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1946

**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**  
Bismarck, North Dakota  
1946

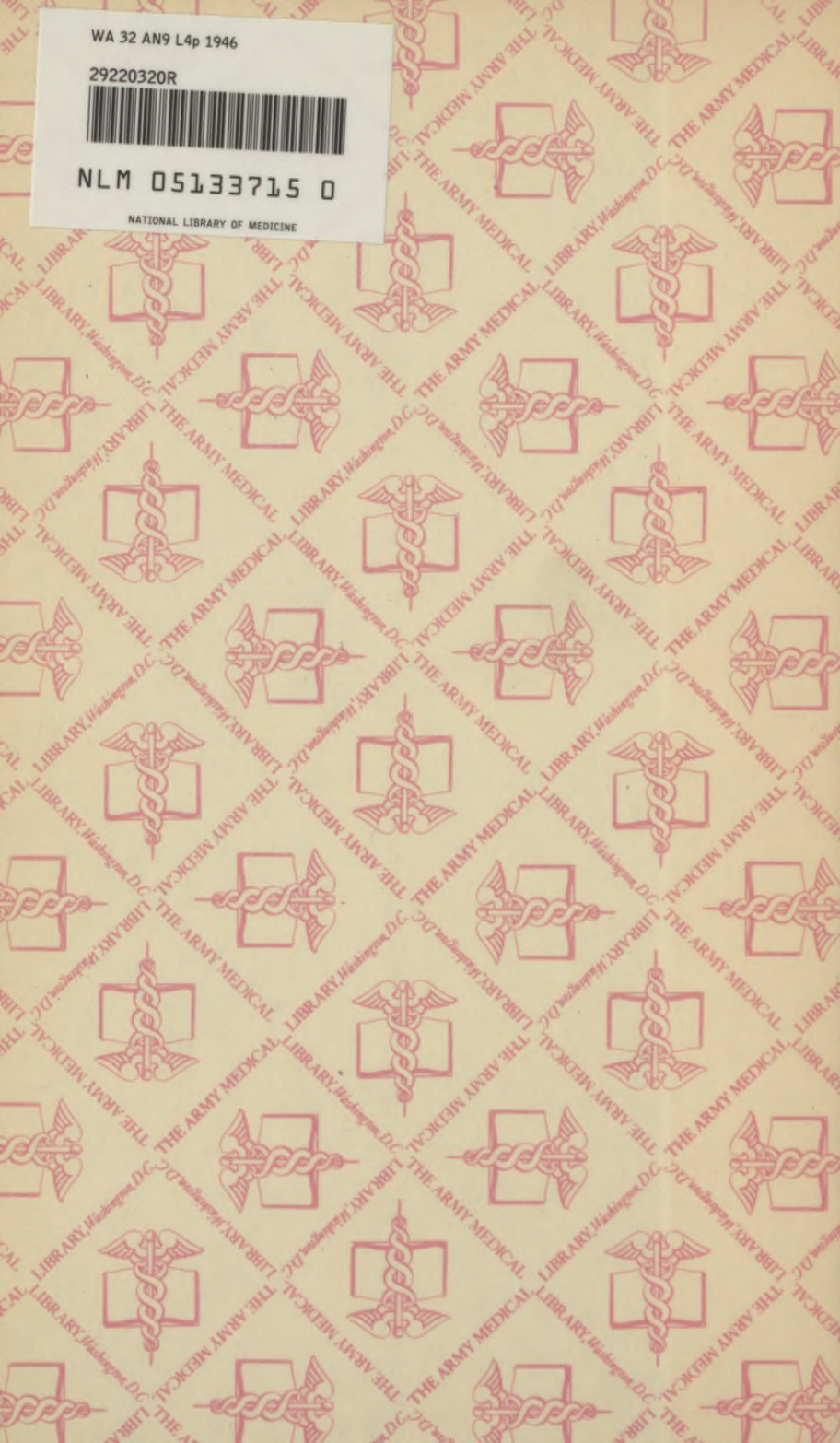
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issued by:  
**STATE DEPARTMENT OF HEALTH**  
WILLIAM M. SMITH, M.D., M.P.H.  
Acting State Health Officer

1946

# 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

September 5, 1946

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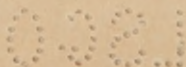
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Edited by Division of Health Education



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# PUBLIC HEALTH LAWS

of the

## STATE OF NORTH DAKOTA

### PUBLIC ADMINISTRATION

#### STATE DEPARTMENT OF HEALTH

**23-0101. State Department of Health: Officers.** The state department of health shall consist of a public health advisory council, a state health officer, directors of divisions, and the other employees of the department.

**Source:** R.C. 1895, s. 240; R.C. 1899, s. 240; R.C. 1905, s. 252; C.L. 1913, s. 397, am'd. S.L. 1923, c. 227, s. 1; 1925 Supp., s. 396d1, am'd. S.L. 1933, c. 189, s. 1.

**23-0102. Public Health Advisory Council: Members; Terms of Office; Vacancies; Compensation; Officers; Meetings.** The public health advisory council shall consist of the superintendent of public instruction, the attorney general, and three persons appointed by the governor. One of the appointive members shall be a woman, one shall be a physician who is a graduate of a regular medical school of class A standing, and one shall be a dentist who is a graduate of a regular dental school of class A standing. The term of office of each appointive member shall be six years, and the terms shall be so arranged that the term of one appointee, and of only one, shall expire on the first day of July in each odd numbered year. A person appointed to fill a vacancy arising before the expiration of a term shall be appointed for the residue of such term only. The members of the council shall receive only their actual and necessary traveling expenses when engaged in the discharge of their official duties. The council shall choose one of its number as president, who shall serve for two years, and one of its number as secretary. The council shall meet in January and June of each year and at such other times as the council or its president may direct.

**Source:** R.C. 1895, ss. 240, 241, 242, 252, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, ss. 240, 241, 242, 252; R.C. 1905, ss. 252, 253, 254, 258; C.L. 1913, ss. 397, 398, 399, 403, am'd. S.L. 1923, c. 227, s. 2; 1925 Supp., s. 396d2, am'd. S.L. 1933, c. 189, s. 1, R.C. 1895, s. 244, am'd. S.L. 1897, c. 35, s. 1; R.C. 1899, s. 244, am'd. S.L. 1903, c. 181, s. 1; R.C. 1905, s. 256; C.L. 1913, s. 401, am'd. S.L. 1923, c. 227, s. 2; 1925 Supp. s. 396d2, am'd. S.L. 1933, c. 189, s. 1.

**23-0103. Powers and Duties of the Public Health Advisory Council.** The public health advisory council shall:

1. Fix, subject to the provisions of section 23-0102, the time and place of the meetings of the council;
2. Make rules and regulations for the government of the council and its officers and meetings;
3. Make and enforce all rules and regulations which may be required for the prevention, control, and cure of contagious, infectious, and malarial diseases or which may be required to carry out any of the provisions of this title.

4. Advise the state health officer and the directors of divisions in all matters pertaining to public health work and to the work of the various divisions of the state department of health;
5. Establish quarantines and isolate any person affected with any contagious or infectious disease;
6. Quarantine and isolate any animal necessary to protect the public health and notify the executive officer of the state livestock sanitary board to investigate the situation when the slaughtering of any such animal may be required;
7. Remove, or cause to be removed, any dead, decaying, or putrid body, or any decayed, putrid, or other substance which may endanger the public health;
8. Investigate complaints relating to the sale of, and condemn and cause to be destroyed, any impure or diseased article of food, and notify the state laboratories department of all such complaints;
9. Superintend the several boards of health in the counties, cities, villages, and town ships of this state; and
10. Make such rules and regulations, not inconsistent with the provisions of this title, as it may deem necessary to govern the preparation of dead bodies for burial or for transportation, to govern the burial where death was caused by an infectious or contagious disease, and to specify what classes of dead bodies may be transported and to govern the manner of such transportation.

The council may direct the state health officer to do or cause to be done, any or all of the things which may be required in the proper performance of the various duties placed upon the state department of health.

**Source:** R.C. 1895, s. 243, am'd. S.L. 1899, c. 30, s. 1; R.C. 1899, s. 243; R.C. 1905, s. 255; C.L. 1913, s. 400. S.L. 1923, c. 227, s. 4; 1925 Supp., s. 400a, am'd. S.L. 1933, c. 189, s. 1.

**Cross Reference:** Contagious and infectious diseases of livestock, see c. 14 of the title Livestock.

**23-0104. Effect of Rules and Regulations.** All rules and regulations promulgated by the public health advisory council under the power granted by any provisions of this title shall be binding upon all county and municipal health officers and shall have the force and effect of law.

**Source:** S.L. 1919, c. 237, s. 5; 1925 Supp., s. 2971b5.

**23-0105. Health Officer: Qualifications; Salary; Term.** 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 who shall be duly licensed to practice his profession in North Dakota. He shall receive a salary not to exceed five thousand dollars a year, such salary to be fixed by the public health advisory council at its annual January or June meeting. He also shall receive all 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 four years beginning July 1, 1943. The state health officer shall be the administrative officer of the state department of health.

**Source:** R.C. 1895, ss. 240, 241, 242, 252, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, ss. 240, 241, 242, 252; R.C. 1905, ss. 252, 253, 254, 258; C.L.

1913, ss. 397, 398, 399, 403, am'd. S.L. 1923, c. 227, s. 3; 1925 Supp. s. 396d3, am'd. S.L. 1933, c. 189, s. 1. R.C. 1895, s. 244, am'd. S.L. 1897, c. 35, s. 1; R.C. 1899, s. 244, am'd. S.L. 1903, c. 181, s. 1; R.C. 1905, s. 256; C.L. 1913, s. 401, am'd. S.L. 1923, c. 227, s. 3; 1925 Supp., s. 396d3, am'd. S.L. 1933, c. 189, s. 1, am'd. S.L. 1943, c. 207, s. 1.

**23-0106. Report of State Health Officer; Contents.** The state health officer, on the first day of December of each even numbered year, shall make a report to the governor covering the preceding two-year period showing:

1. The work done by the state department of health;
2. The work done by him;
3. The number of cases he has treated;
4. The number of cases treated in each county by the superintendent of public health for the county;
5. The character and extent, during such time, of all contagious or infectious diseases reported to him;
6. The expenditures of the state department of health.
7. The expenditures in each county by the county board of health; and
8. Any recommendations he deems advisable for the better protection of the public health and the prevention and cure of contagious or infectious diseases.

**Source:** R.C. 1895, s. 251; R.C. 1899, s. 251; R.C. 1905, s. 257; C.L. 1913, s. 402.

**Cross Reference:** Printing of reports, see c. 3 of the title Printing Laws.

**23-0107. Working Divisions of Department.** The state department of health may establish the following divisions.

1. Division of vital statistics;
2. Division of preventable disease;
3. Division of child hygiene and public health nursing;
4. Division of sanitary engineering;
5. Division of public health laboratories with such laboratories and branches thereof at such places as the public health advisory council may deem necessary; and
6. Such other divisions as may be deemed necessary from time to time by the council.

**Source:** S.L. 1923, c. 227, s. 6; 1925 Supp., s. 403a2, am'd. S.L. 1933, c. 189, s. 2; S.L. 1907, c. 238, s. 1; C.L. 1913, s. 1650. S.L. 1933, c. 189, s. 3.

**23-0108. Directors of Divisions; Appointment; Salary; Duties.** The state health officer shall appoint directors of the various divisions of the department and shall determine the salary, within the limits of legislative appropriations to the department, to be received by such persons. The duties of such directors shall be those prescribed by the state health officer.

**23-0109. Duties of Director of Public Health Laboratories Division.** The director of the division of public health laboratories of the state department of health shall:

1. Make bacteriological examination of bodily secretions and excretions and of waters and foods;
2. Make preparations and examinations of pathological tissues submitted by the state health officer, by any county super-

intendent of public health, or by any physician who has been regularly licensed to practice in this state;

3. Make all analyses and preparations which he is required to make, and furnish the results thereof, as expeditiously and promptly as possible;
4. Cause sanitary statistics to be collected and tabulated, and 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; and
5. From time to time, cause to be issued bulletins and reports setting forth the results of the sanitary and pathological work done in the laboratories embodying all useful and important information resulting from the work carried on in the laboratories during the year, the substance of such bulletins and reports to be incorporated in the annual report of the state health officer.

**Source:** S.L. 1907, c. 238, ss. 2, 3, 5; C.L. 1913, ss. 1651, 1652, 1654.

**23-0110. 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.

**Source:** S.L. 1923, c. 227, s. 7; 1925 Supp., s. 403a3, am'd. S.L. 1933, c. 189, s. 2.

**23-0111. Acceptance of Funds by State Health Department Authorized.** The state department of health may accept funds from cities, counties, the federal government, private organizations, and individuals for infancy and maternal hygiene and for other public health work and, when approved by the governor of this state, may match the same from any unexpended portion of its appropriation in accordance with specifications agreed to or required by congressional act. All infancy and maternal hygiene and public health work shall be done under the supervision of the state department of health.

**Source:** S.L. 1923, c. 116, s. 3; 1925 Supp., s. 396d6, am'd. S.L. 1931, c. 262, s. 1, am'd. S.L. 1933, c. 189, s. 2.

**23-0112. Hospital Records To Be Kept at Direction of State Health Officer.** When any person is admitted into a lying-in hospital or other institution, public or private, to which persons resort for the treatment of disease or for confinement, or to which persons are committed by process of law, the superintendent, manager, or other person in charge of such institution shall make a record of all the personal and statistical particulars relative to such person. The record shall be in such form as is directed by the state health officer. In the case of any person admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the records the nature of the disease and where, in his opinion, it was contracted. The personal particulars and information required for compliance with the provisions of this section shall be obtained from the individual himself, if practicable, and when the information cannot be obtained from him, from his relatives or friends or from any other person acquainted with the facts.

**Source:** S.L. 1907, c. 270, s. 17; C.L. 1913, s. 450.

#### **Cross References to Chapter 23-01.**

Health officer, neglect of duty, see s. 23-0510.

Obstructing health officer, see s. 23-0511.

Violation of orders of boards of health, see s. 23-0512.

**ORGANIZATION OF COUNTY, VILLAGE, AND TOWNSHIP  
BOARDS OF HEALTH**

**23-0301. County Board of Health; How Composed; Term of Office; Qualifications.** The county board of health shall consist of the state's attorney, the county superintendent of schools, and the superintendent of public health. The superintendent of public health shall be learned in medicine, shall hold a license to practice medicine and surgery within this state, and shall be appointed by the board of county commissioners at its first meeting each year for a term of one year and until his successor is appointed and qualified.

**Source:** R.C. 1895, s. 245, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 245; R.C. 1905, s. 259, am'd. S.L. 1913, c. 59, s. 1; C.L. 1913, s. 404, am'd. S.L. 1915, c. 198, s. 1; 1925 Supp., s. 404.

**23-0302. Officers of County Board of Health.** The state's attorney shall act as president of the county board of health, the county superintendent shall act as vice president thereof, and the county superintendent of health shall be secretary of the board. The president shall preside at the meetings of the board and in his absence the vice president shall perform the duties of the president.

