal Disease.** Prostitution is hereby declared to be a prolific source of venereal disease and the repression of prostitution is hereby declared to be a public health measure.

**Rule 3. Venereal Disease to be Reported. By Whom to Whom.** Every physician, nurse, attendant, druggist or pharmacist, dentist, superintendent or principal directing officer of a hospital, jail, asylum, home or similar institution, or other person having knowledge of a known case of venereal disease shall, within twenty-four hours of such knowledge of such known or suspected case coming to his notice, report same to the State Department of Health.

**Rule 4. Form of Report.** Such reports shall be on forms prepared and furnished by the State Department of Health.

**Rule 5. Report of Termination of Case.** Upon the termination of treatment of any case of venereal disease the attending physician shall report the fact to the State Department of Health, giving the name, the date upon which the case was terminated, and upon what grounds the case was terminated, (i.e., cured, transferred to another physician, dismissed uncured or died, etc.). If the diseased person discontinues treatment without permission and is still uncured, the name and address of such person shall be reported to the State Department of Health.

**Rule 6. Hospitals and Institutions.** For the purpose of controlling and suppressing venereal disease, the State Department of Health and through its authorized agents may inspect hospitals, dispensaries, charitable and penal institutions, all of the records of diseases treated and laboratory examinations made.

**Rule 7. Record Kept by Druggists. Reports Required.** Every druggist, pharmacist, or other person who sells any drugs, specific, compound, or preparation of any kind for the cure or treatment of venereal diseases shall keep a record of name, address, color, and sex of person making such purchase, together with the name and description of the articles purchased, and shall make a report thereof within 24 hours to the State Department of Health on forms provided for that purpose. In case, however, a person presents a prescription issued by a legal practicing physician for such drugs or remedies, then the record kept by such druggist, pharmacist, or other person and the report thereof shall show the name of the physician who issued the prescription, the name and address of the patient, and the date of the prescription. Such record shall at all reasonable times be open to the inspection of the local health authorities and the State Department of Health.

**Rule 8. Reports Confidential.** All information and reports concerning persons infected with venereal disease shall be confidential and shall be inaccessible to the public.

**Rule 9. Rules and Circular of Information.** Every physician and every person who treats a person afflicted with venereal dis-

case shall give to such diseased person a circular of information and advice concerning venereal disease, furnished or approved by the State Department of Health.

**Rule 10. Change of Physician.** A physician upon being applied to for treatment by a venereally diseased person shall inquire of and ascertain from such person if he has previously consulted with or been treated by another physician for the disease with which he is afflicted; and, if so, the physician now applied to shall:

- (a) ascertain the name and address of the physician previously consulted; and
- (b) report the case to the State Department of Health as provided in these rules, noting on such report the following: "Transfer case from Dr. ...., (giving the name of the physician previously consulted)."

Nothing in these rules shall be construed to prohibit a diseased person from transferring from one physician to another. Such transfer may be made at any time in accordance with the provisions of this rule.

**Rule 11. Application of Diseased Person to Health Authorities for Diagnosis.** Any person being treated for venereal disease who may suspect an incorrect diagnosis of his disease, or who may have a suspicion that he is being continued under treatment an unnecessary period of time, or who has been threatened that his identity will be revealed if he discontinues treatment may apply to the local health authorities of the State Department of Health for examination and advice, or he may transfer to another physician in accordance with the provisions of Rule 10.

**Rule 12. Exposure of Other Persons to Infection Prohibited.** Any person having a known or suspected venereal disease is prohibited from inoculating any other person with venereal disease, and such person shall not perform or commit any act which exposes any other person to inoculation of or infection with any venereal disease.

**Rule 13. Reports by Local Health Authorities to Overseer of Poor. When.** Upon being advised of a case of venereal disease in any person who is unable to pay for the necessary medicines, medical attention, or hospital care, local health authorities shall report the case to the overseer of the poor, who shall supply medicine, medical attention, and hospital care to such person.

**Rule 14. Rules for Isolation. Control and Quarantine.** All cases of venereal disease are subject to the following rules of isolation, control, and quarantine:

- (a) Whenever, in the opinion of the physician responsible for the conduct of the diseased person or health officer, isolation is necessary to protect the public health, to isolate such diseased person.
- (b) The physician or health officer shall exercise diligence to see that the diseased person shall not expose others to infection.

(c) The diseased person shall not during the period of infectiousness be employed or engaged in any of the following occupations:

(1) In the preparation, manufacture, or handling of milk, milk products, or food stuffs:

(2) In any milk products or food manufacturing or food handling establishment;

(3) In the care or nursing of children or of the sick;

(4) In any occupation the nature of which is such that infection may be imparted to others.

(d) Whenever possible cases of venereal diseases shall be removed to a hospital for treatment.

(e) The period of control and treatment in all cases shall be as follows:

(1) **Gonorrhea: Female:** All cases to be kept under control and treatment for a minimum period of one month and thereafter until at least three consecutive negative smears, taken at intervals of not less than 24 hours, are obtained from the cervix, vagina, and urethra.

**Male:** All cases to be kept under control and treatment for a minimum period of one month and thereafter until at least three consecutive negative smears, taken at intervals of not less than 24 hours, are obtained from the urethra following the massage of the prostate.

(2) **Syphilis:** All cases to be kept under control and treatment for a minimum period of one year, and thereafter until all lesions of the skin and mucous membrane have healed, and a negative Wassermann reaction is obtained. (In event of persistent positive Wassermann reaction following a reasonable period of approved treatment, the facts of such case shall be presented to the State Department of Health, for a special ruling on the disposition of the case.)

(3) **Chancroid:** Until all lesions are fully healed and a negative Wassermann test is obtained.

(f) No prostitute, suspected prostitute, or habitual associate of prostitutes shall be released from control or quarantine until such control or quarantine has been terminated by order of the State Department of Health. For the purpose of determining when control or quarantine may be terminated, the necessary smears or specimens of blood, or both as the case may require, taken by the State Department of Health or its specially authorized agent, shall be submitted to the State Public Health Laboratory for examination.

(g) No private patient under treatment of a physician for a venereal disease shall be pronounced cured (non-infectious) and released from control until it has been definitely determined by laboratory examination made by a laboratory approved by the State Department of Health that the period of infectiousness as established in this rule, (Sections e (1) (2) (3)) have elapsed.