**Source:** R.C. 1895, s. 245, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 245; R.C. 1905, s. 259, am'd. S.L. 1913, c. 59, s. 1; C.L. 1913, s. 404, am'd. S.L. 1915, c. 198, s. 1; 1925 Supp., s. 404, R.C. 1895, s. 246; R.C. 1899, s. 246; R.C. 1905, s. 260; C.L. 1913, s. 405.

**23-0303. Meetings of County Board of Health.** The county board of health shall meet at the county seat at such time within thirty days after the appointment of the county superintendent of health as he may designate. He shall give notice of the time and place of such meeting to the other members of the board at least five days prior to the meeting. Thereafter, the board shall meet at the county seat at least once in every three months.

**Source:** R.C. 1895, s. 247; R.C. 1899, s. 247; R.C. 1905, s. 261; C.L. 1913, s. 406.

**23-0304. Per Diem of President and of Vice President of County Board of Health.** The president and the vice president of the county board of health each shall receive from the county, and may retain, three dollars for every day in which he may be actually and necessarily engaged in the performance of his duties as a member of such board.

**Source:** R.C. 1895, s. 250; R.C. 1899, s. 250, am'd. S.L. 1903, c. 40, s. 1; R.C. 1905, s. 264, am'd. S.L. 1913, c. 59, s. 4; C.L. 1913, s. 409; 1925 Supp., s. 409, am'd. S.L. 1929, c. 105, s. 1, am'd. S.L. 1935, c. 113, s. 1.

**23-0305. Compensation of County Superintendent of Public Health.** The county superintendent of public health shall receive the following compensation:

1. Not less than two hundred or more than six hundred dollars a year for his office work, to be determined annually by the board of county commissioners according to the efficiency of the superintendent and the amount and character of the work;
2. 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
3. All expenses incurred while actually and necessarily engaged in the performance of his official duties.

**Source:** R.C. 1895, s. 250; R.C. 1899, s. 250, am'd. S.L. 1903, c. 40, s. 1; R.C. 1905, s. 264, am'd. S.L. 1913, c. 59, s. 4; C.L. 1913, s. 409; 1925 Supp. s. 409, am'd. S.L. 1929, c. 105, s. 1, am'd. S.L. 1935, c. 113, s. 1.

**Cross Reference:** Reports made before salary paid, see s. 23-0509.

**23-0306. Mileage of Members of the County Board of Health.**

The members of the county board of health shall receive the following amount for every mile actually and necessarily traveled in the performance of their duties:

1. President, five cents per mile;
2. Vice president, five cents per mile;
3. County superintendent of public health and deputies, if any, not more than ten cents per mile.

**Source:** R.C. 1895, s. 250; R.C. 1899, s. 250, am'd. S.L. 1903, c. 40, s. 1; R.C. 1905, s. 264, am'd. S.L. 1913, c. 59, s. 4; C.L. 1913, s. 409; 1925 Supp. s. 409, am'd. S.L. 1929, c. 105, s. 1, am'd. S.L. 1935, c. 113, s. 1.

**23-0307. Powers and Duties of County Superintendent of Public Health.** The County superintendent of public health shall:

1. Exercise the powers of the county board of health under the supervision of such board, and of the state department of health throughout the county outside of the corporate limits of cities;
2. Supervise the village and township boards of health within his county;
3. Furnish, at the expense of the county board of health, to the clerk of each village and township and to each physician within his jurisdiction, proper blanks for reporting to him all contagious and infectious diseases, and he shall instruct such persons in the proper method of making the reports.
4. Execute by agents appointed by him the duties of any village or township board of health in his county which neglects or refuses to perform its duties or to execute the rules, order, or regulations of the county board of health;
5. Make sanitary inspections of such places as he deems advisable when he believes there is a probability that a dangerous disease exists within his jurisdiction, and take such action as he may deem necessary for the protection of the public health;
6. Send out circulars, if he deems the same necessary, permitting the use of the long distance telephone at the expense of the county board of health in cases of emergency;
7. Investigate, subject to the supervisory control of the state department of health, public water and ice supplies which are suspected of being infected, and cause them to be condemned when he finds it necessary;
8. Investigate public milk supplies, whenever he deems such investigation to be necessary, and prohibit the sale of unwholesome milk and dairy products;
9. Stop shipment of spoiled or unwholesome meat, the slaughtering of diseased animals, and the subsequent sale of the meat thereof;
10. Enforce cleanliness in schools, and inspect overcrowded, poorly ventilated, and insanitary schoolhouses and, when necessary, report cases of insanitary or unsafe school buildings to

the county board of health for investigation as provided in section 15-4723;

11. Enforce all laws, rules, and regulations relating to the preservation of the life and health of the people of the county;
12. Keep a record of all the proceedings of the county board of health and of his official acts; and
13. Keep a record of all reportable diseases occurring in his jurisdiction showing the statistical data required by the state department of health.

**Source:** R.C. 1895, s. 249, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 249, R.C. 1905, s. 263, am'd. S.L. 1913, c. 59, s. 3; C.L. 1913, s. 408; 1925 Supp. s. 408. R.C. 1895, s. 246; R.C. 1899, s. 246, R.C. 1899, s. 246; R.C. 1905, s. 260, C.L. 1913, s. 405.

**23-0308. County Superintendent of Health May Quarantine; Expenses.** The county superintendent of public health shall decide when quarantine and disinfection are necessary for the safety of the public. He may establish quarantines and perform such acts as are required for disinfection when the same is necessary, and may enforce his orders and the orders of the county board of health in connection therewith. All expenses incurred in quarantining or disinfection outside of incorporated cities shall be audited by the county board of health and paid out of the general fund of the county.

**Source:** R.C. 1895, s. 249; R.C. 1899, s. 249; R.C. 1905, s. 263, am'd. S.L. 1913, c. 59, s. 3; C.L. 1913, s. 408; 1925 Supp., s. 408.

**23-0309. Report of County Superintendent of Public Health.** The county superintendent of public health shall make the following reports to the state department of health on blanks furnished by the department for such purposes:

1. At the end of each month, a report of the proceedings of the county board of health and of his official acts; and
2. On or before January fifteenth of each year, a report of all health activities in his jurisdiction during the calendar year just ended.

**Source:** R.C. 1895, s. 246; R.C. 1899, s. 246; R.C. 1905, s. 260; C.L. 1913 s. 405. R.C. 1895, s. 249, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 249; R.C. 1905, s. 263, am'd. S.L. 1913, c. 59, s. 3; C.L. 1913, s. 408; 1925 Supp., s. 408.

**Cross Reference:** Reports made before salary paid, see s. 23-0509.

**23-0310. Removal of County Superintendent of Public Health.** Whenever the state department of health has reason to believe that the county superintendent of public health is failing to perform his duties, it may report the case to the board of county commissioners, which, after proper hearing at its next meeting, may declare the office vacant and may appoint another physician to such office for the remainder of the unexpired term.

**Source:** R.C. 1895, s. 245, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 245; R.C. 1905, s. 259, am'd. S.L. 1913, c. 59, s. 1; C.L. 1913, s. 404, am'd. S.L. 1915, c. 198, s. 1. 1925 Supp., s. 404.

**23-0311. Township and Village Boards of Health; Who Constitute.** The supervisors of each civil township shall constitute the township board of health and the trustees of each village shall constitute the village board of health. Such boards of health shall be under the supervision of the county superintendent of public health and the state department of health.

**Source:** R.C. 1895, s. 2581; R.C. 1899, s. 2581, am'd. S.L. 1905, c. 52, s. 1; R.C. 1905, s. 3116, am'd. S.L. 1913, c. 59, s. 9; C.L. 1913, s. 4175.

**Cross Reference:** Powers to township and village boards of health, see c. 5 of this title.

Township board of supervisors act as board of health, see s. 58-0601, subs. 14.

#### Cross References to Chapter 23-03

Powers of county board of health, c. 5 of this title

Village, power to take measures necessary for preservation of public health, see s. 40-0501, subs. 45.

### ORGANIZATION OF CITY BOARD OF HEALTH

**23-0401. Board of Health in Council Cities.** The board of health in a city operating under the council form of government shall be under the supervision of the state department of health and shall consist of the following members:

1. Four aldermen appointed by the mayor at the first meeting of the city council in April of each year;
2. The city engineer; and
3. The city health officer.

**Source:** R.C. 1895, s. 254; R.C. 1899, s. 254; R.C. 1905, s. 266; C.L. 1913, s. 411. R.C. 1895, s. 253; R.C. 1899, s. 253; R.C. 1905, s. 265; C.L. 1913, s. 410.

**23-0402. City Health Officer: Appointment: Term of Office; Removal.** The mayor, at the regular meeting of the city council in April of each odd numbered year, shall appoint as city health officer a person licensed to practice medicine and surgery within this state. Such appointment shall be subject to confirmation by the city council. The health officer shall hold his office for two years and until his successor is appointed and qualified. When the state department of health is satisfied that the city health officer is neglecting or refusing to perform the duties of his office, it may report the case to the city council, and at the next meeting thereof, the mayor shall declare the office vacant and shall appoint another physician to fill the unexpired term.

**Source:** R.C. 1895, s. 255; R.C. 1899, s. 255; R.C. 1905, s. 267, am'd. S.L. 1913, c. 59, s. 5; C.L. 1913, s. 412.

**23-0403. Officers of City Board of Health.** The board of health of a city operating under the council form of government shall elect from its members a president and a vice president. The city health officer shall act as secretary and executive officer of the board.

**Source:** R.C. 1895, s. 255; R.C. 1899, s. 255; R.C. 1905, s. 267, am'd. S.L. 1913, c. 59, s. 5, subs. a; C.L. 1913, s. 412, subs. a.

**23-0404. Meetings: When Held; Quorum; Duties of Officers.** The board of health in a council city shall meet on the first Tuesday after the regular meeting of the city council in April and on the second Tuesday in July, October, and January in each year. Special meetings may be held at any time on the call of the president and secretary. The hour and place of all meetings shall be determined by the city health officer. A majority of the board shall constitute a quorum. The president shall preside at the meetings of the board, and in his absence, the vice president shall perform the duties of the president.

**Source:** R.C. 1895, s. 255; R.C. 1899, s. 255; R.C. 1905, s. 267, am'd. S.L. 1913, c. 59, s. 5, subs. a, b, C.L. 1913, s. 412 subs. a, b.

**23-0405. Powers and Duties of the City Health Officer.** The health officer of a city operating under the council form of government shall:



1. Keep a record of the proceedings of the city board of health;
2. Keep a record of his official acts;
3. Enforce within his jurisdiction the health ordinances of the city, the rules and regulations of the state department of health and of the city board of health, and the health laws of the state;
4. Instruct the physicians within his jurisdiction in the proper methods to employ in reporting contagious diseases, and furnish the necessary blanks for that purpose. The blanks shall be in the form prescribed by the state department of health.
5. Keep a record of all the dangerous, contagious, and infectious diseases occurring within his jurisdiction, showing the name and address of the party affected, the name of the disease, by whom the same was reported, and such other statistical data as may be required by the state department of health.

**Source:** R.C. 1895, s. 255; R.C. 1899, s. 255; R.C. 1905, s. 267, am'd. S.L. 1913, c. 59, s. 5, subs. b; C.L. 1913, s. 412, subs. b.

**23-0406. In Commission City, Board of City Commissioners is Board of Health.** In a city operating under the commission system of government, the board of city commissioners shall constitute the board of health. The city physician shall be the executive officer of such board.

**23-0407. Powers and Duties of City Physicians.** The city physician, subject to the approval of the city board of health, shall provide such additional rules and regulations as may 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 to the detriment of the health of such people, and he shall enforce all rules and regulations for the protection of the public health. All rules and regulations prepared by him shall be submitted to the board of health and if approved by it shall have the force of a city ordinance. The city physician from time to time shall make such recommendations to the board of health as to him shall appear necessary for the preservation of the public health.

**Source:** S.L. 1907, c. 45, ss. 50, 51, 52, am'd. S.L. 1911, c. 77, ss. 50, 51, 52; C.L. 1913, ss. 3820, 3821, 3822.

**23-0408. Duty of Police, Civil Officers, and Other Citizens to Aid City Physician.** All members of the police force of a city, operating under the commission system of government, all magistrates and other civil officers thereof, and all citizens, shall aid the city physician in the discharge of his duties, and on his demand, the chief of police shall serve, or detail one or more policemen to serve the notices issued by the city physician and to perform such other duties as he may require.

**Source:** S.L. 1907, c. 45, s. 57, am'd. S.L. 1911, c. 77, s. 57; C.L. 1913, s. 3827.

**23-0409. Report of Health Activities by Health Officer and City Physician.** The city physician in a city operating under the commission system of government and the city health officer in a city operating under the council form of government shall report to the state department of health on or before the fifteenth day of January in each year, on blanks furnished by the department for that purpose, all health activities in his jurisdiction during the calendar year just ended.

**Source:** S.L. 1907, c. 45, s. 56, am'd. S.L. 1911, c. 77, s. 56; C.L. 1913, s. 3826.

**Cross References to Chapter 23-04**

Health Regulations in cities, see s. 40-0501, subs. 45.

Neglect of duty of city health officer, see s. 23-0510.

Obstructing health officer, see s. 23-0511.

Powers of cities to:

Inspect food markets, see s. 40-0503.

Make health and quarantine regulations, see s. 40-0601, subs. 2.

Regulate sale of dairy, meat, and food products, see s. 40-0501, subs. 32.

Regulate sale of milk, see s. 40-0502, subs. 2.

Violation of orders of boards of health, see s. 23-0512.

**POWERS AND DUTIES OF LOCAL BOARDS OF HEALTH**

**23-0501. Powers and Duties of the Local Board of Health.** The county, city, township, and village boards of health shall be known as local boards of health, and each board shall have the following powers and duties within its jurisdiction:

1. To employ such persons as may be necessary to carry into effect the regulations established by it and the provisions of this title;
2. To inquire into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as are necessary for the public health and safety, but the regulations of the township board of health shall be temporary, and such board, immediately upon taking such action, shall report the same to the county superintendent of public health, who shall give the board specific instructions or take such action as he deems necessary for the protection of public health;
3. To adopt such quarantine and sanitary measures as are necessary when an infectious or contagious disease exists in its jurisdiction;
4. To provide such necessities of life as in its judgment shall be needed for the maintenance, welfare, and comfort of persons afflicted with contagious and infectious diseases;
5. To enter into and examine at any time all buildings, lots, and places of any description within its jurisdiction for the purpose of ascertaining the conditions thereof insofar as public health may be affected; and
6. To make such rules and regulations as are necessary and proper for the preservation of public health and safety.

**Source:** R.C. 1895, s. 256; R.C. 1899, s. 256; R.C. 1905, s. 268; C.L. 1913, s. 413, R.C. 1895, s. 257; R.C. 1899, s. 257; R.C. 1905, s. 269; C.L. 1913, s. 414. R.C. 1895, s. 273, R.C. 1899, s. 273, am'd. S.L. 1903, c. 41, s. 1; R.C. 1905, s. 285; C.L. 1913, s. 431, R.C. 1895, s. 270; R.C. 1899, s. 270; R.C. 1905, s. 282; C.L. 1913, s. 428. R.C. 1895, s. 2582; R.C. 1899, s. 2582; R.C. 1905, s. 3117, am'd. S.L. 1913, c. 59, s. 10; C.L. 1913, s. 4176. S.L. 1907, c. 45, s. 50, am'd. S.L. 1911, c. 77, s. 50; C.L. 1913, s. 4176. S.L. 1907, c. 45, s. 50, am'd. S.L. 1911, c. 77, s. 50; C.L. 1913, s. 3820, S.L. 1907, c. 45, s. 54, am'd. S.L. 1911, c. 77, s. 54; C.L. 1913, s. 3824.

**23-0502. County Board of Health; Additional Powers.** The county board of health, subject to the supervisory control of the state department of health and the state health officer, shall have the following additional powers within the county, and outside of the corporate limits of any city:

1. To supervise all matters relating to the preservation of the life and health of the people of the county, including the supervision of public water supplies and sewerage systems;
2. To isolate, kill, or remove any animal affected with a contagious or infectious disease when such animal is a menace to the health of human beings; and
3. To make and enforce orders in local matters when an emergency exists, or when the local board of health has neglected or refused to act with promptness or efficiency, or when the local board has not been established.

**Source:** R.C. 1895, s. 248; R.C. 1899, s. 248; R.C. 1905, s. 262, am'd. S.L. 1913, c. 59, s. 2; C.L. 1913, s. 407.

**Cross Reference:** Duty of county board of health as to school building and persons of school age, see s. 15-4723.

**23-0503. Publication of Regulations Established by Local Board of Health.** Notice of general orders and regulations made by a local board of health shall be published once in the official newspaper published within the jurisdiction of the board, and if no such newspaper is published within such jurisdiction then such notice either shall be published in the county official newspaper or shall be posted in five public places within the jurisdiction of the board. Such publication or posting shall constitute legal notice to all persons.

**Source:** R.C. 1895, s. 258; R.C. 1899, s. 258; R.C. 1905, s. 270; C.L. 1913, s. 416. R.C. 1895, s. 2583; R.C. 1899, s. 2583; R.C. 1905, s. 3118; C.L. 1913, s. 4177.

**23-0504. Abatement and Removal of Nuisance, Source of Filth, and Cause of Sickness; Costs Charged Against Property.** When it is necessary for the protection of the public health to abate or remove any nuisance, source of filth, or cause of sickness found on private property, the local board of health 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 to exceed twenty-four hours. If the owner or occupant refuses or neglects to comply with such notice or if the nuisance, source of filth, or cause of sickness exists on the property of nonresident owners or upon property the owners of which cannot be found, the board of health shall cause the nuisance, source of filth, or cause of sickness to be removed or destroyed under its direction, at the expense of the county, city, village, or township, as the case may be, but such expense shall be charged against the lots, pieces, or parcels of land upon which the work was done.

**Source:** R.C. 1895, ss. 259, 260, 2584, 2585; R.C. 1899, ss. 259, 260, 2584, 2585; R.C. 1905, ss. 271, 272, 3119, 3120; C.L. 1913, ss. 417, 418, 4178, 4179, S.L. 1907, c. 45 s. 54 am'd. S.L. 1911, c. 77, s. 54; C.L. 1913, s. 3824.

**23-0505. Assessment of Costs for Removal of Nuisance Against Property: How Made.** In a city the cost of the removal or destruction of a nuisance, source of filth, or cause or sickness by the local board of health shall be assessed against the property by the city engineer, or, in a city having no city engineer, by the street commissioner, who shall return the assessment and file it in the office of the city auditor. The city auditor shall cause the amount of the assessment, together with a notice of the time when and place where the governing body will meet to consider the approval thereof, to be published in one issue of the official newspaper of the city at least ten days prior to the meeting of the governing body at which the approval of the assessment will be considered. In a village, town-

ship, or county, the governing body shall levy and assess such costs against the land properly charged therewith. The city auditor or village or township clerk, as the case may be, shall deliver the assessment roll to the county auditor, who shall extend the assessment in the proper column against the property assessed. Each assessment shall be collected and paid as other taxes are collected and paid.

**Source:** R.C. 1895, ss. 259, 260, 2584, 2585; R.C. 1899, ss. 259, 260, 2584, 2585; R.C. 1905, ss. 271, 272, 3119, 3120; C.L. 1913 ss. 417, 418, 4178, 4179. S.L. 1907, c. 45, s. 54, am'd. S.L. 1911, c. 77, s. 54; C.L. 1913, s. 3824.

**23-0506. Removal of Nuisance: Complaint to Justice; When Warrant Issued.** Whenever a local board of health deems it necessary for the preservation of the public health to enter any building within its jurisdiction to examine, destroy, remove, or prevent any nuisance, source of filth, or cause of sickness and is refused entrance into such building, 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. The justice thereupon shall issue a warrant directed to the sheriff or other peace officer commanding him to destroy, remove, or prevent, between the hours of sunrise and sunset, the nuisance, source of filth, or cause of sickness, under the direction of such members of the local board of health as accompany him.

**Source:** R.C. 1895, ss. 261, 262; R.C. 1899, ss. 261, 262; R.C. 1905, ss. 273, 274; C.L. 1913, ss. 419, 420. R.C. 1895, ss. 2586, 2587; R.C. 1899, ss. 2586, 2587; R.C. 1905, ss. 3121, 3122; C.L. 1913, ss. 4180, 4181.

**23-0507. Expenses of Local Boards of Health: How Audited and Paid.** Expenses incurred by a local board of health in carrying into effect the provisions of this title and in providing for the care and maintenance of persons afflicted with contagious and infectious disease shall be audited and allowed by the board incurring the same and certified for payment in the manner following:

1. In the case of a township or village board of health, such expenses shall be certified to the township or village clerk and by him paid out of the general fund of the township or village, as the case may be; and
2. In the case of a county or city board of health or of a health commissioner, such expenses shall be certified to the governing body of the county or city for payment out of the general fund of the county or city, as the case may be, in the same manner as other expenses against the same are paid.

**Source:** R.C. 1895, s. 273; R.C. 1899, s. 273, am'd. S.L. 1903, c. 41, s. 1; R.C. 1905, s. 285; C.L. 1913, s. 431. R.C. 1895, s. 248; R.C. 1899, s. 248; R.C. 1905, s. 262, am'd. S.L. 1913, c. 59, s. 2; C.L. 1913, s. 407.

**23-0508. Expenses of Local Boards of Health Chargeable Against Patient: Payment by County for Indigents.** All expenses incurred by local boards of health for the care, medical attendance, or support of any person afflicted with a communicable disease shall be a charge upon such person and upon the person legally chargeable with his support, and may be collected by suit in the name of the township, village, city, or county which incurred such expense. If, after due investigation, the township, village, or city board of health is satisfied that such sick person, or the person legally chargeable with the support of such person, is too poor to pay the expenses incurred in his behalf, the local board of health shall make an endorsement to such effect on the bill of expenses incurred in the case, and the clerk of the township or village, or the city auditor of the city, shall send a certified statement of the bill of expenses with the endorsement

of the local board of health to the county auditor. The statement shall contain the date upon which the claim was allowed, to whom it was allowed, for what purpose it was allowed, and the amount allowed, and an itemized statement of the expenses incurred. Upon receipt of the 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, for the amount allowed by such township, village, or city. The warrant shall be made payable to the treasurer of the township, village, or city, as the case may be.

**Source:** R.C. 1895, s. 273; R.C. 1899, s. 273, am'd. S.L. 1903, c. 41, s. 1; R.C. 1905, s. 286; C.L. 1913, s. 432. R.C. 1895, s. 2588; R.C. 1899, s. 2588; R.C. 1905, s. 3123; C.L. 1913, s. 4182.

**23-0509. County and City Health Officers to Make Reports Before Salary Paid.** No city health officer or county superintendent of public health shall be paid his salary for the last month in any year until the county auditor has received certificate from the state department of health certifying that all required reports from such officer have been received and approved by the department.

**Source:** S.L. 1929, c. 176, s. 1.

**23-0510. Health Officer: Neglect of Duty: Penalty.** Any state, county, township, city, or village health officer, or any member of any local board of health, who neglects or refuses to perform any of the duties of his office is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 274; R.C. 1899, s. 274; R.C. 1905, s. 287; C.L. 1913, s. 433.

**23-0511. Obstructing Health Officer: Penalty.** Every person who willfully opposes or obstructs the performance of his legal duty by any health officer or physician charged with the enforcement of the health laws is guilty of a misdemeanor.

**Source:** R.C. 1895, s. 7297; R.C. 1899, s. 7297; R.C. 1905, s. 9037; C.L. 1913, s. 9753.

**23-0512. Violation of Orders of Boards of Health; Obstructing Inspection: Penalty.** Every person who willfully 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, or who obstructs any inspection by such board or officer at reasonable hours, is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than thirty days, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 257; R.C. 1899, s. 257; R.C. 1905, s. 269; C.L. 1913, s. 414; R.C. 1895, s. 7298; R.C. 1899, s. 7298; R.C. 1905, s. 9038; C.L. 1913, s. 9754; R.C. 1895, s. 274; R.C. 1899, s. 274; R.C. 1905, s. 287; C.L. 1913, s. 433. R.C. 1895, s. 2582; R.C. 1899, s. 2582; R.C. 1905, s. 3117, am'd. S.L. 1913, c. 59, s. 10; C.L. 1913, s. 4176. S.L. 1907, c. 45, s. 54, am'd. S.L. 1911, c. 77, s. 54; C.L. 1913, s. 3824.

#### Cross Reference to Chapter 23-05

Health officers to enforce law prohibiting false advertising, see s. 51-1203.

**REPORTABLE DISEASES**

**23-0701. Powers of State Department of Health.** The state department of Health shall designate the diseases which shall be reported as prescribed in this chapter, and it may classify such diseases as contagious or infectious, venereal, and dangerous.

**Source:** S.L. 1919, c. 237, s. 1; 1925 Supp., s. 2971b1.

**Cross Reference:** Information to local registrars as to what diseases are reportable, see s. 23-0204, subs. 5.

**23-0702. Who to Report Reportable Diseases.** The following persons shall report to the nearest health officer having jurisdiction any reportable disease coming to his knowledge:

1. All physicians;
2. All persons who treat or administer to the sick by whatever method;
3. Householders;
4. Keepers of hotels, boarding houses, or lodginghouses;
5. Nurses;
6. School teachers; and
7. All other persons treating, nursing, lodging, caring for, or having knowledge of the existence of any reportable disease.

If the person reporting is the attending physician, he shall report not less than twice a week, in the form and manner directed by the state department of health, the condition of the person afflicted and the state of the disease.

**Source:** R.C. 1895, s. 263; R.C. 1899, s. 263; R.C. 1905, s. 275, am'd. S.L. 1913, c. 59, s. 6; C.L. 1913, s. 421; S.L. 1907, c. 45, s. 55, am'd. S.L. 1911, c. 77, s. 55; C.L. 1913, s. 3825. S.L. 1919, c. 237, s. 2; 1925 Supp., s. 2971b2. R.C. 1895, s. 265; R.C. 1899, s. 265; R.C. 1905, s. 277; C.L. 1913, s. 423.

**Cross Reference:** Guest of tourist camp to report sickness, see 23-1008.

**23-0703. Report of Cases of Venereal Disease.** The superintendent or manager of a hospital, dispensary, or charitable or penal institution, in which there is a case of venereal disease, shall report such case to the nearest health officer having jurisdiction. The report shall be made in the form and manner directed by the state department of health.

**Source:** S.L. 1919, c. 237, s. 2; 1925 Supp., s. 2971b2.

**23-0704. Report of Reportable Disease by Township and Village Boards of Health.** Each township and village board of health shall report to the county superintendent of public health all cases of reportable diseases occurring within its jurisdiction. Such reports shall be made on blanks furnished by the county superintendent of public health at the expense of the county board of health.

**Source:** R.C. 1895, s. 249, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 249; R.C. 1905, s. 263, am'd. S.L. 1913, c. 59, s. 3; C.L. 1913, s. 408.

**23-0705. Local Health Officers to Report Reportable Disease to State Department of Health.** At such time as may be required by the state department of health, each local health officer shall submit to such department on blanks furnished by the department for that purpose, a summarized report of the reportable diseases reported to him during the week. When no cases have been reported during the week, the report shall be made with the notation "No cases reported."

**Source:** R.C. 1895, s. 249, am'd. S.L. 1899, c. 58, s. 1; R.C. 1899, s. 249; R.C. 1905, s. 263, am'd. S.L. 1913, c. 59, s. 3; C.L. 1913, s. 408.

R.C. 1895, s. 255; R.C. 1899, s. 255; R.C. 1905, s. 267, am'd. S.L. 1913, c. 59, s. 5, subs. b; C.L. 1913, s. 412, subs. b. S.L. 1907, c. 45, s. 56, am'd. S.L. 1911, c. 77, s. 56; C.L. 1913, s. 3826.

**23-0706. Contagious or Infectious Diseases: Power of Local Board of Health to Quarantine.** Whenever it shall come to the knowledge of a local board of health that a case of a contagious or infectious disease exists within its jurisdiction, the board immediately shall examine the facts of the case and adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease. The board immediately may cause any person infected with such disease to be removed to a separate house if, in the opinion of the health officer or county superintendent of public health, such person can be removed without danger to his health. If the 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 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 within its jurisdiction.

**Source:** R.C. 1895, s. 270; R.C. 1899, s. 270; R.C. 1905, s. 282; C.L. 1913, s. 428. R.C. 1895, ss. 2588, 2589; R.C. 1899, ss. 2588, 2589; R.C. 1905, ss. 3123, 3124, C.L. 1913, ss. 4182, 4183. S.L. 1919, c. 237, s. 3; 1925 Supp., s. 2971b3.

**23-0707. Venereal Diseases: Additional Powers and Duties of Health Officers.** The state health officer, and each county and city health officer within his jurisdiction, when necessary for the protection of public health, shall:

1. Make examination of any person reasonably suspected of being infected with venereal disease and detain such person until the results of the examination are known;
2. Require any person infected with venereal disease to report for treatment to a reputable physician and to continue such treatment until he is cured or to submit to treatment provided at public expense until he is cured;
3. Investigate sources of infection of venereal disease; and
4. 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.

**Source:** S.L. 1919, c. 237, s. 3; 1925 Supp., s. 2971b3.

**23-0708. Persons in Prison Examined and Treated for Venereal Diseases.** Every person convicted of a crime who is imprisoned in a state, county, or city prison shall be examined for venereal disease and if infected, shall be treated therefor by the health officer within whose jurisdiction such person is imprisoned.