**Rule 15. Enforcement by Local Health Authorities.** In addition to the other duties prescribed by these rules, the local health authorities shall:

(a) Use every available means to ascertain the existence of venereal disease, and to investigate all cases reported.

(b) Ascertain, so far as possible, the source of infection and all persons exposed to the same.

(c) Make examinations of persons reasonably suspected of having venereal diseases. (Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons may be considered within the above class.)

(d) In making examinations of females for the purpose of ascertaining the existence of venereal diseases, to appoint, when requested by the person examined, women physicians, where the appointment of such women physicians is practicable and feasible.

(e) Cooperate with proper officials whose duty it is to enforce the laws against prostitutes and otherwise use means for the suppression of prostitution.

(f) Keep all records pertaining to inspection and examination in files not open to public inspection and to make every reasonable effort to keep secret the identity of those affected by venereal disease so far as may be consistent with the public health.

(g) Report to the State Department of Health on forms provided for that purpose.

**Rule 16. Placarding. When Permitted.** The following premises may be placarded:

(a) Premises used for immoral purposes when such premises are known to harbor a person afflicted with venereal disease.

(b) Premises where the diseased person cannot be isolated or controlled. No placard shall be placed on either of the above described premises unless the diseased person will not consent to removal to a hospital or sanitarium during the period of infectiousness.

**Rule 17. Certificate of Freedom from Venereal Disease.** No physician, local health authority, or other person shall issue a certificate of freedom from venereal disease to any person known to be or suspected of practicing prostitution.

**Rule 18. Removal From One Health Jurisdiction to Another.** No person having venereal disease shall move or be moved from one health jurisdiction to another without first securing permission to do so from the local health authorities of the place from which removal is to be made or from the State Department of Health. Such permission may be granted under the following conditions:

(a) The object of the proposed removal shall be deemed by the issuing health officer as urgent and legitimate and not for the purpose of relieving one community of an undesirable burden at the expense of another.

(b) Removal can and will be made without endangering the health of others, either in transit or at destination.

(c) The patient agrees to report in person to the local health authorities immediately upon arrival at destination, or agrees to place self under the care of a reputable physician (to be named in the removal permit) on arrival at destination, and the attending physician assumes responsibility for fulfillment of this agreement.

(d) Removal shall not begin within 24 hours after notice of removal has been forwarded by first class mail to the health officers at the proposed destination of the venereally infected person, which notice shall be made out and signed by the health authority granting permission for removal.

**Rule 19. Definitions.** The following words and phrases as used in these rules shall be defined as follows:

"Venereal Disease" (a) Syphilis; (b) gonococcus infections; or (c) chancroid.

"Prostitute" a person known to be practicing sexual intercourse promiscuously.

"Diseased Person" one infected or suspected of being infected with venereal disease.

**Rule 20. Giving False Information.** It is a violation of these rules for any diseased person or for any physician, drugless healer, pharmacist, dentist, hospital superintendent, attendant, nurse, or other person of whom information is required by these rules to give knowingly an incorrect name and address or to impart any false information.

**Regulation 55. Embalming, Undertaking and Transportation of the Dead.** Note: These rules and regulations are published separately. Copy will be sent upon application.

## WATER, SEWERAGE AND REFUSE DISPOSAL

**Regulation 56. Regulations Governing Water, Sewerage and Refuse Disposal.**

**Section 1. Quality of Water.** No supply of water furnished to people in the state for general use shall contain bacteriological, chemical, or physical impurities which shall injuriously affect or tend to affect public health. It shall satisfy the bacteriological standards of the United States Public Health Service for waters used by the public on interstate common carriers. The source of water supply, the location, and construction features, and the method of distribution shall be satisfactory according to a sanitary survey. Any water supply falling below these requisites shall be either improved in order to fulfill the standards or discontinued.

**Section 2. Disposal of Sewage.** No sewage shall be placed, or permitted to be placed, discharged, or permitted to flow into any of the waters of the state except as hereinafter provided. This regulation shall not prevent the discharge of sewage from any public

sewer system owned and maintained by a municipality or sewerage company, provided such sewer system was in operation and was discharging sewage into the waters of the state on January 1, 1920; but this exception shall not permit the discharge of sewage from any sewer system that shall have been extended subsequent to the aforesaid date, nor shall it permit the discharge of any sewage which, upon investigation by the State Department of Health, shall be found to be polluting the waters of the state in a manner prejudicial to the health and comfort of its inhabitants. Whenever complaint shall be made to the State Department of Health of the pollution or of the polluted condition of any of the waters of the state or whenever the State Department of Health shall have reason to believe that any of the waters are being polluted in a manner prejudicial to the health and comfort of any of its inhabitants, it shall be the duty of the State Department of Health to make an investigation covering the pollution or the polluted condition. Whenever an investigation shall be undertaken by the State Department of Health, it shall be the duty of any organization or person concerned in such pollution to furnish upon request to the State Department of Health, such information as may be required as to the amount and character of the polluting material discharged into the said waters by such organization or person. If the State Department of Health shall find that any of the waters of the state have been or are being polluted in a manner prejudicial to the health and comfort of its inhabitants, the State Department of Health shall have the authority to make an order requiring such pollution to cease within a reasonable time, or requiring such manner of treatment or of disposition of the sewage or other polluting material as may in its judgment be necessary to prevent the future pollution of such waters, or both. And it shall be the duty of the organization or person to whom such order is directed to fully comply with the said order of the State Department of Health. If the organization or person shall consider the requirements of the said order to be illegal, unjust, or unreasonable, an appeal therefrom within 30 days after the making of the order can be made to the district court of the county in which the pollution or polluted condition occurs; and the said court shall hear the said case without delay, and shall render a decision approving, setting aside, or modifying the said order, or fixing the terms upon which said permit shall be granted, and stating the reasons therefor.

Sewage is a combination of the liquid wastes conducted away from residences, business buildings, and institutions, together with those from industrial establishments; and with such ground, surface and storm water as may be present.

By the term "organization" in this regulation is meant municipality, company, corporation, or institution.

**Section 3. Care and Disposal of Refuse and Garbage.** No house refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste matter of any kind shall be thrown upon any street,

road, or public place; and no such refuse, decaying animals, or vegetable matter shall be kept in any house, cellar, or adjoining outhouses or premises in any incorporated or unincorporated city, town, village or built-up community for more than 48 hours from May 1 to Oct. 31 and not longer than four days from Nov. 1 to April 30. All receptacles for such garbage, etc., shall be so constructed as to be of sufficient dimensions for the reception of all garbage, shall be water-tight, shall be made of tight-matched lumber or galvanized iron, shall stand at least nine inches from the ground, and shall be provided with a suitable cover which must be kept properly adjusted to the same, so as to protect the contents from flies, insects, rats, and animals or vermin. All garbage or refuse containers shall have their contents emptied at least once every 48 hours.