**Source:** S.L. 1919, c. 237, s. 4; 1925 Supp., s. 2971b4.

**23-0709. Venereal Diseases: Persons Isolated in Prison; Exceptions.** The prison authorities of any state, county, or city prison shall make available to the health officers such portion of the prison as may be necessary for a clinic or hospital wherein the following persons may be isolated and treated at public expense until cured:

1. Persons who are imprisoned in such prison and who are infected with venereal disease;
2. Persons who are suffering with venereal disease at the time of the expiration of their term of imprisonment; and
3. Persons isolated or quarantined by the state health officer when no other suitable place for isolation or quarantine is available.

In lieu of such isolation, any of such persons, in the discretion of the health officer, may be required to report for treatment to a licensed physician or to submit to treatment provided at public expense until cured. Nothing contained in this section shall be construed to interfere with the service of any sentence imposed by a court as punishment for the commission of crime.

**Source:** S.L. 1919, c. 237, s. 4; 1925 Supp., s. 2971b4.

#### INFANT BLINDNESS

**23-0710. Preventing Infant Blindness; Duty of Physician or Midwife.** All physicians, midwives, or other persons in professional attendance upon a birth always shall examine the eyes of the infant carefully. If there is the least reason to suspect the presence of a disease of the eyes such person shall apply such prophylactic treatment as may be recognized as efficient in medical science.

**Source:** S.L. 1911, c. 188, s. 2; C.L. 1913, s. 3169.

**23-0711. Duty of Parent to Report to Health Officer.** If one or both eyes of an infant shall become inflamed, swollen, or reddened, or shall show any unnatural discharge or secretion at any time within two weeks after birth, and if no legally qualified physician is in attendance upon the infant at that time, the parents of the child, or in their absence, whoever is caring for said infant, shall report the fact in writing, within six hours after discovery, to the health officer having jurisdiction. Such report need not be made from a recognized hospital.

**Source:** S.L. 1911, c. 188, s. 3; C.L. 1913, s. 3170.

**23-0712. Health Officer to Place Reported Infant in Charge of Physician.** Upon receipt of a report as provided for in section 23-0711, the health officer shall direct the parents or whoever has charge of the infant suffering from inflammation, swelling, redness, or unnatural secretion or discharge of the eyes, to place it immediately in charge of a legally qualified physician.

**Source:** S.L. 1911, c. 188, s. 4; C.L. 1913, s. 3171.



**23-0713. Contagious or Infectious Diseases: Local Board May Establish Temporary Hospital.** Each local board of health may provide such temporary hospital or place of reception for persons afflicted with any contagious or infectious disease as it judges best for their accommodation and safety of the inhabitants. It may provide a means of transportation to such hospital for persons suffering from any such disease. All such hospitals, and all private houses or other places in which exists any contagious or infectious disease, during the existence of such disease, shall be under the control and subject to the regulations of the local board of health. All the inmates of any such house or other place, during the existence of such disease therein, must conform to the regulations and obey the instructions of the local board with reference thereto.

**Source:** R.C. 1895, ss. 271, 272; R.C. 1899, ss. 271, 272; R.C. 1905, ss. 283, 284, C.L. 1913, ss. 429, 430. R.C. 1895, s. 2590; R.C. 1899, s. 2590; R.C. 1905, s. 3125; C.L. 1913, s. 4184.

**23-0714. Contagious or Infectious Diseases: Local Board May Destroy or Disinfect Infected Clothing.** Any local board of health may cause to be destroyed any bed, bedding, clothing, carpets, or other articles which have been exposed to infection from a contagious or infectious disease and may allow reasonable compensation for the same. The board also may provide a proper place with all necessary apparatus and attendants for the disinfection of such articles and may cause all such articles to be conveyed to such place to be disinfected.

**Source:** R.C. 1895, s. 272; R.C. 1899, s. 272; R.C. 1905, s. 284; C.L. 1913, s. 430.

**23-0715. Removal of Person Afflicted With Contagious or Infectious Disease: Removal of Person Who Died of Such Disease: Prohibited.** No person, unless he has a permit from the local board of health or state department of health, shall remove or cause to be removed from without this state into this state, or from one building to another within this state, or from or to any railroad car or motor vehicle, any person afflicted with a contagious or infectious disease, or the body of any person who died of any such disease.

**Source:** R.C. 1895, s. 266; R.C. 1899, s. 266; R.C. 1905, s. 278; C.L. 1913, s. 424.

**Cross Reference:** Board of embalmers to adopt rules for disinfection of deceased person to prevent spread of contagious diseases, see s. 43-1006.

**23-0716. Child Having Contagious or Infectious Disease Prohibited From Attending School.** No principal, superintendent, or teacher of any school, and no parent or guardian of any minor child, shall permit any child having any contagious or infectious 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 permitted to do so under the regulations of the local board of health.

**Source:** R.C. 1895, s. 268; R.C. 1899, s. 268; R.C. 1905, s. 280; C.L. 1913, s. 426.

**23-0717. Vaccination or Inoculation Not Required for Admission to Any School or for the Exercise of a Right.** No form of vaccination or inoculation shall be made a condition precedent for the admission of a person to any public or private school or college in this state, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege.

**Source:** S.L. 1919, c. 236, s. 1; 1925 Supp., s. 425a1.

**23-0718. Physician to Report Death From Contagious or Infectious Disease to Local Board of Health.** Each practicing physician in this state shall report to the local board of health within the jurisdiction of which the death occurred, in writing, the death of any of his patients who shall have died of any contagious or infectious disease. The report shall be made within twenty-four hours after such death and shall state the specific name and character of the disease.

**Source:** R.C. 1895, s. 264; R.C. 1899, s. 264; R.C. 1905, s. 276; C.L. 1913, s. 422.

**23-0719. Appropriation Made on Report Showing Action Necessary to Prevent Spread of Disease.** If any society or association organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of a visiting nurse or nurses, or to disinfect any building, room, residence, hotel, or other place infected with tuberculosis, the society shall report such fact to the president of the county board of health and to the board of county commissioners. The report shall recommend the course of action advisable to be adopted by the board of county commissioners in relation thereto and in accordance with the provisions of this chapter, and such board, at its next meeting, shall consider such report and recommendation and act on the same. The board may audit and allow bills for services rendered in carrying into effect any action taken by it under the provision of this section.

**Source:** S.L. 1913, c. 124, s. 1; C.L. 1913, s. 2266.

**23-0720. Board of County Commissioners May Appropriate Money to Prevent the Spread of Tuberculosis.** The board of county commissioners of any county in this state may appropriate county money and levy taxes within the county levy limitations for the purpose of paying for the services of visiting nurses or other necessary medical attention or advice in preventing the spread of tuberculosis in the county, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis, and may cooperate with neighboring counties to establish homes or hospitals for incurable tuberculosis patients.

**Source:** S.L. 1913, c. 124, ss. 2, 3; C.L. 1913, ss. 2267, 2268.

**23-0721. Penalties.** Each of the following persons shall be guilty of a misdemeanor:

1. Any person afflicted with a contagious or infectious disease who exposes himself in any public place or thoroughfare;
2. Any person who exposes, in a public place or thoroughfare, any person afflicted with a contagious or infectious disease;
3. Any person who violates or fails to obey any of the provisions of this chapter, any lawful rule or regulation made by the state department of health, or any order issued by any state; county, or municipal health officer;
4. Any person who willfully violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or
5. Any person infected with a venereal disease who exposes another person to infection.

The provisions of subsections 1 and 2 shall not apply when it is necessary to remove a person afflicted with a contagious or infectious disease and the removal is made in a manner not dangerous to the public health.

**Source:** R.C. 1895, ss. 7326, 7396; R.C. 1899, ss. 7326, 7296; R.C. 1905, ss. 9067, 9036; C.L. 1913, ss. 9786, 9752. S.L. 1919, c. 237, ss. 1, 6; 1925 Supp., ss. 2971b1, 2971b6.

#### **Cross References to Chapter 23-07**

City health officer to keep records of cases of reportable diseases, see s. 23-0705.

Failure to conform to rules and orders of the local board of health, penalty, see s. 23-0512.

Health Officer, neglect of duty, see s. 23-0510.

Hotel to fumigate when guest has infectious or contagious disease, see s. 23-0909, subs. 9.

Power of city to quarantine, see s. 40-0601, subs. 2.

#### **HEALTH DISTRICTS**

**23-1401. Formation of Health Districts.** When in the opinion of the state health officer, on information obtained in cooperation with local officers and boards, the health needs of any given area may be better served by the formation of a health district as hereinafter provided, the state health officer shall so notify the county auditor of each county involved and the city auditor of each city having a population in excess of fifteen thousand persons. Each county auditor and city auditor must place the matter before the governing board of the county or city at its next regular meeting, and the governing board by resolution either must adopt or reject the plan at the same or the first subsequent meeting. If resolutions are adopted by the governing boards of the cities and counties as hereinbefore provided, adopting the health district plan, all laws and parts of laws in conflict therewith automatically shall become inoperative throughout the territory embraced within the district, and particu-

larly the laws relative to city, village, township, and county boards of health. If the board of county commissioners of any county or the city council or city commission of any city rejects the plan, it may submit the question of adoption of the provisions of this chapter to the electors of the county or city at the next ensuing general or special election to be held in said county or city. In all elections held under the provisions of this chapter the vote cast in cities having a population in excess of fifteen thousand inhabitants shall be considered separate and apart from the vote cast elsewhere in the county, and the participation in the health district by any city shall be governed by the votes cast in the city as distinguished from the vote cast elsewhere in the county. If a majority of the electors vote in favor of the adoption of the provisions of this chapter, the board of county commissioners, within ten days after the canvass of said election, shall adopt such resolution, and, upon the adoption of such resolution such county or counties, together with the cities voting in favor of the plan, shall be considered a district health unit or health district. On a petition filed with the county auditor containing names of electors of the county equal to ten per cent of the votes cast for the office of governor at the last general election, and election on the question of forming a health district shall be held as heretofore provided. The health districts shall follow county lines, and in case the district as outlined by the state health officer includes more than one county, and the plan is adopted in any of said counties or cities, and rejected in any one or more of the other counties or cities, it shall become effective in the county or counties and city or cities adopting the plan, if in the exercise of his discretion the state health officer deems the same operative.

**Source:** S.L. 1943, c. 220, s. 1.

**23-1402. No Compulsory Vaccination.** District or state health officers shall not resort, nor be allowed to resort, to compulsory vaccination or inoculation.

**Source:** S.L. 1943, c. 220, s. 1.

**23-1403. Organized by What Officers.** Upon the adoption of the plan by a single county, or by two or more contiguous counties, as provided in section 23-1401, the board of health as hereinafter provided, and in all cases where two or more counties constitute one health district, the term board of county commissioners shall be taken to mean the boards of county commissioners of the several counties concerned acting together in joint session unless the context requires a different meaning. The original meeting for the appointment of the district board of health, as well as all other meetings held for the purpose of filling vacancies on said board, shall be held at the county seat of the county having the largest population, upon notice given to the boards of county commissioners by the state health officer.

**Source:** S.L. 1943, c. 220, s. 2.

**23-1404. District Board of Health.** A district health unit shall be organized by the appointment of a district board of health to consist of five members, one of whom shall be a physician, one a dentist, one a business or professional man, one a farmer, and one a woman, who shall be appointed for terms as follows: one for one year, one for two years, one for three years, one for four years, and one for five years. All subsequent appointments shall be for a term of five years. Each appointee shall serve without compensation and until his successor is appointed and qualified, and if a vacancy occurs, the vacancy shall be filled by appointing for the remainder of the unexpired term. Each appointee shall qualify by filing the constitutional oath of office, and in case of a district health unit, such oath shall be filed in the office of the county auditor of the county having the larger population according to the most recent state or federal census. The members of the district board of health shall receive their actual expenses incurred in attending such meetings.

**Source:** S.L. 1943, c. 220, s. 3.

**23-1405. District Health Officer.** The district board of health shall appoint for a term of five years a full time district health officer, subject to removal for cause by the district board of health. He shall be a physician and surgeon regularly licensed to practice medicine and surgery in the state of North Dakota, and shall have the qualifications prescribed by the conference of the state and territorial health officers of the United States, or shall have the recommendation of the state health officer, and he need not be, when appointed, a resident of the county or district. He shall qualify by filing the constitutional oath of office in the manner provided for the members of the district board of health. The district health officer shall devote his full time to the duties of his office, and shall maintain an office within the jurisdiction of the district health unit, at the place to be designated by the district board of health, such office, with necessary equipment, to be furnished by the district board of health.

**Source:** S.L. 1943, c. 220, s. 4.

**23-1406. Powers of the District Boards of Health.** Each district board of health shall have and shall exercise all the powers and duties which now or hereafter may be given to a local board of health by the laws of the state insofar as the same are not inconsistent with this chapter.

**Source:** S.L. 1943, c. 220, s. 5.

**23-1407. Duties of Health Officer.** The district health officer shall perform all the duties and shall be guided by the limitations prescribed by law relative to county, city, village, and township health officers, and he shall make such reports to the state department of health as may be required by it.

**Source:** S.L. 1943, c. 220, s. 6.

**23-1408. Assistants to Health Officer.** The district board of health shall provide for such technical and clerical assistants to the district full time health officer as it may deem necessary. The district full time health officer shall have the right to select and discharge such assistants.

**Source:** S.L. 1943, c. 220, s. 7.

**23-1409. Meetings of Board of Health.** The district board of health shall meet at least quarterly at the courthouse in the county seat of the county, and if two or more counties constitute the local health district the first meeting shall be held at the courthouse in the county seat of the larger county as determined by the most recent state and federal census. Subsequent quarterly meetings and special meetings shall be held at a place to be determined by the board, with the thought of rotating the meeting place among the various counties of the district. At the first meeting after their appointment, and annually thereafter, the members of the board shall organize by electing a president and such other officers as they deem necessary. Upon his appointment and qualification, the district health officer shall be, ex officio, the secretary of the board and shall keep such records and make such reports as may be required by the board and by the state department of health.

**Source:** S.L. 1943, c. 220, s. 8.

**23-1410. Salary and Compensation.** The salary of the district health officer shall be fixed by the district board of health. Such compensation shall not be reduced during the term for which he is appointed. The district board of health shall determine the compensation of such technical and clerical help as may be allowed by the district board of health to the district full time health officer, and the district board of health shall also determine the amount of mileage to be paid for the necessary travel of the district full time health officer and his assistants, not to exceed five cents a mile.

**Source:** S.L. 1943, c. 220, s. 9.

**23-1411. Health Fund: How Provided.** All salaries, mileage, compensation, and expenses provided for herein shall be paid as the salaries, mileage, compensation, and expenses of other county officers now are paid, out of a health district fund as follows:

1. The district board of health, as provided in this chapter, shall prepare a budget for the next fiscal year at the time at which and in the manner in which a county budget is adopted. The amount budgeted then shall be prorated, in health districts composed of more than one county, among the various counties in the health district according to the assessed valuation of the respective counties comprising the said health district, and shall be certified by the district health board to the respective county auditors of such counties within ten days thereafter, and shall be included in the levies of such coun-

ties. The amount called for in the budget shall not exceed the amount which can be raised by a levy of one-half mill on the assessed valuation. Such levy shall not be subject to the eleven mill limitation for general and special county purposes, and the amount derived therefrom shall be placed in a special health fund. When a health district is composed of more than one county, the health fund shall be created as hereinbefore provided and shall be deposited with and disbursed by the treasurer of the county wherein the district health officer maintains his office, and all other counties comprising in the health district shall remit and make settlements with such treasurer quarterly;

2. All claims against the district health fund shall be audited by the district board of health at its quarterly meetings, and shall be paid from the district health fund upon warrant issued by the county auditor. All expenses actually and necessarily incurred by the district board of health in carrying out the provisions of this chapter shall be audited and approved by the president and secretary of the board and certified to the board of county commissioners of the county in which such fund is retained, and shall be paid as other county expenses are paid.