**Section 4. Filling in of Land.** No filling in or making of land by the dumping of rubbish or other material shall be done within, or in the vicinity of, any incorporated or unincorporated city or town limits unless approved by the health officer having jurisdiction.

**Section 5. Exemption.** Cities having in force ordinances for the disposal of refuse and garbage equivalent to those demanded by the State Department of Health are not affected by these rules.

**Section 6. Submission of Plans for Approval.** No system of water supply, sewage or refuse disposal for public use in the state, which affects or tends to affect public health shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, alteration, or extension, together with such information as the State Department of Health may require, have been submitted in triplicate and approved by the State Department of Health so far as relates to their sanitary features. All construction shall take place in accordance with the plans as approved, whether with or without modification. Whenever any governing body having charge thereof shall determine that there shall be any material change in the plans, construction, or operation of any such system, such governing body shall submit to the State Department of Health a detailed statement of such action or such contemplated changes before it shall enter upon the making of such changes or enter into any contracts therefor or any part thereof, and then such changes shall be made only after approval by the State Department of Health as to all matters liable to affect public health.

**Section 7. Submission of Plans for Water Supply and Water Treatment Works.** Plans in triplicate shall be submitted to the State Department of Health for examination at the earliest possible date prior to the date upon which action by the department is desired. From this it is not to be inferred that action by the department will always be taken within the time mentioned.

Plans shall be accompanied by three copies of specifications and three copies of an engineer's report on the project.

On approval, one set of the plans, the specifications, and the engineer's report will be retained for the files of the State Department of Health; one set will be delivered to the organization for which the work is to be done; and the third set will be returned to the engineer.

**Section 8. Information Required.** The plans for a complete water supply and water system shall consist of the following parts:

(a) A general plan of the municipality or district, showing the proposed system.

(b) Detailed drawings showing the construction of any special structures in the distribution system.

(c) General and detailed plans for the water treatment works.

(d) A comprehensive report upon the proposed system by the designing or consulting engineer. This report to be typewritten on letter-size paper, and the sheets are to be firmly bound together.

**Section 9. General Plan.**

(a) The general map referred to in Section 8 shall be drawn to a scale not greater than 100 nor less than 300 feet to one inch, covering the entire area of the municipality or district to be supplied with water, and shall accompany each application in the case of a new water system, or any extension or modification of any water supply or water treatment system, unless such a general plan of the entire area has been previously submitted.

If the municipality is greater than two (2) miles in length, the map may be divided into sections, conforming in size to those mentioned in Section 10. The sheets shall be bound together and a small index map supplied, showing by number the area covered by the various sheets.

(b) Details of Map. This map shall show all existing or proposed streets, the surface elevations of all street intersections, and the elevations of the principal parts of the water system, such as water at the intake, in the reservoir or standpipe, etc. The map should show that water supply facilities can be provided for all sections of the municipality or district, even though the construction of pipe lines in some of the streets is to be deferred indefinitely. The location of intakes, valves, hydrants, reservoirs, pumps, standpipes, the purification plant, and any special structures shall be shown and referenced in a legend near the title. The size of pipes shall be written between the street lines and along the pipe. The map shall also show the true or magnetic meridian, title, scale, date, the municipal or district boundaries, and the mean, low and high water elevations of water at the intake. If the site of the pumping plant is subject to flooding, the elevation of the highest known flood water must be given.

(c) Letters and figures shall be clearly and distinctly made. Pipe lines to be built at present shall be shown by solid lines and those to be later constructed shall be shown by broken lines. All

topographical symbols used are to be the same as those used by the United States Geological Survey.

(d) The elevations of the street intersections shall be placed outside of the street lines in the upper right hand angle or opposite their respective positions in the street.

(e) Detail drawings of all special appurtenances, such as blow-offs, siphons, intakes, conduits, reservoirs, collecting galleries, filters, etc., shall be submitted.

(f) Profiles of long conduits or pipe lines may be plotted to a convenient scale and shown on sheets of the sizes mentioned below.

#### **Section 10. Treatment Works General Plans.**

(a) The plans for the treatment works shall consist of a general plan upon which reserve areas or future extensions must be shown and also the general layout of the various units of the process, together with the piping system.

(b) The detail drawings shall include longitudinal and transverse sections sufficient to show the construction of each unit and part of the plant. They shall also show the distributing, drainage, and cleansing systems, the general arrangement of any automatic devices, the sizes and depth of stone gravel or sand used for filtering material, and such other information as is required for the intelligent understanding of the plans.

(c) All drawings submitted shall be neatly and plainly executed and may be traced directly on tracing cloth, printed on transparent cloth, or printed on any of the various papers which give distinct lines.

(d) The following dimensions are suggested for ordinary use, with the exception of the general map: Distance from top to bottom, 20 or 30 inches; length, 24 inches, 32 inches, 40 inches, 48 inches or thereabouts. By this section it is intended to prevent the use of unnecessarily long or large maps, which are difficult to file or to use.

(e) Each drawing shall have legibly printed thereon the name of the municipality or persons for whom the drawings are made, the name of the engineer in charge, the date, the scale and such references in the title as are necessary for the complete understanding of each drawing.

**Section 11. Engineer's Report.** A report, written by the designing or consulting engineer, shall be presented with all plans for complete systems, and shall give all data upon which the design is based or which is required for the complete understanding of the plans.

Where a purification or treatment plant is to be constructed, a measuring device shall be provided at some convenient point, and the installation of a recording device is recommended, and in particular instances may be required.

**Section 12. Wells and Collecting Galleries.** If the water supply is to be taken from wells, description shall be given of the number, depth, size and construction of the same, the method of pumping, the capacity of the pumps, the kind of strainer used, the nature of ground through which wells will be driven, and the probable flow of the wells. If collecting galleries are to be used, their construction shall be described.

**Section 13. Information Concerning Treatment Plant.** The following information concerning the treatment plant is required: The method of treatment and a description of the units of the system; the rate of operation of each of the systems; the rate of operation of each unit of the plant; if any chemicals are used, the nature and quantity of each with a description of the appliances for adding the same to the water; a description of all conditions which are peculiarly characteristic of the water or locality and which in any manner affect the design or operation of the system; a description of all special appliances used, any special methods of maintenance or operation of the plant, and the extent of treatment expected or guaranteed.

The report should further include a description of the nature and extent of the area to which it is proposed to supply water, or which will ultimately be supplied from the system, the quantity of water to be supplied daily, and the population to be served, the portion of the system to be constructed at present, and the minimum depth of pipe below the surface of the ground. A description of any provision for future units of pumping plants, filters, etc., should be given.

**Section 14. Unsupplied Districts.** Should there be areas in the municipality or districts which, on account of topography or for other reasons, cannot be supplied with water, a definite statement to this effect must be made and the probable future supply of this omitted territory should be discussed.

**Section 15. Specifications.** Specifications and an estimate of the cost for the construction of water supply and water treatment systems shall accompany all plans for new or original systems.

**Section 16. Extensions to or Modifications of Present Systems.** If the plans are solely for the extension to or modification of the existing system, only such information as is necessary for the comprehension of the plans will be required. This information shall in general conform to the above requirements for a complete system.

**Section 17. General Requirements. Application for Approval.** The application for approval of plans shall be made by the proper municipal authorities, persons for whom the work is to be done, or their properly authorized agents. Blank forms for the applications will be supplied by the State Department of Health.

**Section 18. Samples of Water to be Analyzed.** The State Department of Health will collect and analyze at regular intervals samples from all public water supplies. Requests for the analysis

of the special samples should be made to the department in writing, as samples will not be examined unless collected according to regulations of the State Department of Health.

**Section 19. Approval of Plans.** Preliminary rejection of plans or suggested changes will generally be taken up with the engineer designing the system. Final approval or rejection will be indicated on each sheet of the plans and profiles, and in a letter on the project as a whole. Copies of said letter will be sent to the engineer and to the mayor or other executive of the city, village, or institution for which the system or plant is designed.

**Section 20. Submission of Plans for Sewerage Systems and Sewage Treatment Works.**

Plans in triplicate shall be submitted for examination at the earliest possible date prior to the date upon which action by the department is desired. From this it is not to be inferred that action by the department will always be taken within the time mentioned.

Plans shall be accompanied by three copies of the specifications and three copies of an engineer's report of the project.

On approval, one set of the plans, the specifications, and the engineer's report will be retained for the files of the State Department of Health, one set will be delivered to the organization for which the work is to be done; and the third set will be returned to the engineer.

**Section 21. Information Required.** The plans for a complete sewerage and sewage treatment system shall include the following:

- (a) A general map of the municipality or sewage district.
- (b) Profiles of all sewers proposed.
- (c) Details of construction of manholes, flush tanks, and special structures pertaining to the sewers.
- (d) General and detailed plans for disposal works.
- (e) A comprehensive report upon the proposed system by the designing or consulting engineer. This report is to be typewritten on lettersize paper, and the sheets are to be firmly bound together.

**Section 22. Map or General Plan.**

(a) The general plan referred to in Section 21 shall be drawn to a scale not greater than 100 nor less than 300 feet to one inch and shall show the entire area of the municipality or district. If the municipality is greater than two (2) miles in length, the map may be divided into sections, conforming in size to those mentioned in Section 26. The sheets shall be bound together and a small index map supplied, showing by number the area covered by the various sheets. A general plan shall accompany each application for a new sewer system or for any extension or modification of any existing sewer system, unless such general plan has already been submitted.

(b) This plan shall show all existing or proposed streets and the surface elevations at all street intersections.

If it is intended to defer the construction of sewers in some of the streets, the plan shall show that sewerage facilities are provided for all such sections of the municipality or sewerage district. The plans shall also clearly show the location of all existing sewers, either "separate" or "combined," and the location of existing and proposed sewer outlets or overflows. The true or magnetic meridian, the town or borough lines, title, date, scale, direction of flow, and average water elevation of the stream shall also be clearly shown. The elevation of the highest known freshets at the outlets and site of the disposal plant shall be given. Any area from which sewage is to be pumped shall be shown by light shading, coloring, or other distinctive marks.

(c) Letters and figures shall be clearly and distinctly made. Sewers to be built at present shall be shown by solid lines, and sewers to be constructed later shall be shown by a line of dashes, as — — — — . Existing sanitary sewers shall be shown by the following symbol, - - - - - , and combined sewers by dot and dash, . . . . . All topographical symbols are to be the same as those of the United States Geological Survey.

(d) Elevations of the surface of the streets should be placed outside the street lines in the upper right angle or opposite their respective positions in the street. The elevations of sewer inverts should be shown at street intersections, ends of lines, and wherever a change of grade occurs. The elevations of the sewer shall be written close to the point to which they refer, parallel with the sewer line, and between the street lines. The elevations of surface shall be shown to the nearest 1-10 foot; those of the sewer invert shall be shown to the nearest 1-1000 foot. The sizes and gradients of all proposed and existing sewers shall be marked along the line of the sewer.

(e) All sewer appurtenances and unusual features, such as manholes, flush tanks, siphons, pumps, etc., shall be designated on the plans by suitable symbols and referenced by a legend near the title.

**Section 23. Profiles.** Profiles of all sewers where gradients less than that given below are used shall accompany the application. Profiles of all sewers must be approved before they are constructed.

Profiles of sewer lines shall be prepared and drawn to such a scale as to clearly show the structural features of the sewer. For ordinary use, the following scales are suggested: Vertically, 10 feet to one inch; horizontally, 100 feet to one inch. Both scales must be clearly shown upon each sheet. Upon these profiles shall be shown all manholes, flush tanks, siphons, and stream crossings, with elevations of stream bed and normal water. Figures showing the sizes and gradients of sewers, surface elevations, sewer inverts, etc., should be shown with the same frequency as required for the map.

Every sewer should be laid to a grade which will produce a mean velocity, when the pipe is flowing full or one-half full, of at least two feet per second. In computing this velocity by Kutter's formulae, the coefficient of roughness for vitrified claypipe shall be taken as  $-0.013$ . The grades for various pipe sizes which are necessary to produce this velocity are substantially as shown in Table A.

The grades of the upper two blocks or the first 600 feet of all lateral sewers may be less than those shown in Table A only under exceptional circumstances where adequate provisions for flushing are provided; in no case shall the grades be less than those shown in Table B.