**Source:** S.L. 1943, c. 220, s. 10.

**23-1412. Contributions May Be Accepted and Received.** Any local health unit or district may accept and receive any and all contributions offered to aid in the work of the unit or district and the same shall become a part of its health fund.

**Source:** S.L. 1943, c. 220, s. 11.

**23-1413. Dissolution.** After a district health unit organized as provided in this chapter has been in operation for two years, the same may be dissolved in the following manner: On petition filed with the county auditor containing names of electors of the county equal to ten percent of the votes cast for governor at the last general election, an election on the question of dissolution shall be presented to the people at the next general or special election held in the county. If a majority of the votes cast favor dissolution, the health unit shall be dissolved on July first following the election. If a majority of the votes cast are against dissolution, no other election shall be held until a period of two years has again expired.

**Source:** S.L. 1943, c. 220, s. 12.

## REGISTRATION OF BIRTHS AND DEATHS

**23-0201. Division of Vital Statistics: Division of State Health Department; Registrar.** The division of vital statistics of the state department of health shall be under the supervision of the state health officer who shall be ex officio state registrar of vital statistics.

The division shall have charge of the registration of all births and deaths in this state and of the preservation of such records.

**Source:** S.L. 1907, c. 270, s. 1; C.L. 1913, s. 434.

**23-0202. Deputy Registrar of Vital Statistics.** The director of the division of vital statistics shall be deputy state registrar of vital statistics and shall have active charge of the division. The director of the division shall possess the powers and perform the duties of the state registrar during his absence or inability to act or during the time when there is a vacancy in the office.

**Source:** S.L. 1907, c. 270, s. 2; C.L. 1913, s. 435.

**23-0203. State Registrar of Vital Statistics May Make Necessary Rules.** The state registrar of vital statistics may make, promulgate, and enforce such rules and regulations as he may consider necessary to carry out the provisions of this chapter.

**Source:** S.L. 1907, c. 270, s. 2; C.L. 1913, s. 435.

**23-0204. Duties of State Registrar of Vital Statistics.** The state registrar of vital statistics shall perform the following duties:

1. Prepare, print, and supply to all local registrars the blanks and forms used in registering, recording, and preserving the certificates and returns required by this chapter. No blanks other than those supplied by the registrar shall be used;
2. Prepare and issue such detailed instructions as may be required to secure a uniform observance of the provisions of this chapter and the maintenance of a perfect system of registration of births and deaths;
3. Carefully examine the certificates received monthly from the local registrars and, if any certificate is incomplete or unsatisfactory, require such further information to be furnished as may be necessary to make the record complete and satisfactory;
4. Arrange, bind, and permanently preserve in a systematic manner the certificates required under the provisions of this chapter, and prepare and maintain a comprehensive and continuous card index of all births and deaths registered. Each card shall show the name of the person registered, the place and date of birth, the place and date of death if the registrant is not living, the number of the certificate, and the volume in which it is contained; and
5. Inform all registrars what diseases are to be considered infectious, contagious, communicable, or 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 thereof.

**Source:** S.L. 1907, c. 270, s. 18; C.L. 1913, s. 451.

**23-0205. Fees of State Registrar.** The state registrar shall collect the following fees:



1. For a certified copy of a birth or death certificate, fifty cents;
2. For a registrar's certificate of record of birth, fifty cents; and
3. For any search of the files and records when no certified copy or registrar's certificate is made, fifty cents for each hour or fractional hour of time spent in search.

Such fees shall be paid by the applicant to the state registrar, who shall keep a correct account thereof and turn the same over to the state treasurer.

**Source:** S.L. 1941, c. 297, s. 8. S.L. 1907, c. 270, s. 21; C.L. 1913, s. 454.

**Cross Reference:** Registrar's certificate of record of birth, when issued, see s. 23-0224.

**23-0206. Registration Districts.** Each county of the state shall constitute a primary registration district for the registration of births, deaths, and other vital statistics.

**Source:** S.L. 1907, c. 270, s. 3; C.L. 1913, s. 436, am'd. S.L. 1943, c. 273, s. 1.

**23-0207. Local Registrars and Subregistrars; Appointment; Duties.** The clerk of the district court of each county shall be the local registrar in and for the county, and he shall perform all the duties of local registrar as hereinafter provided, and he immediately shall appoint in writing, a deputy, who shall be authorized to act in his stead in case of absence, illness, or disability. The local registrar, with the approval of the state registrar, may appoint one or more suitable and proper persons to act as subregistrars.

**Source:** S.L. 1907, c. 270, s. 4; C.L. 1913, s. 437, am'd. S.L. 1943, c. 273, s. 2, subs.

**23-0208. Births and Deaths To Be Registered.** All births and deaths that occur in the state shall be registered immediately in the registration district in which they occur.

**Source:** S.L. 1907, c. 270, s. 5; C.L. 1913, s. 438.

**23-0209. Local Registrars; Duties.** Each local registrar shall:

1. Supply blank forms of certificates to such persons as require them;
2. Examine carefully 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 chapter and the instructions of the state registrar;
3. Issue burial-transit permits as provided in this title;
4. If a certificate of death is incomplete or unsatisfactory, call attention to the defects in the return and withhold issuing the burial-transit permit until the certificate is correct;
5. If a certificate of birth is incomplete, notify the informant immediately and require him to supply the missing items if they can be obtained;

6. Number consecutively the certificates of birth and of death in 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;
7. 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 birth or death, in such manner as is directed by the state registrar; and
8. On the fifth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no births and no deaths have occurred in his district in any month, he shall report that fact on the first day of the following month to the state registrar in the manner directed by him.

**Source:** S.L. 1907, c. 270, s. 19; C.L. 1913, s. 452.

**23-0210. Subregistrar; Duties; Removal.** A subregistrar may receive birth and death certificates and issue burial-transit permits in and for the portions of the county assigned to him. He shall note on each certificate over his signature the date upon which it was filed and shall forward the same to the local registrar within ten days and before the third day of the following month. The subregistrar shall be subject to the supervision and control of the state registrar and may be removed by him for neglect or failure to perform his duties in accordance with the provisions of this chapter and the rules and regulations of the state registrar. He shall be subject to the same penalties for neglect of duties as is the local registrar.

**Source:** S.L. 1907, c. 270, s. 4; C.L. 1913, s. 437, am'd. S.L. 1943, c. 273, s. 2, subs. 1.

**23-0211. Fees of Local Registrars.** Each local registrar shall be entitled to 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. In case no births or no deaths were registered by him during any month, the local registrar shall be entitled to 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 a registrar under provisions of this section shall be paid by the county in which his registration district is located upon certification by the state registrar. The state registrar annually shall certify to the auditors of the several counties the number of births and deaths registered in each registration district in the county, with the names of local registrars and the amounts due each at the rates fixed herein.

**Source:** S.L. 1907, c. 270, s. 20; C.L. 1913, s. 453, am'd. S.L. 1925, c. 184, s. 1; 1925 Supp., s. 453.

**23-0212. Certificate of Birth; Where and By Whom Filed.** The attending physician, midwife, or other attendant, within three days after the date of a birth, shall file with the local registrar of the district in which the birth occurred, the certificate of birth, properly and completely filled out, giving all the particulars required by the provisions of this chapter. If there is no attending physician, midwife, or other attendant, the father or mother of the child, or the householder or owner of the premises, or the manager or superintendent of the public or private institution in which the birth occurred, shall file the certificate of birth with the local registrar within three days after the birth.

**Source:** S.L. 1907, c. 270, s. 13; C.L. 1913, s. 446.

**Cross References:** All births in maternity hospital reported to board of administration, see s. 50-1310.

Birth report of crippled child made to state agency, see s. 50-1007.

**23-0213. Birth Certificate; What to Contain.** The birth certificate shall be on the standard form recommended by the United States bureau of the census and shall contain the following items:

1. The place of birth of the child, including the name of the state and:
  - a. The name of the county;
  - b. The name of the city or village, or if the birth occurs outside of the limits of any city or village, the name of the township; and
  - c. The name of the hospital or maternity home in which the birth occurred, or if the birth occurs in a city in other than a hospital or maternity home, the street and house number of the premises in which the same occurred;
2. The usual place of residence of the mother of the child, including:
  - a. The state of her residence;
  - b. The county of her residence;
  - c. The city or village of her residence, or if her residence is outside of the limits of any city or village, the name of the township in which she resides; and
  - d. If her residence is in a city, the street and number thereof;
3. The full name of the child. If the child dies unnamed before the certificate is filed, the words "died unnamed" shall be entered. If a living child has not been named at the date of filing of the certificate, the space for "full name of child" shall be left blank to be filled out subsequently by a supplemental report;
4. The date of birth of the child, including the month, day, and year thereof;
5. The sex of the child;
6. Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child of plural birth giving the number of the child in order of birth;

7. Whether the birth is premature or full term;
8. Whether the mother of the child is married or unmarried;
9. The full name of the father of the child;
10. The color or race of the father;
11. The age of the father at his last birthday, in years;
12. The birthplace of the father;
13. The usual occupation of the father;
14. The name of the industry or business in which the father is employed;
15. The full maiden name of the mother of the child;
16. The color or race of the mother;
17. The age of the mother at her last birthday, in years;
18. The birthplace of the mother;
19. The usual occupation of the mother;
20. The name of the industry or business, if any, in which the mother is employed;
21. The number of children which were born to the mother of the child including:
  - a. The number of children, other than the one being registered, of the mother of the child living at the date of the registration;
  - b. The number of children, other than the one being registered, who were born alive to the mother of the child but who are dead at the date of the registration; and
  - c. The number of children born dead to the mother of the child;
22. The address of the mother for the mailing of the registration notice;
23. The correct answer to the question "Were precautions taken against ophthalmia neonatorum?";
24. Whether or not the child has any serious deformities;
25. A certificate by the attending physician, midwife, or other attendant as to attendance at the birth showing whether the child was born dead or alive and the year, month, day, and hour of the birth. Such certificate shall be dated and signed by the attending physician or other attendant who shall show his address therein. If there was no attending physician or other attendant at the birth, the father or mother of the child, or the householder or manager of the premises, or the manager or superintendent of the public or private institution in which the birth occurred, shall sign the certificate giving the information specified in this subsection and indicate the capacity in which he or she signs; and
26. The exact date of filing of the certificate in the office of the local registrar attested by the official signature of the local registrar and the registered number of the birth.

The form and contents of the certificate may be varied from time to time by the state registrar of vital statistics to conform to regula-

tions and requirements promulgated by the bureau of the census of the United States department of commerce.

**Source:** S.L. 1907, c. 270, s. 14; C.L. 1913, s. 447, S.L. 1911, c. 188, s. 1; C.L. 1913, s. 3168.

**23-0214. Penalty for Failure to Make Report of Birth.** Any person required by any provision of this title to report a birth who neglects or refuses to file a proper certificate of birth within the time required, or who omits to answer the question, "Were precautions taken against ophthalmia neonatorum," is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars. All bills or charges for professional services rendered at a birth shall be unlawful if the report of birth is not made.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455, S.L. 1911, c. 188, ss. 1, 2, 5; C.L. 1913, ss. 3168, 3169, 3172.

**23-0215. Supplemental Report Giving Name of Child.** When any certificate of birth of a living child is presented without a statement of the given name, 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. The supplemental report shall be filled out as directed and returned to the registrar as soon as the child is 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."

**Source:** S.L. 1907, c. 270, s. 15; C.L. 1913, s. 448.

**23-0216. Stillborn Children To Be Registered.** (Amended in Chapter 197—Laws of 1945 as follows)

Stillborn children, or those dead at birth, shall be registered as stillbirths on a certificate of stillbirth of the standard form recommended by the Bureau of the Census, Division of Vital Statistics. The person in charge of interment shall within three (3) days file with the local registrar of the county in which the stillbirth occurred the certificate of stillbirth, obtaining personal data from the informant whose signature appears thereon. He shall present the certificate of stillbirth to the attending physician, midwife, or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish. In every instance a certificate shall be filed, and a permit in the usual form for burial, cremation or other disposition of the fetus issued prior to interment or other disposition thereof.

**23-0217. Application for Recording Delayed Proof of Birth.** An application may be made to the state registrar of vital statistics to have recorded in his office delayed proof of the birth of any person who was born in this state or in that part of the territory of Dakota from which the state of North Dakota was formed. An application may be made to the local registrar of vital statistics to have recorded

in his office delayed proof of the birth of any person who was born in the state of North Dakota, or in that part of the territory of Dakota from which the state of North Dakota was formed lying within the geographical boundaries of such local registration district, and such application shall contain all the requirements and be subject to the restrictions and limitations applicable when such application is made directly to the state registrar of vital statistics. An application for delayed proof of birth may be made by any such person who wishes to establish a record of his birth, or by the parent or legal guardian of such person.

**Source:** S.L. 1941, c. 297, s. 1, am'd. S.L. 1943, c. 273, s. 2, subs. 2.

**Cross Reference:** Proceeding to establish date and place of birth, see c. 37 of the title Judicial Remedies.

**23-0218. Contents of Application for Recording Delayed Proof of Birth.** An application for the recording of delayed proof of birth shall be in writing and shall state:

1. The name of the person of whose birth a record is to be made;
2. The time and place of birth of such person;
3. The sex and color or race of such person;
4. The name of the father and of the mother of such person, if known; and
5. Such other facts as the state registrar of vital statistics may require.

If the person for the proof of the birth of whom such proceeding is brought has been legally adopted a certified copy of the decree of adoption shall be filed with the application.

**Source:** S.L. 1941, c. 297, s. 2.

**23-0219. Procedure When Application Filed.** Upon the filing of an application with the state registrar or local registrar of vital statistics for the recording of the delayed proof of birth of any person, the registrar shall hear and determine such application and the proofs submitted in connection therewith. For the purpose of recording delayed proof of birth and correcting birth records, the state registrar of vital statistics, the deputy state registrar of vital statistics, and the local registrar may administer oaths to witnesses giving written or oral evidence. If the registrar finds that the person described in the application was born at the time and place stated therein, such registrar shall make a record showing that the application has been granted, that the person described in such application was born at the time and place shown in such proof, and such other facts as may be pertinent to such record.

**Source:** S.L. 1941, c. 297, s. 6.

**23-0220. Correction of Errors in Birth Records.** The state registrar of vital statistics may correct any error in birth records, and to that end, may receive and file amended birth certificates or affidavits and other proof showing that former records are incorrect.

Source: S.L. 1941, c. 297, s. 3.

**23-0221. Proof To Be Filed With Application to Record Delayed Proof of Birth and to Correct Error.** The state registrar of vital statistics may prescribe reasonable rules and regulations relating to the proof that may be submitted in support of an application to record delayed proof of birth or in support of an application for the correction of error in records of birth, to the end that the records in the office of such registrar may truthfully state the facts concerning the birth of any person born within this state, and may permit the return of documentary proof.

Source: S.L. 1941, c. 297, s. 5.

**23-0222. Addition to Record in Case of Adoption or Determination of Paternity.** Whenever a certified copy of a decree of adoption, or a report of adoption, or of the determination of any court determining paternity, is filed in the office of the state registrar of vital statistics, such registrar shall make notation thereof on any record of birth on file in his office.

Source: S.L. 1941, c. 297, s. 4.

**23-0223. Certificates and Other Records Are Confidential.** All certificates, applications, affidavits, proofs, or other records filed with the state registrar of vital statistics relative to birth shall be deemed confidential and shall not be open to inspection by any person except the person whose birth has been recorded, if such person is an adult, and, if such person is a minor, by the legal parents or general guardian thereof. Such records, however, may be inspected by and information divulged to the veteran's service commissioner upon his certificate that the person whose birth record is inspected or concerning which information is sought is either a veteran of the armed forces of the United States or a dependent of such veteran. In other cases, access to such records or certified copies thereof may be obtained only upon an order of the district court, and such court shall issue such order only when it has been shown to the satisfaction of the court that the information contained in the original records on file in the office of the state registrar of vital statistics is material and necessary to litigation pending in any court, and that the ends of justice will be best served by the production of such original records. This Section shall not preclude the state registrar of vital statistics from furnishing such records, or reports from such records, to the federal government, or any department or agency thereof, when such records are required for statistical purposes, nor shall it preclude the state registrar from permitting the inspection of such records when in the opinion of such registrar such inspection will facilitate the correction of the records in his office. Information obtained from such records may be furnished without charge to any state department upon the order of the attorney general made upon the written application of the executive head of the department showing the

name of the individual relative to whom such information is required, and stating that such information is required in the proper administration of the work of such department. Any information so furnished to any department shall be deemed confidential.

**Source:** S.L. 1941, c. 297, s. 7, am'd. S.L. 1943, c. 271, s. 1.

**23-0224. Registrar's Certificate of Record of Birth: When Issued; Contents.** The state registrar of vital statistics, upon the payment of the required fee, shall issue to any person entitled thereto a registrar's certificate of the record relating to the proof of a birth. Such certificate shall be issued under the hand and seal of the registrar and shall be based on the facts as shown in the records of the state registrar on the date of the issuance of such certificate.

**Source:** S.L. 1941, c. 297, s. 8.

**23-0225. Form of Registrar's Certificate of Record of Birth.** The registrar's certificate of record of birth shall be dated, signed, and sealed by the registrar of vital statistics or by a deputy state registrar of vital statistics, and shall be in substantially the following form:

The state registrar of vital statistics for the state of North Dakota does hereby certify that according to the records in his office, ....., was born at ....., in the county of ....., within the state of North Dakota, on the ..... day of ....., in the year of .....

Such certificate also may set forth the sex and color or race of the person described therein, and also may state the names of the persons who sustain to him the legal relationship of father and mother at the time the certificate is issued, and such other facts as the registrar may deem pertinent. If the person described in the certificate has been legally adopted prior to the issuance of such certificate, the certificate shall state the names of the persons who have adopted him as his legal parents.

**Source:** S.L. 1941, c. 297, s. 9.

**23-0226. Certificate of Proof of Birth Only Information Registrar to Issue; When Certified Copy of Birth Certificate Issued.** No information other than the certificate of proof of birth described in this chapter shall be issued by the state registrar of vital statistics except upon the request of the person in relation to the birth of whom the information is requested. Upon the request of the person described therein, or if such person is a minor, upon the request of his legal parents or general guardian, the registrar may furnish a certified copy of the birth certificate provided by statute.

**Source:** S.L. 1941, c. 297, s. 10.

**23-0227. Local Registrar's Records Confidential; Penalty.** A local registrar shall not permit the inspection of any records made by him and shall not disclose any information obtained by him as



local registrar to any person except the state registrar of vital statistics, or to officers or employees of the division of vital statistics. Any local registrar who shall violate any provision of this section shall be guilty of a misdemeanor.

**Source:** S.L. 1941, c. 297, s. 11.

**23-0228. Retroactive Effect of Provisions Relating to Delayed Proof of Birth.** The procedure set forth in sections 23-0217, 23-0218, 23-0219, and 23-0221 shall apply to any person born within the territorial limits specified in section 23-0217 regardless of the date of the birth of such person.

**Source:** S.L. 1941, c. 297, s. 12.

**23-0229. Clerks of District Courts and of County Courts With Increased Jurisdiction to Furnish Information as to Adoption or Paternity of Children to the State Registrar of Vital Statistics.** The clerk of the district court, or the clerk of the county court with increased jurisdiction, in which any decree of adoption is entered or in which any order, judgment, or decree is entered determining or relating to the paternity of any child born in the state of North Dakota, shall notify the state registrar of vital statistics of the entry of such order, judgment, or decree, and shall supply such information relating thereto as the state registrar may require upon such forms as may be furnished by the state registrar.

**Source:** S.L. 1941, c. 296, s. 1.

**23-0230. Death Certificate; What to Contain.** The death certificate shall be on the standard form recommended by the United States bureau of the census and shall contain the following items:

1. The place of death including:
  - a. The name of the county;
  - b. The name of the city or village, or if the death occurs outside of the limits of any city or village, the name of the township;
  - c. The name of the hospital or institution in which the death occurred, or if the death occurred in a city in other than a hospital or institution the street and house number of the premises in which the same occurred; and
  - d. The length of stay in the hospital or institution where the death occurred and in the community in which the death occurred;
2. The usual residence of the deceased including:
  - a. The state of his residence;
  - b. The county of his residence;
  - c. The city or village of his residence, or if his residence is outside of the limits of any city or village, the name of the township in which he resided;
  - d. If his residence was in a city, the street and number thereof; and

- e. If the deceased was foreign born, the number of years he had been in the United States;
3. a. The full name of the deceased. If the deceased was an unnamed child, the surname preceded by "unnamed";  
b. If the deceased was a veteran of any war, the name of the war;  
c. The social security number of the deceased, if any;
4. The sex of the deceased;
5. The color or race of the deceased;
6. The conjugal condition of the deceased;  
a. Whether single, married, widowed, or divorced;  
b. The name of the husband or wife; and  
c. The age of the husband or wife;
7. The birth date of the deceased, giving the month, day, and year;
8. The age of the deceased in years, months, and days, or if he is less than one day old, the age in hours, and minutes;
9. The birthplace of the deceased, giving the city or county, and the state or foreign country;
10. The usual occupation of the deceased;
11. The industry or business of the deceased;
12. The name of the father of the deceased;
13. The birthplace of the father, giving the city or county, and the state or foreign country;
14. The maiden name of the mother of the deceased;
15. The birthplace of the mother, giving the city or county, and the state or foreign country;
16. The signature of the informant, who may be any competent person acquainted with the facts, and his address;
17. A certificate of the funeral director showing whether the body was buried, cremated, or removed, and the date and place of burial or cremation, and such certificate shall be signed by the funeral director and his address shall be shown;
18. The exact date of filing of the certificate in the office of the local registrar attested by the official signature of the local registrar and the registered number of the death; and
19. A medical certification which shall include:
  - a. The date of death, including the month, day, and year;
  - b. The dates from which and to which the physician attended the deceased;
  - c. The date the physician last saw the deceased alive;
  - d. The hour of the day at which the death occurred;
  - e. The principal cause of death and the important related causes in order of onset, giving the date of onset;
  - f. The contributory causes of importance, including any pregnancy within three months of death;
  - g. The name and date of any operation;
  - h. The test that confirmed the diagnosis;
  - i. Whether there was an autopsy;

- j. If the death was due to external cause, the following:
  1. Whether it was an accident, suicide, or homicide;
  2. The date of the injury;
  3. The locality of injury, giving the township or city and the county and state;
  4. Whether the injury occurred in or about home, on farm, in industrial place, in public place, or while at work;
  5. The means of injury; and
- k. The signature and address of the physician in last attendance, and the date when such certificate was signed.

The form and contents of the certificate may be varied from time to time by the state registrar of vital statistics to conform to the regulations and requirements promulgated by the bureau of the census of the United States department of commerce.

**Source:** S.L. 1907, c. 270, s. 8; C.L. 1913, s. 441.

**23-0231. Disease Causing Death Must Be Stated in Plain Terms; Returned for Correction.** If in the medical certification of the certificate of death the physician uses indefinite and unsatisfactory terms which indicate only symptoms of the disease or of the conditions resulting from the disease which was the cause of death, a burial-transit permit shall not be issued and the certificate shall be returned to him for correction and definition. The state registrar of vital statistics shall define what shall be considered as indefinite and unsatisfactory terms.

**Source:** S.L. 1907, c. 270, s. 8; C.L. 1913, s. 441.

**23-0232. Undertaker Responsible for Securing and Filing Death Certificate.** The undertaker or person acting as such shall obtain and file the certificate of death with the local registrar. He shall:

1. Obtain the personal and statistical particulars required in the certificate from the person best qualified to supply them over the signature and address of his informant;
2. 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 record;
3. State the facts required relative to the date and place of burial, over his signature and with his address; and
4. Present the completed certificate to the registrar within the time limit designated by the local board of health for the issuance of a burial transit permit.

**Source:** S.L. 1907, c. 270, s. 10; C.L. 1913, s. 443.

**Cross Reference:** Undertaker to state in certificate whether deceased was a veteran, see s. 37-1605.

**Chapter 194. Death Certificates, Certain Veterans.** An Act Authorizing the State Registrar of Vital Statistics to issue death certificates in certain cases of deceased veterans, and declaring an emer-

gency. Be It Enacted by the Legislative Assembly of the State of North Dakota: Section 1. The State Registrar of Vital Statistics shall upon request issue and file death certificates in cases of deceased veterans upon receipt of the original notice of death furnished by the War Department, or a copy of such notice certified by the Veterans' Service Commissioner or the Veterans Administration, and upon receipt of such additional evidence as may be available from other sources without regard for addition pre-requisites provided in Chapter 23-02 of the North Dakota Revised Code of 1943. Section 2. This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

(Laws of 1945)

**23-0233. Neglect and Refusal of Physician to Deliver Medical Certificate to Undertaker; Penalty.** Any physician in medical attendance upon a deceased person at the time of death who neglects or refuses to make out and deliver the medical certificate of cause of death to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, is guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than fifty dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0234. Physician's Certificate of Cause of Death: False: Penalty.** Any physician who willfully or knowingly makes a false certificate of the cause of death is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0235. Death Without Medical Attendance; Duty of Undertaker and Local Registrar.** If any death occurs without medical attendance the undertaker shall notify the local registrar of such death. When so notified, the registrar, prior to issuing a burial-transit permit, shall inform the local health officer and refer the case to him for immediate investigation and certification. When the local health officer is not a qualified physician, or when there is no such official, the registrar may make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts. If the circumstances of the case render it probable that death was caused by unlawful or suspicious means, the registrar shall refer the case to the coroner for his investigation and certification.

**Source:** S.L. 1907, c. 270, s. 9; C.L. 1913, s. 442.

**23-0236. Physicians, Midwives, Undertakers to Furnish Information to State Registrar.** All physicians, midwives, undertakers, and other persons having knowledge of any birth or death shall furnish such information to the state registrar of vital statistics upon demand, either in person, by mail, or through the local registrar.

**Source:** S.L. 1907, c. 270, s. 18; C.L. 1913, s. 451.

**23-0237. Physicians, Midwives, and Undertakers To Be Registered.** Every physician, midwife, and undertaker shall register his name, address, and occupation with the local registrar of the district in which he resides. Thereupon, he shall be supplied by the local registrar with a copy of this chapter, together with the rules and regulations adopted by the state registrar of vital statistics.

**Source:** S.L. 1907, c. 270, s. 16; C.L. 1913, s. 449.

**23-0238. Local Registrar to Report to State Registrar All Registered Physicians and Midwives.** 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 been registered in his district during the whole or any part of the preceding calendar year. No fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under section 23-0237 or for making returns thereof to the state registrar.

**Source:** S.L. 1907, c. 270, s. 16; C.L. 1913, s. 449.

**23-0239. Requirements in Completing Birth Certificates and Death Certificates.** All birth certificates and death certificates shall be written legibly or typewritten in unfading black ink. No such certificate shall be held to be complete and correct unless it supplies all of the items of information called for therein or satisfactorily accounts for omission of any item not contained therein.

**Source:** S.L. 1907, c. 270, s. 14; C.L. 1913, s. 447.

**23-0240. Effect of Certificate of Proof of Birth and of Certified Copy of Birth or Death Certificate.** A registrar's certificate of the record of a birth and a certified copy of any birth or death certificate issued by the state registrar of vital statistics shall be prima facie evidence of the facts therein stated and shall be accepted as such proof in any court or before any commission, bureau, board, or agency in this state.

**Source:** S.L. 1907, c. 270, s. 21; C.L. 1913, s. 454. S.L. 1941, c. 297, s. 8.

**23-0241. Neglect of Duty by Local Registrar; Penalty.** Any local registrar, deputy registrar, or subregistrar who shall neglect or fail to enforce the provisions of this chapter, or who shall neglect or refuse to perform any duty imposed upon him by the provisions of this chapter or by the instructions and directions of the state registrar of vital statistics, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0242. Alteration of Local Record of Certificate of Birth or of Death; Penalty.** Any person who shall willfully alter any certificate of birth or of death, or the copy of any certificate of birth or of

death, on file in the office of a local registrar, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0243. General Penalty.** Any person who shall violate any provision of this chapter for which a penalty is not specifically provided shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0244. Enforcement of Registration Law: Who Charged With.** Each local registrar shall enforce the provisions of this chapter in his district under the direction of the state registrar of vital statistics. He shall make an immediate report to the state registrar of the violation of any provision of this chapter which comes to his attention. The state registrar shall execute the provisions of this chapter in every part of the state and by his supervisory powers over local registrars shall see that all requirements are uniformly complied with. He shall investigate cases of irregularity or violation of law, personally or by accredited representatives, and local registrars shall aid him, upon request, in any such investigation. When the state registrar deems it necessary, he shall report a violation of any provision of this chapter to the state's attorney of the proper county with a statement of the facts and circumstances of the case. When any case is reported to him by the state registrar, the state's attorney forthwith shall initiate and follow up the necessary court proceedings against the party responsible for the alleged violation of law. Upon request of the state registrar, the attorney general, likewise, shall assist in the enforcement of the provisions of this chapter.

**Source:** S.L. 1907, c. 270, s. 23; C.L. 1913, s. 456.

#### **Cross References to Chapter 23-02**

Birth report of crippled child made to public welfare boards, see s. 50-1007.