The grades of lateral sewers two or more blocks, or 600 feet from the upper end, and of all trunk sewers may under exceptional circumstances be less than those shown in Table B. In such cases, good reasons for using lower grades shall be submitted in writing with the plans. Engineers are cautioned not to specify pipes of sizes which are obviously larger than is necessary for satisfactory carrying capacity but which are specified in order to meet grade requirements.

**Table A**

Size of Pipe (Nominal inside diameter)	Grade (Fall in feet per 100 feet of sewer)
6-inch.....	0.60
8-inch.....	0.40
10-inch.....	0.30
12-inch.....	0.22

**Table B**

6-inch.....	0.33
8-inch.....	0.25
10-inch.....	0.23
12-inch.....	0.20
15-inch.....	0.16
18-inch.....	0.12
20-inch.....	0.10
24-inch.....	0.08

These grade requirements do not apply to outfall sewers from sewage treatment plants where the sewers normally carry a clarified or completely treated sewage.

Where a pipe sewer is increased in size, the invert of the larger pipe should be lower than the invert of the smaller pipe by not less than one-half the difference in their vertical diameters.

**Section 24. Detail Plans.** Detail drawings of sewer sections, except where terra cotta or iron pipe is used, and of all sewer appurtenances, such as manholes, lampholes, flush tanks, inspection chambers, siphons, and any special structures, shall accompany the general sewer plans.

The detail plans shall be drawn to such a scale as to show suitably and clearly the nature of the design and all details, such as man-hole frame and covers, iron pipes, valves, gates, etc.

**Section 25. Disposal Works.** (a) All drawings submitted shall be neatly made and shall include a general plan, upon which reserve areas or future extensions are clearly shown, and detail plans of the various units and structures which comprise the plant.

A weir or other measuring device shall be provided at some convenient point. The installation of a recording device is recommended, and in particular instances may be required.

(b) The detail plans shall show longitudinal and transverse sections sufficient to explain the construction of each unit. They should also show the distributing and drainage systems; general arrangement of any automatic device; sizes of stone, gravel or sand used as filtering material; and such other information as is required for the intelligent understanding of the plans.

**Section 26. Drawings.** (a) All drawings submitted shall be neatly and plainly executed and may be traced directly on tracing cloth, printed on transparent cloth, or printed on any of the various papers which give distinct lines. All prints shall be clear and legible.

(b) With the exception of the map, the following dimensions are suggested for ordinary use: Distance from top to bottom 20 or 30 inches; length 24 inches, 32 inches, 40 inches, 48 inches, or thereabouts. By this section it is intended to prevent the use of long profiles and unnecessarily large maps, which are difficult to file or to use.

(c) Each drawing shall have legibly printed thereon the name of the town or persons for whom the drawing is made, the name of the engineer in charge, the date, the scale, and such references in the title as are necessary for the complete understanding of each drawing.

**Section 27. Engineer's Report.** A report written by the designing or consulting engineer should accompany all plans for complete sewerage systems and shall give all data upon which the design is based, such as:

(a) **Information Concerning Sewer Systems.**

(1) The nature and extent of the area which is proposed to be included within the present system of sewage, and of the area which is planned to drain ultimately into this system.

(2) The estimated per capita daily flow of sewage to be cared for.

(3) The population to be served, that at the present time and that estimated for 25 years hence.

(4) The total and per capita water consumption of the town at the present time.

(5) The allowance made for leakage into the sewers.

(6) The estimated daily flow of sewage, including leaks.

(7) The character of the sewage, (whether domestic or including manufacturing wastes. In case of the latter, the nature and approximate quantity of the same shall be stated in specific terms).

(8) Method of flushing or periodically cleaning the sewers.

(9) That portion of the sewers to be built at the present time.

(10) The minimum grades of sewers for each size used.

(11) If there are sections which cannot drain into this system, the extent of such sections and the probable future disposition of the sewage from these sections shall be given.

A list of bench marks or fixed elevations should be included in this report.

(b) **Information Concerning Treatment Plant.** With regard to the treatment plant, the engineer's report shall cover the following subjects:

(1) The method of treatment to be adopted and a description of the units of the system.

(2) The rate of working of such unit.

(3) If disinfection is to be used, the name of the disinfecting substance, the quantity per million gallons of sewage, and the method of application.

(4) The nature of the body of water into which the effluent discharges, with particular reference to the run-off during dry weather.

(5) The disposal of sludge.

(6) All conditions peculiarly characteristic of the locality and which in any way affect the design of the system.

(7) Special devices used in connection with the treatment system.

(8) Special methods of maintenance or operation of the system.

(9) The results expected from the purification system.

(10) Explain any provisions for reserve units in pumping plants, pipe lines, filters, etc.

**Section 28. Specifications and Estimate of Cost.** Specifications for the construction of the system of sewers and sewage treatment works and an estimate of the cost of the same shall accompany all plans for new or original systems.

**Section 29. Extensions to or Modifications of Present Systems.** If the plans are solely for the extension to or modification of an existing system, then only such information as is necessary for the comprehension of the plans will be required. This information must in general conform to the above requirements for a complete system.

**Section 30. General Requirements. Application for Approval.** The application for approval of plans shall be made by the proper municipal authorities, persons for whom the work is to be done, or

their properly authorized agents, upon blank forms which will be supplied by the State Department of Health.

**Section 31. Systems on Separate Plan.** Under ordinary circumstances the State Department of Health will approve such plans only when designed upon the separate plan in which all rain water from roofs, streets, and other areas and all ground water, other than unavoidable leakage, is to be excluded.

**Section 32. Samples of Sewage to be Analyzed.** The State Department of Health will collect and analyze samples of sewage from all public sewer systems at regular intervals.

**Section 33. Approval of Plans.** Preliminary rejection of plans or suggested changes will generally be taken up with the engineer designing the system. Final approval or rejection will be indicated on each sheet of the plans and profiles and in a letter on the subject as a whole, copies of which will be sent to the engineer and to the mayor or other executive of the city, village, or institution for which the system or plant is designed.

**Section 34. Water and Sewer Connections.** Whenever any North Dakota city or village having power to do so installs or constructs a municipal sewer and water plant within its corporate limits along any public street or alley, it shall be the duty of every owner or occupant of any abutting property, platted into lots and blocks with a dwelling house or business property situated therein, to install a flush toilet system in said dwelling or business property and to make connection thereof with the water and sewer in the street or alley adjacent thereto. Said connection shall be made within 30 days after written notice is given by the authorized local official to such owner or occupant. When the owner or occupant of any property so notified in writing shall fail, refuse, and neglect to install a toilet and make such sewer and water connection within 30 days and when proof of the service of such notice shall fail, such governing body may by a resolution direct that a toilet be installed and connection made with the sewer and water and that cost of said installation be paid in the first instance by the city or village out of the general fund of revenue, and the actual cost thereof assessed against the said property so benefitted. After such installation and connection is completed, there shall be served written notice of such assessment and an order directing the owner or his or her representative of such property to pay said assessment and within 10 days after the service of said written notice to the treasurer of such city or village. After proof of such notice and order and proof that the assessment has not been paid within said 10 days, the same shall be certified to the county auditor for collection as other assessments for benefits, except that such assessments may be spread over a term of three years, if so requested when certified, and shall become a lien upon said property until paid.

**Section 35. Penalty for Failure to Make Connection.** Any person who shall in any way interfere with the carrying out of the

provisions of this section shall be subject to punishment by a fine of not less than twenty-five dollars (\$25.00) when convicted or more than one hundred dollars (\$100.00) or to imprisonment in the county jail for not more than three months or by both fine and imprisonment, at the discretion of the trial court.

**Regulation 57. Vital Statistics.** The laws governing vital statistics are sufficient for present needs.

(THE FOLLOWING RULES AND REGULATIONS NOT OF GENERAL INTEREST WILL BE PUBLISHED SEPARATELY.)

**Regulation 58. Sanitation of Barber Shops.**

**Regulation 59. Governing Beauty Parlors.**

**Regulation 60. Standard Minimum Plumbing Code.**

### STERILIZATION OF SECONDHAND GOODS

**Regulation 61. Regulations for the Sterilization of Secondhand Mattresses, etc.** In order to properly sterilize secondhand mattresses, upholstered furniture, feather pillows, comforters, and cushions, or contaminated materials used for the filling of these commodities, it is provided by law that articles and materials must be sterilized and disinfected by a process or process approved by the State Department of Health.

The State Department of Health hereby declares and rules that the sterilization and disinfection of these articles or materials shall be by one of the following methods and under the conditions outlined in such methods:

**Section 1. Steam Under Pressure.** By subjecting to steam under pressure for a period of 15 minutes, the pressure of the steam to be a minimum of 7½ pounds per square inch and the temperature of the steam to be a minimum of 230 degrees F. A properly checked steam-pressure gauge and a thermometer, both visible from the outside of the chamber, shall be provided.

**Section 2. Vacuum Chemical Method.** (a) Vacuum of not less than 27 inches, and (b) to fumes generated by not less than 30 ounces of formaldehyde and one pound permanganate per 1,000 cubic feet for two hours as a germicide, together with four pounds of carbon disulphide as an insecticide. (c) Temperature of not less than 212 degrees F. shall be maintained during the use of the gas.

**Section 3. Wet Method.** Immerse in water maintained at a temperature of 212 degrees F. for at least 10 minutes, with proper arrangements for agitation of the material while in the vat, and if after disintegration the material will pass through a hole 1½ inches in diameter.

**Section 4. Dry Heat Method.** By subjecting to temperature of 230 degrees for a period of not less than 30 minutes. When dry heat is used, a suitable chamber must be provided and equipped with means to keep the hot air in circulation, and thermometers must be maintained on the outside of such chamber to show the

actual heat inside the chamber. These thermometers must be placed one not higher than 12 inches from bottom of chamber and one not lower than 12 inches from top of chamber.

Filthy or badly soiled articles of bedding offered for sale shall not be considered properly sterilized unless the fabric covering such articles is laundered or replaced by clean or new covering and the filling materials subjected to one of the sterilizing methods outlined herein.

Secondhand upholstered furniture presents the same potential danger of spreading disease and vermin and comes under the same general classification as articles of bedding in which filling materials are concerned. The State Department of Health hereby requires that secondhand upholstered furniture which has been or could be used for sleeping purposes before it shall be offered for sale for use shall be subjected to sterilization under the same condition and restrictions as the other articles named in this resolution.

**Section 5. Sanitary Requirements.** Under the general sanitary laws and in order to insure full compliance with these rules, all premises, rooms, chamber, etc., used for the purpose of sterilization shall be kept in a clean and orderly condition, free from dust, dirt, or other filth. Places and vehicles used for the handling, storing, or transportation of such articles shall be kept free from vermin by the use of an effective insecticidal spray at frequent intervals.

**Section 6. Renovated Secondhand Materials Must be Labeled.** All mattresses, pillows, comforters, upholstered furniture, etc., containing secondhand used or renovated materials in any quantity must be labeled by the manufacturer in such a way as to leave no misunderstanding as to the nature, kind and proportion of materials used. The label must show a serial or recorded identification number, that the article contains secondhand material, and that it has been disinfected in a manner approved by the State Department of Health. Such label must be permanently stitched or sewn on to the finished article in a conspicuous place.

**Regulation 62. Disinfection of Used Wearing Apparel and Bed Clothing. Section 1.** No secondhand furniture, bed clothing, wearing apparel, or any articles, including kitchen equipment and utensils of every description, ordinarily used in furnishing or decorating a home shall be sold, exchanged, or given away by any person, corporation, or agency without first thoroughly cleaning and disinfecting the same in a manner prescribed by these regulations or in such other manner or equal efficiency approved by the state or local health officer.

**Section 2.** All secondhand or used wearing apparel, bed clothing, and other articles described in these regulations will be deemed properly disinfected after being loosely hung in a tight room in such a manner as to allow free circulation of formaldehyde gas to all surfaces of the material, after which formaline must be evapor-

ated in the room in the proportion of one quart to 1,000 cubic feet of air space and allowed to stand tightly closed for a period of not less than 12 hours. The room should then be opened and the material thoroughly aired.

**Section 3.** All properly cleaned and disinfected articles described in these regulations when intended for distribution should be tied or packed in a bundle of convenient size and labeled, "Disinfected by.....on.....at....."

Name of Agency	Date	Place
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in a manner prescribed by the laws of North Dakota and the regulations of the State Department of Health.

**Section 4.** All secondhand clothing, bedding, or other materials described in these regulations and all storage or distribution depots shall be open for inspection at all times by any state or local health officer.