Marriage record to be filed with the state registrar of vital statistics, see s. 14-0323.

#### **CARE AND CUSTODY OF DEAD**

**23-0601. Right to Dispose of One's Own Body.** Subject to the health regulations contained in this chapter, every person has the right to direct the manner in which his body shall be disposed of after his death and to direct the manner in which any part of his body which becomes separated therefrom during his life-time shall be disposed of.

**Source:** R.C. 1895, s. 7188; R.C. 1899, s. 7188; R.C. 1905, s. 8923; C.L. 1913, s. 9617.

**23-0602. Who Entitled to Custody of Body.** The person charged with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it. When the coroner is required to hold an inquest, however, he is entitled to the custody of the body until such inquest has been completed.

**Source:** R.C. 1895, s. 7197; R.C. 1899, s. 7197; R.C. 1905, s. 8932; C.L. 1913, s. 9626.

**23-0603. Duty of Burial.** The duty of burying the body of a deceased person devolves upon the following persons:

1. If the deceased was married, upon the surviving husband or wife;
2. If the deceased was not married but left kindred, upon the person or persons in the same degree, of adult age, nearest of kin to the deceased living within this state and possessed of sufficient means to defray the necessary expenses;
3. If an inquest is held and the deceased left no husband or wife and no kindred answering the description in subsection 2, upon the coroner conducting the inquest. The expense thereof shall be borne by the county as provided in section 11-1918;
4. In case the person upon whom the duty of burial is cast by the foregoing provision omits to make such burial within the time required by this chapter, upon the person next specified. If all omit to act, upon the tenant, or, if there is no tenant, upon the owner of the premises in which the death occurs or the body is found; or
5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficient to defray his funeral expenses, including the cost of a casket, upon the county welfare board of the county in which the death occurs, and such board shall employ some person to arrange for and superintend the burial. The necessary and reasonable expense thereof, not exceeding seventy-five dollars, shall be borne by the county.

**Source:** R.C. 1895, s. 7195; R.C. 1899, s. 7195; R.C. 1905, s. 8930; C.L. 1913, s. 9624. S.L. 1933, c. 97, s. 17, am'd. S.L. 1943, c. 107, s. 1.

**23-0604. Time Within Which Burial Must Be Made; Exceptions.** The dead body of a human being must be buried by the person charged with the duty of such burial within four days after the death of such person except when:

1. The right to dissect the body is expressly conferred by law;
2. The body is being carried through this state;
3. The body is being removed from this state for the purpose of burial in some other state; or
4. A permit is obtained from the local board of health allowing a longer time during which the body may remain unburied.

A permit obtained under the provision of subsection 4 shall show the length of time allowed by the board during which the body may remain unburied.

**Source:** R.C. 1895, s. 269; R.C. 1899, s. 269; R.C. 1905, s. 281; C.L. 1913, s. 427. R.C. 1895, ss. 7189, 7190; R.C. 1899, ss. 7189, 7190; R.C. 1905, ss. 8924, 8925; C.L. 1913, ss. 9618, 9619.

**23-0605. Failure to Bury Within Required Time; Penalty.** Any person who fails to comply with or who violates any of the provisions of section 23-0604, or who refuses or neglects promptly to obey any order or instruction of the local board of health, is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 274; R.C. 1899, s. 274; R.C. 1905, s. 287; C.L. 1913, s. 433. R.C. 1895, s. 7196; R.C. 1899, s. 7196; R.C. 1899, s. 7196; R.C. 1905, s. 8931; C.L. 1913, s. 9625.

**23-0606. Neglect of Burial; Misdemeanor.** Every person upon whom the duty of making burial of the remains of a deceased person is imposed by law who omits to perform that duty as required in this chapter, is guilty of a misdemeanor, and in addition to the punishment prescribed therefor, is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the burial. Such amount shall be recovered in a civil action.

**Source:** R.C. 1895, s. 7196; R.C. 1899, s. 7196; R.C. 1905, s. 8931; C.L. 1913, s. 9625.

**23-0607. Regulation of Burial; Issuance of Burial-Transit Permit Regulated.** The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, until a burial-transit permit shall have been properly issued by the registrar of vital statistics of the registration district in which the death occurred. A burial-transit permit shall not be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him. If the certificate is incorrect or incomplete, the registrar shall call attention to the defect and withhold issuing the permit until the same is corrected. In the case of any death outside of this state, a burial-transit permit issued in accordance with the law and the health regulations in force in the state where the death occurred, when accompanying a body shipped through or into this state, may be accepted with the same effect as a permit from a local registrar. If the death occurred from some disease that is held to be communicable by the state department of health, the registrar shall refuse to grant a permit for the removal or other disposition of the body except under the conditions prescribed by the state department of health and the local board of health.

**Source:** S.L. 1907, c. 270, ss. 6, 19; C.L. 1913, ss. 439, 452.



**23-0608. Burial-Transit Permit; Contents.** The burial-transit permit shall be on the form prescribed by the state registrar of vital statistics, shall be signed by the registrar issuing it, and may be limited to a statement by the local registrar showing:

1. That a satisfactory certificate of death has been filed with him as required by law;
2. That permission is granted to inter, remove, or otherwise dispose of the body of the deceased; and
3. The name, age, sex, and the cause of death of the deceased and any other necessary details.

**Source:** S.L. 1907, c. 270, s. 11; C.L. 1913, s. 444.

**23-0609. Disposition of Burial-Transit Permit.** The undertaker, or person acting as undertaker, shall secure the burial-transit permit from the local registrar. He shall deliver such permit to the sexton or person in charge of the place of burial before interring the body, or he shall attach it to the box containing the corpse when the same is shipped by any transportation company. Such permit shall be accepted by the sexton as authority for the interment of the body, and a body shall not be accepted for carriage by a common carrier unless the permit is attached as required in this section.

**Source:** S.L. 1907, c. 270, s. 10; C.L. 1913, s. 443.

**23-0610. Sextons to Endorse and Return Burial-Transit Permit; Record of Burials.** Each sexton or person in charge of any burial ground shall endorse the date of interment upon the burial-transit permit over his signature. He shall return all permits, so endorsed, to the local registrar of his district within ten days after the date of interment or within the time prescribed by the local board of health. The sexton also shall keep a record of all interments made in the premises under his charge, stating the name of the deceased person, the place of death, the date of burial, and the name and address of the undertaker. Such record at all times shall be open to public inspection.

**Source:** S.L. 1907, c. 270, s. 12; C.L. 1913, s. 445.

**Cross Reference:** Additional duties of sexton, see s. 23-0622.

**23-0611. Burial Without Burial-Transit Permit; Penalty.** Any undertaker, sexton, or other person acting as undertaker, who inter, removes, or otherwise disposes of the body of any deceased person without having received a burial-transit permit, is guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0612. Penalty for Transporting Body Without Burial-Transit Permit.** Any transportation company or common carrier which transports, carries, or accepts, through its agents or employees, for transportation or carriage, the body of any deceased person without

an accompanying burial-transit permit issued in accordance with the provisions of this chapter, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

**Source:** S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**23-0613. Dissection; When Allowed.** The dead body of a human being may be dissected:

1. When authorized by positive enactment of the legislative assembly of this state;
2. When the death occurs under circumstances in which a coroner is authorized by law to hold an inquest upon the body, and a coroner authorizes such dissection for the purpose of the inquest;
3. When the husband, wife, or next of kin of a deceased person, charged by law with the duty of burial, authorizes such dissection for the purposes of ascertaining the cause of death; or
4. When permission has been given therefor by deceased.

**Source:** R.C. 1895, s. 7191; R.C. 1899, s. 7191; R.C. 1905, s. 8926; C.L. 1913, s. 9620.

**23-0614. What Bodies May Be Used for Dissection.** Any medical association, licensed physician and surgeon, or medical school, upon request, may receive and remove free of charge the bodies of the following deceased persons, if such bodies are to be used within the state for the advancement of anatomical knowledge and medical science and if proper notice is given to the relatives or guardian of the deceased:

1. A person executed pursuant to sentence of law;
2. A person dying in the penitentiary or county jail while under sentence for a crime; or
3. A person required to be buried at public expense.

Preference shall be given to medical schools, and such schools shall furnish the bodies to the students of medicine and surgery.

**Source:** R.C. 1895, s. 281; R.C. 1899, s. 281; R.C. 1905, s. 300; C.L. 1913, s. 472. S.L. 1905, c. 134, s. 1; R.C. 1905, s. 2079; C.L. 1913, s. 2809.

**23-0615. When Body Not To Be Used for Dissecting.** If a person mentioned in section 23-0614 shall have requested, during his last illness, that he be buried, his body shall not be surrendered for dissection but shall be buried. If any friend, relative, or guardian of any such person shall request, within thirty-six hours after his death, that the body be turned over to such friend, relative, or guardian for interment, such request shall be complied with.

**Source:** R.C. 1895, s. 283; R.C. 1899, s. 283; R.C. 1905, s. 302; C.L. 1913, s. 474. S.L. 1905, c. 134, s. 1; R.C. 1905, s. 2079; C.L. 1913, s. 2809.

**23-0616. Bond Given by Person Receiving Body.** Every physician or surgeon and every medical school, before receiving any dead

body, shall give to the officer surrendering the same a sufficient bond conditioned that the body shall be used only for the promotion of anatomical science and medical knowledge within this state and so as not to outrage public feeling, and that after having been so used, the remains thereof shall be disposed of in accordance with the provisions of section 23-0617.

**Source:** R.C. 1895, s. 282; R.C. 1899, s. 282; R.C. 1905, s. 301; C.L. 1913, s. 473. S.L. 1905, c. 134, s. 2; R.C. 1905, s. 2080; C.L. 1913, s. 2810.

**23-0617. Bodies Required To Be Buried or Cremated After Having Served the Purpose: Penalty for Neglect.** Any person who shall receive for dissection any dead body, in pursuance of the provisions of this chapter, shall decently bury the body in some public cemetery or shall cremate the same in a furnace properly constructed for that purpose after the dissection has been made. Any person who neglects or violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of one hundred dollars.

**Source:** R.C. 1895, s. 7193; R.C. 1899, s. 7193; R.C. 1905, s. 8928; C.L. 1913, s. 9622. S.L. 1905, c. 134, s. 3; R.C. 1905, s. 2081; C.L. 1913, s. 2811.

**23-0618. Dissection; Removal of Body; Sale of: Penalty.** Any person who shall receive a body for use under the provisions of section 23-0614 and shall use the same for any other purpose, or who shall remove the same beyond the limits of this state, or who shall buy or sell any such body, or traffic in the same, shall be guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars. Any officer refusing to deliver the remains or body of any deceased person, when demanded under the provisions of this section, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars.

**Source:** S.L. 1905, c. 134, s. 2; R.C. 1905, s. 2080; C.L. 1913, s. 2810.

**23-0619. Dead Limb or Member of Body; Burial of; Interference With; Penalty.** All provisions of this chapter requiring the burial of a dead body or punishing interference with or injuries to a dead body apply equally to any dead limb or member of a human body, separated therefrom during lifetime.

**Source:** R.C. 1895, s. 7194; R.C. 1899, s. 7194; R.C. 1905, s. 8929; C.L. 1913, s. 9623.

**23-0620. Where Body May Be Buried.** No dead human body shall be buried in this state except in a properly registered cemetery or in some other place requested by the relatives and friends of the deceased if the same is authorized by the state department of health and all rules and regulations promulgated by the department in that connection have been complied with.

**Source:** S.L. 1931, c. 104, s. 1.

**23-0621. Regulation of Cemeteries.** All persons, corporations, municipalities, associations, and organizations owning, conducting, or maintaining a cemetery or plot for the burial of dead human bodies shall:

1. Provide for a sexton or secretary;
2. Cause the lot or parcel of ground used and designated as a cemetery to be platted into orderly blocks and lots, alleys and streets or driveways, giving to each a distinctive name or number that shall be a permanent designation of its location;
3. File the original plat with the register of deeds of the county in which the cemetery or place of burial is located and the copy or blueprint thereof with the sexton or secretary;
4. Register with the state department of health the name and location of the cemetery or place of burial, the name and address of the sexton, and the name and address of other officers of the cemetery association, corporation, or organization;
5. Furnish such information and reports as the state health department may require; and
6. Keep a local register of all burials showing as to each burial the name of the deceased, the date and location of burial, the cause and date of death, and the name and address of the undertaker.

**Source:** S.L. 1931, c. 104, s. 2.

**23-0622. Sexton: Term of Office; Records; Duties.** The sexton or secretary appointed by the person, corporation, municipality, association or organization conducting a cemetery for the burial of dead human bodies shall hold office until his successor is appointed and qualified. He shall transfer all records to his successor. The sexton or secretary shall enforce the laws of the state and the rules and regulations of the state department of health with respect to the burial of dead human bodies within the cemetery under his charge.

**Source:** S.L. 1931, c. 104, s. 2, subs. 1.

**Cross Reference:** Requirements as to burial permit, see ss. 23-0607, to 23-0612.

**23-0623. State Department of Health to Enforce Regulation of Cemeteries.** The state department of health shall make and enforce such rules and regulations as are necessary to carry out the laws relating to the regulation of cemeteries.

**Source:** S.L. 1931, c. 104, s. 3.

**23-0624. Unlawful Removal of Dead Body; Penalty.** Every person who removed any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, through malice or wantonness, or with intent to sell the same or to dissect it without the authority of law, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years,

or in the county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 7198; R.C. 1899, s. 7198; R.C. 1905, s. 8933; C.L. 1913, s. 9627.

**23-0625. When Body May Be Removed From Cemetery; Penalty for Failure to Remove.** Whenever a cemetery or other place of burial is lawfully authorized to be removed from one place to another, the right and duty to disinter, remove, and rebury the remains of bodies there lying buried devolves upon the persons whose duty it is to bury the bodies, in the order in which they are named in section 23-0603. If all such persons fail to act, the duty devolves upon the lawful custodians of the place of burial so removed. Every omission of such duty is punishable in the same manner as other omissions to perform the duty of making burial are punishable.

**Source:** R.C. 1895, s. 7201; R.C. 1899, s. 7201; R.C. 1905, s. 8936; C.L. 1913, s. 9630.

**23-0626. Purchasing Body Forbidden; Penalty.** Every person who purchases or who receives, except for the purpose of burial, any dead body of a human being, knowing that the same has been removed contrary to the provisions of this chapter, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 7199; R.C. 1899, s. 7199; R.C. 1905, s. 8934; C.L. 1913, s. 9628.

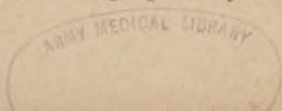
**23-0627. Unlawfully Opening Place of Burial; Penalty.** Every person who opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent, either:

1. To remove any dead body of a human being for the purpose of selling the same or for the purpose of dissection; or
2. To steal the coffin, or any part thereof, or anything attached thereto or connected therewith, or the vestments or other articles buried with the same,

is punishable by imprisonment in the penitentiary for not less than one year nor more than two years, or in a county jail for not more than six months, or by a fine of not more than two hundred fifty dollars, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 7200; R.C. 1899, s. 7200; R.C. 1905, s. 8935; C.L. 1913, s. 9629.