**Section 5.** No secondhand wearing apparel, bed clothing, or other materials mentioned in these regulations shall be accepted or shipped into this state or from one point to another within the state from localities where any communicable disease exists.

**Section 6.** No person, corporation, or agency shall be permitted to distribute secondhand or used wearing apparel or bedding without first notifying the state or local health departments of the name and postoffice address of the person or agency making the distribution and the location of the distribution depot.

### OTHER MISCELLANEOUS REGULATIONS

**Regulation 63. Reporting Disease in Outing and Tourist Camps.** It shall be the duty of any proprietor, employer, superintendent, foreman, master, teacher, matron, policeman, town marshal, watchman, or other person in charge of or responsible for the care of any industrial, civil training, "settlement," "fresh air," outing or tourist camp to report to the local health officer any case of reportable disease occurring among camp dwellers, campers, employees, or visitors.

**Regulation 64. Books Exposed to Infection.** Library books, or books owned by a school shall not be loaned to persons residing in a house where anterior poliomyelitis, diphtheria, epidemic meningitis, scarlet fever, smallpox, typhoid fever, pulmonary or other form of tuberculosis exist, except by written permission of the local health officer.

Upon notification of a case of any of the above mentioned diseases the health officer shall make inquiry as to the use of library or school books. If such books have been exposed to infection, he shall notify the library or school authorities, directing what shall be done with the books.

Such books exposed to infection of the above named diseases, except tuberculosis, and if not unduly soiled, shall be withdrawn

from circulation and use for a period of not less than three months, during which period the books shall be subjected to a warm dry atmosphere of at least 70 degrees F. combined with as much open air and direct or indirect sunlight as possible.

Books badly soiled by a person having any of the above diseases, except tuberculosis, shall be burned unless of unusual value, intrinsic or real, justifying special means and expense for disinfection to be borne by the owner and to be carried out under the direction of the local health officer.

Books handled by a person having tuberculosis in an infectious stage shall be burned or, if of unusual value, disinfected, as suggested in the preceding paragraph, unless the local health officer is satisfied from the nature of the case and the character and habits of the individual that withdrawal of the books from circulation and use under conditions above specified is sufficient to insure safety.

**Regulation 65. Tuberculosis, Disinfection of Premises. Section 1. Infected Premises, Disinfecting.** In case of any apartments or premises being vacated by death from tuberculosis or by the removal therefrom of a person or persons sick with tuberculosis, it shall be the duty of the person or physician in charge to notify the health officer of such town, incorporated village, or city, aforesaid, of said removal within 24 hours thereafter, and such apartments or premises to be vacated shall not again be occupied until renovated and disinfected as hereinafter provided.

After the place has been vacated, the health officer shall order that such premises or apartments and all infected articles therein be properly and suitably renovated and disinfected. In case there shall be no remaining occupants in such premises or apartments, then the health officer shall cause a notice in writing to be served upon the owner or agent of the owner of such premises or apartments, ordering the renovation and disinfection of such premises or apartments, under the direction of and in conformity with the regulations of the State Department of Health.

**Section 2. Placard to be Posted on Infected Premises.** In case any orders or directions of the health officer requiring the disinfection of any articles, premises, or apartments, as hereinbefore provided, shall not be complied with within 36 hours after such orders or directions shall be given, then it shall be the duty of the health officer to cause a placard in words and form as follows to be placed upon the door of the infected apartments or premises, to wit:

#### NOTICE

Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their renovation and disinfection has been complied with.

This notice must not be removed under a penalty of law except by the health officer or an authorized officer.

**Section 3. Sputum, Saliva, etc.** It shall be unlawful for any person having pulmonary tuberculosis to dispose of his sputum, saliva, or other secretions or excretions so as to cause offense or danger to any person or persons.

**Regulation 66. Importation of Parrots, Parakeets, and Other Birds of the Psittacine Family.** No person, firm, or corporation shall import into North Dakota, and no common carrier shall accept for shipment into North Dakota, any parrot, parakeet, love bird, macaw, cockatoo, lory, lorikeet, or any other bird of the parrot or psittacine family, unless an accompanying certificate has been obtained from the state health authority of the state from which shipment is made, to the effect that to the best of their knowledge and belief, such bird as may be offered for shipment has originated from an aviary or other distributing establishment free from psittacosis infection, as determined by inspection of birds and the environment in which they have been reared and housed, the history of such establishment as regards psittacosis infection, supplemented by such laboratory examination of birds, selected by a representative of the certifying authority, as may be deemed necessary to enable the certifying authority to determine that the birds offered for shipment are free from psittacosis infection; provided, that no bird of the species above mentioned that is under eight months of age shall be offered or accepted for importation into North Dakota.

Certificates accompanying shipment of psittacine birds into North Dakota as provided in Section 15½ of the United States Public Health Service Interstate Quarantine Regulations shall be surrendered by the common carriers to the health authorities at the destination of the shipment, and a copy of such certificate forwarded to the State Department of Health at Bismarck.

**Regulation 67. Swimming Pools.** No swimming pool used or intended for use by the public or by any school, club, organization, or institution shall be constructed, nor shall any such swimming pool now or hereafter existing, used or intended for such use, be materially altered or enlarged until complete plans and specifications therefor, together with such further information as the State Department of Health may require, shall have been submitted in triplicate and approved by the department so far as sanitary features are concerned. After such plans have been approved by the State Department of Health, no modification affecting the sanitary features thereof shall be made without the approval of the State Department of Health. No contract for the construction, alteration, or enlargement of any such swimming pool shall be let until the plans and specifications therefor have been approved as herein provided.

**Regulation 68. School Water and Sewerage Systems. Section 1. School Water Supplies.** No school in the state shall install a system of water supply or connect to an existing system, nor shall present school sanitary systems be materially altered or extended

until the approval as to sanitation and public health has been secured in writing from the State Department of Health.

**Section 2. School Sewerage Systems.** No school in the state shall install a sewerage system or sewage disposal facilities or connect to an existing sewerage system, nor shall present sewerage systems be materially altered or extended, until approval as to sanitation and public health has been secured in writing from the State Department of Health.

**Regulation 69. Sale of Bulk and Bottled Water Supplies Intended for Domestic Purposes.** After January 1, 1939, no individual company, or corporation shall sell or offer for sale to the public in the state, bottled water, or water in bulk, transported by physical means, until the source of supply, the equipment and the method of handling have been approved in writing by the State Department of Health. Provided, that this regulation shall not apply to municipal water supplies distributed to the consumers under pressure from a water works system approved by the North Dakota State Department of Health.

**Regulation 70. Trailer Camps.** The State Department of Health is authorized to assist county, city, or district health authorities in the formulation of and recommendations for establishing, maintaining, and regulating the public health conditions in trailer camps, temporary camps, summer camps, construction camps, and the like. The personnel and facilities of the department are to be utilized as far as practicable in the inspection, ratings, and the establishment of policies to regulate the sanitary conditions of such camps.

**Regulation 71. Milk Sanitation. Section 1.** It shall be the duty of the State Department of Health to work with and assist city, county, and district boards of health in inaugurating and conducting milk sanitation programs. The department shall:

(a) Study the city milk supplies when requested or agreed to by city health officers and city officials, with reports to these officials of true conditions and recommendations for the improvement of the supplies and correction of defects.

(b) Assist and advise in the formulation and inauguration of local ordinances and in the provision for city inspection and laboratory services for the enforcement of such ordinances.

(c) Assist in training local inspectors and aiding health officers in milk sanitation work and supervision of those in such work.

(d) Furnish technical assistance beyond that ordinarily available from city inspectors, who may not have technical training in milk sanitation or general public health engineering.

(e) Maintain advisory service for dairymen and pasteurization plant operators who contemplate new construction or remodeling existing plants to insure that such alterations or construction meets modern standards and practices.

(f) Investigate for or with local health officials special conditions where there is evidence that a milk supply has spread or may spread, or cause disease.

(g) Standardize the milk inspection work of the local health departments, according to the program as outlined by the United States Public Health Service Milk Ordinance and Code, currently in effect.

(h) Cooperate with and assist out-of-state agencies and health departments interested in milk sanitation work in North Dakota from a standpoint of interstate supplies.

**Section 2.** The United States Public Health Service Milk Ordinance and Code currently in effect shall be recommended to cities as the minimum requirements for satisfactory regulation for the production and handling of milk and milk products.

**Section 3.** No pasteurization plant, which sells milk or milk products for human consumption, shall be constructed, nor shall any such existing plant be materially altered or extended, until complete plans and specifications for the installation, or extension, together with such information as the State Department of Health may require, have been submitted in triplicate and approved by the State Department of Health so far as relates to their sanitary features. All construction shall take place in accordance with the plans as approved.

**Regulation 72. Repealing Previous Regulations.** All regulations heretofore adopted by the State Department of health are hereby annulled, the foregoing rules and regulations being declared the rules and regulations of the State Department of Health and promulgated in accordance with the provisions of the law.

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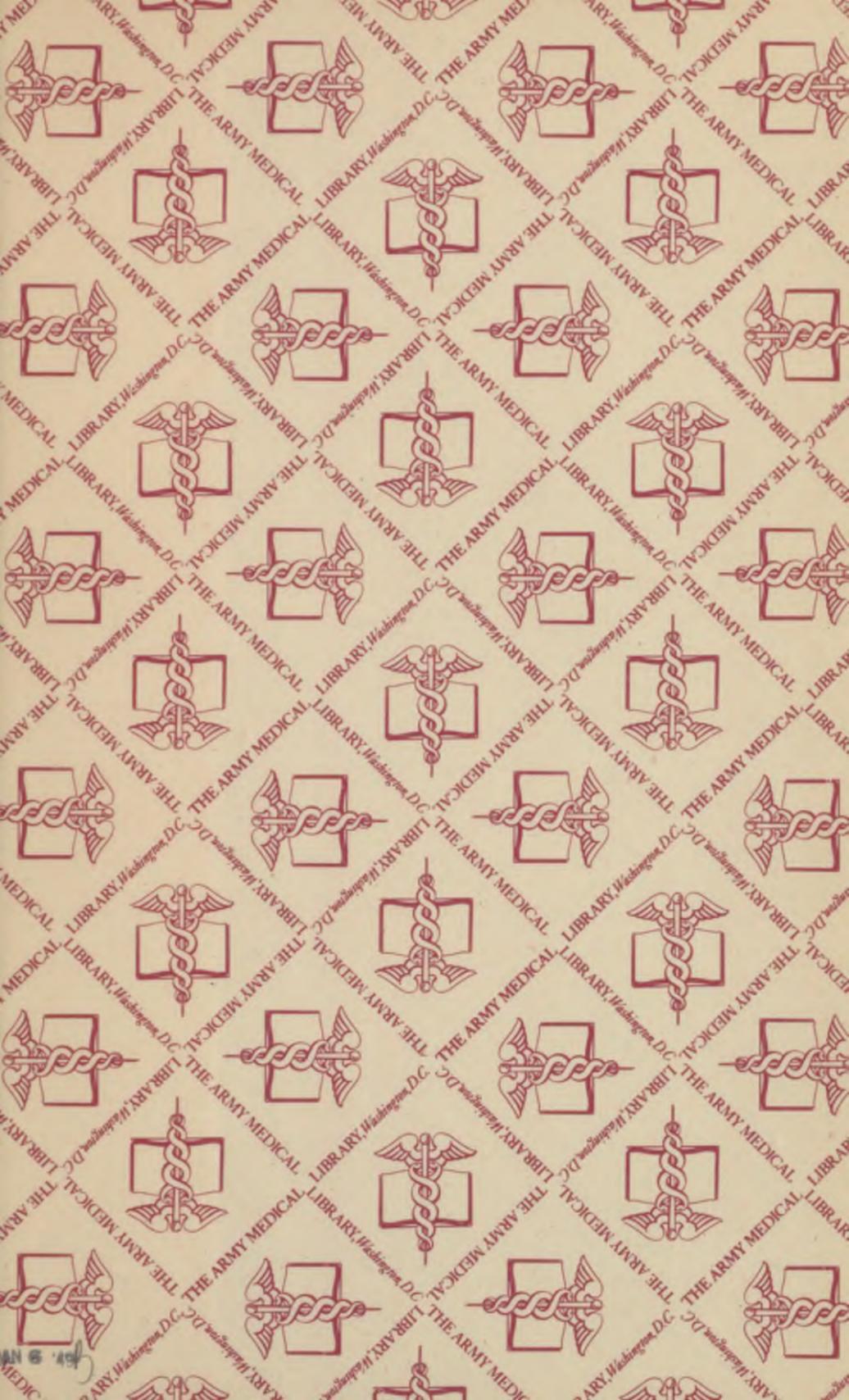
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