**23-0628. Arresting or Attaching Dead Body.** Every person who arrests or attaches any dead body of a human being upon any debt



or demand whatever, or who detains or claims to detain it for any debt or demand or upon any pretended lien or charge, is guilty of a misdemeanor.

**Source:** R.C. 1895, s. 7202; R.C. 1899, s. 7202; R.C. 1905, s. 8937; C.L. 1913, s. 9631.

**23-0629. Penalty for Violating Provisions Relating to Dissections and General Penalty.** Every person who violates any provision of this chapter relative to the dissection of dead bodies of human beings, or who makes or procures to be made any dissection of the body of a human being except by authority of law or in pursuance of a permission given in accordance with the provision of this chapter is guilty of a misdemeanor. Every person who violates any provision of this chapter which is not specifically designated as a misdemeanor or for the violation of which another penalty is not specifically provided is punishable by a fine of not less than five dollars nor more than one hundred dollars.

**Source:** R.C. 1895, ss. 7192, 7205; R.C. 1899, ss. 7192, 7205; R.C. 1905, ss. 8927, 8940; C.L. 1913, ss. 9621, 9634. S.L. 1907, c. 270, s. 22; C.L. 1913, s. 455.

**Chapter 196. Embalmers, Undertakers and Coffin Sellers Reports.** An act requiring all Embalmers, Undertakers, and Coffin-Sellers to Keep Records and Report Information to the State Registrar of Vital Statistics. Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Embalmers, Undertakers, and Coffin-Sellers to Keep Record. Every person, firm or corporation selling a casket is required to keep a permanent record showing the name of the purchaser, post-office address, name of deceased, date of death, and place of death, which record shall be open to inspection by the state registrar.

Section 2. Embalmers, Undertakers, and Coffin-Sellers to Report to State Registrar of Vital Statistics. On the first day of each month, the person, firm or corporation selling caskets and every undertaker or other person attending to the burial or conducting the funeral of a dead person, is required to report to the state registrar such facts as he may require for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record.

(Law of 1945)

**Chapter 195. Death Records, Certain Missing Persons.** An Act to provide for the receiving as prima facie evidence in any court, office, or other place in this state, official findings, records, reports or certified copies thereof, of death, missing or other status, issued by the Secretaries of War and Navy and other federal officers and employees, and declaring an emergency. Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Written findings of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such findings pursuant to the Federal Missing Persons Act, as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office, or other place in this state as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Section 2. An Official written report or record or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by an officer or an employee of the United States authorized by the Act referred to in Section 1 or by any other law of the United States to make same, shall be received in any court, office, or other place in this state as prima facie evidence that such person is missing, missing in action, interned in a neutral country or beleaguered or captured by an enemy or is dead, or is alive as the case may be.

Section 3. For the purposes of Sections 1 and 2 of this Act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said act, shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Section 4. Emergency. Whereas many doubtful situations exist with reference to members of the armed forces now in service this act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon passage and approval by the Governor.

(Law of 1945)

**Cross Reference:** Punishment for misdemeanor, see s. 12-0614.

**Cross References to Chapter 23-06**

Burial of inmates of state institutions, see s. 12-4505.

Burial of soldiers, sailors, or marines, see s. 37-1601.

Cemetery corporations, see c. 10 of the title Corporations.

Coroner's inquest: disposition of body, see s. 11-1918.

Coroner's inquest: disposition of property found on body, see s. 11-1920.

Disturbing funerals, see s. 12-2127.

Injury to cemetery or tomb, see s. 12-2129.

Power of city to regulate cemetery, see s. 40-0501, subs. 46.

Power of village to regulate cemetery, see s. 40-0501, subs. 46.

**PUBLIC HEALTH MISCELLANEOUS PROVISIONS**

**23-1201. Disinfection of Second-Hand Goods.** Before any person, firm, or corporation dealing in second-hand goods shall sell, exchange, offer for sale or exchange, or intend to sell or offer for sale or exchange, to the public in this state, any wearing apparel, bedclothes, second-hand furniture, or any article of any description ordinarily used in furnishing, equipping, or decorating a home, he shall disinfect thoroughly each and every such article in a manner approved by the state department of health. The department shall prescribe such rules and regulations as are necessary to secure proper disinfection of second-hand goods and the marking or tagging thereof to safeguard the public from contagious infection.

**Source:** S.L. 1913, c. 134, s. 1; C.L. 1913, s. 2960.

**23-1202. Penalty for Not Disinfecting Second-Hand Goods.** Any person violating any of the provisions of section 23-1201 is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days.

**Source:** S.L. 1913, c. 134, s. 2; C.L. 1913, s. 2961.

**23-1203. Use of Public Drinking Cup Prohibited; Penalty.** Any person in charge of any:

1. Railroad Train;
2. Railroad Station;
3. Public, parochial, or private school, or other educational institution; or
4. Public building

who furnishes or permits the common use of public drinking cups in such place is guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars for each offense.

**Source:** S.L. 1913, c. 228, ss. 1, 2, 3; C.L. 1913, ss. 2952, 2953, 2954.

**Cross Reference:** Common Drinking cup prohibited in hotels and restaurants, see s. 23-0909, subs. 17.

**23-1204. Permission to Establish Hospital in Residence Block of City Required.** No hospital which treats patients for pay shall be established in any residence block of any city in this state unless the person, firm, or corporation proposing to establish the same shall file with the city auditor the written consent of the resident freeholders of such block.

**Source:** S.L. 1907, c. 134, s. 1; C.L. 1913, s. 2812.

**Cross Reference:** Power of city to control and regulate hospitals, see s. 40-0502, subs. 10.

**23-1205. Advertising Certain Cures and Drugs and Specialization Prohibited; Penalty.** Any person who shall:



1. Advertise in his own name or in the name of another person, firm or pretended firm, association, or corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper, a claim or advertisement with regard to the treatment or curing of venereal diseases or the restoration of "lost manhood" or "lost vitality";
2. Permit any advertisement of the kind specified in subsection 1 to be printed, inserted, or published in any newspaper or periodical of which he is the owner, publisher, or manager;
3. Advertise in any manner that he is a specialist in diseases of the sexual organs, or in diseases caused by sexual weakness or self-abuse, or in any disease with like or similar causes;
4. Advertise in any manner any medicine, drug compound, appliance, or any means whatever whereby it is claimed that sexual disease of men and women may be cured or relieved, or miscarriage or abortion produced;
5. Advertise in any manner any medicine or means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or
6. Publish, distribute, or cause to be published or distributed or circulated, any of the advertising matter mentioned in the preceding subsections of this section,

shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months.

**Source:** S.L. 1909, c. 184, ss. 1, 2; C.L. 1913, ss. 9656, 9657.

**23-1206. Injury to Public Health; Penalty.** Every person who willfully and wrongfully commits any act which grossly imperils the public health, although no punishment is expressly prescribed therefor, is guilty of a misdemeanor.

**Source:** R.C. 1895, s. 7670; R.C. 1899, s. 7670; R.C. 1905, s. 9444; C.L. 1913, s. 10250.

**23-1207. Violation of Health Laws: General Penalty.** Any person who willfully violates any provision of this title, if another penalty is not specifically provided for such violation or if the violation is not specifically designated as a misdemeanor, shall be punished by imprisonment in the county jail for not more than thirty days, or by a fine of not less than ten dollars nor more than fifty dollars, or by both such fine and imprisonment.

**Source:** R.C. 1895, s. 274; R.C. 1899, s. 274; R.C. 1905, s. 287; C.L. 1913, s. 433. R.C. 1895, s. 7298; R.C. 1899, s. 7298; R.C. 1905, s. 9038; C.L. 1913, s. 9754.

#### **Cross References to Chapter 23-12**

Beverages, see c. 8 of the title Foods, Drugs, Oils, and Compounds.  
Cosmetics, regulations, see c. 9 of the title Foods, Drugs, Oils, and Compounds.

Dairy products, sale of, regulations, see c. 18 of the title Agriculture.

Eggs, sale of, regulations, see c. 7 of the title Foods, Drugs, Oils, and Compounds.

Food establishments, regulations, see ss. 19-0218 to 19-0226, inclusive.

Imitation ice cream, sale of, regulations, see c. 6 of the title Foods, Drugs, Oils, and Compounds.

Killing of infected animals for butcher purposes prohibited, see s. 36-1402.

Meat, sale of, regulations, see s. 19-0210.

Narcotics, see c. 3 of the title Foods, Drugs, Oils and Compounds.

Oleomargarine, sale of, see c. 5 of the title Foods, Drugs, Oils, and Compounds.

Sale of adulterated or misbranded foods and drugs unlawful, see s. 19-0203.

#### MISCELLANEOUS LAWS AFFECTING THE PUBLIC HEALTH BARBERS

**43-0411. Rules and Orders.** The board may adopt and enforce all rules and orders necessary to carry out the provisions of this chapter:

1. It may prescribe sanitary regulations for barber shops and barber schools. Such regulations shall be subject to the approval of the state department of health. A copy of the rules and regulations adopted by the board and approved by the state department of health shall be furnished by the board to the owner or manager of every barber shop and barber school, and shall be posted by such owner or manager in a conspicuous place in such barber shop or barber school;

**Source:** S.L. 1927, c. 101, s. 22, am'd. S.L. 1943, c. 93, s. 5.

#### COMMON CARRIERS OF PERSONS

**8-0806. Vehicles To Be Disinfected; Misdemeanor.** Every person, firm, corporation, or association engaged in the business of transporting passengers in or through this state in any car, coach, motor vehicle, airplane, or boat shall disinfect such car, coach, motor vehicle, airplane, or boat according to modern scientific rules for the prevention of the spread of contagious disease, not more than thirty days prior to its use in this state. Such common carrier shall keep posted in each and every car, coach, motor vehicle, airplane, or boat a printed placard and notice which shall show the time and place when the car, coach, motor vehicle, airplane, or boat was last disinfected. Any person, firm, corporation, or association, violating the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars for each violation.

**Source:** S.L. 1911, c. 247, ss. 1, 2, 3; C.L. 1913, ss. 2957, 2958, 2959.

### MOTOR CARRIERS

**49-1829. Medical Examination Required of Applicants; Renewal; Posting Certificate.** Every applicant for the position of driver of a motor vehicle licensed under this chapter shall submit to a medical examination and shall procure a certificate from some reputable medical doctor showing:

1. That such examination has been made and that such applicant is in good health and good physical condition; and
2. That said applicant has good eyesight and is qualified and capable of driving and operating a motor vehicle on the highways of North Dakota in the transportation business, so far as his physical condition is concerned.

Such physical examination shall be renewed annually thereafter and a certificate as to the condition of the driver issued thereon. No driver shall be permitted to operate a motor vehicle on the highways of this state for a common or contract carrier without submitting to the foregoing examination or without the doctor's certificate as provided for herein. Such certificate at all times shall be kept in a conspicuous place in the vehicle while being operated by such driver.

**Source:** S.L. 1935, c. 182, s. 1.

**49-1831. Cleaning of Livestock Vehicle by Common or Contract Motor Carrier.** No common or contract motor carrier subject to this chapter, its officers or agents, transporting either intrastate or interstate commerce, shall use for the transportation of goods for human consumption any motor vehicle which has been used for the transportation of livestock until such motor vehicle has been thoroughly cleansed and disinfected in such manner as shall be prescribed by the state board of health or the livestock sanitary board.

**Source:** S.L. 1933, c. 164, s. 28.

**Cross Reference:** Shipment of livestock, see c. 20 of the title Livestock.

### CRIPPLED CHILDREN BIRTH REPORTS

**50-1007. Birth Report of Crippled Child Made to State Agency.** Within three days after the birth in this state of a child born with a visible congenital deformity, the licensed maternity hospital or home in which such child is born, or the legally qualified physician or other person in attendance at the birth of such child outside of a maternity hospital, shall furnish the state agency such reports as it may require concerning such child.

**Source:** S.L. 1941, c. 242, s. 8.

### MATERNITY HOSPITAL REPORT BIRTHS

**50-1310. Every Birth Attended by Qualified Physician or Midwife; Births Reported to Board of Administration.** Every birth occurring in a maternity hospital shall be attended by a legally quali-

fied physician or midwife. The licensee of the hospital shall report to the board of administration each birth occurring within the hospital. The report shall be made within twenty-four hours after the birth occurs and on blanks to be provided by the board for that purpose.

**Source:** S.L. 1915, c. 183, ss. 8, 9, am'd. S.L. 1923, c. 164, s. 8; 1925 Supp., s. 5099a8.

**Cross References:** Attending physician, midwife, file birth certificate, see s. 23-0212.

Births and deaths registered, see s. 23-0208.

Registration of midwife and physician, see s. 23-0237.

### FALSE ADVERTISING

**51-1201. False and Misleading Advertising Prohibited.** No person, firm, corporation, or association with intent to sell, dispose of, increase the consumption of, or induce the public to enter into an obligation relative to, or to acquire title of interest in any food, drug, medicine, patent and proprietary product, merchandise, security, service, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public, shall make, publish, disseminate, circulate, or place before the public, or directly or indirectly shall cause to be made, published, disseminated, circulated, or placed before the public in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tab, label, letter, or in any other way, an advertisement which contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading regarding such food, drug, medicine, patent, and proprietary product, merchandise, security, service, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public.

**Source:** S.L. 1913, c. 3, s. 1; C.L. 1913, s. 9989.

**Cross References:** Advertisement of securities, when prohibited, see s. 10-0426.

False and misleading advertising as to cosmetics prohibited, see s. 19-0905.

**51-1203. Enforcement of Provision Prohibiting False Advertisement.** The state's attorneys, sheriffs, peace officers, health officers and the state laboratories department shall enforce the provisions of section 51-1201 and shall have ingress to and egress from all places of business where it is believed that section 51-1201 is being violated.

**Source:** S.L. 1913, c. 3, s. 2; C.L. 1913, s. 9990.

**Cross Reference to Chapter 51-12.**

Unlawful advertising as to use tax, see s. 57-4007.

### FOODS AND DRUGS

**19-0202. Department to Establish Definitions, Rules, Regulations, and Standards of Foods and Drugs.** The department shall fix, adopt, publish, and enforce definitions, rules, regulations, and stand-

ards of quality, purity, and strength of articles of food and drugs for which no definitions, rules, regulations, and standards are prescribed by law, for the purpose of:

1. Securing uniformity, as far as practicable, in the laws of this state and of the federal government and the ordinances of municipalities within this state;
2. Preventing fraud and deception in the manufacture, use, sale, and transportation of food;
3. Preserving the public health; and
4. Carrying out the intent of this chapter.

Definitions, rules, regulations, and standards fixed, adopted, and published under the provisions of this chapter shall have the force and effect of law.

**Source:** S.L. 1915, c. 200, s. 4; 1925 Supp., s. 2889a4, am'd. S.L. 1923, c. 222, s. 18; 1925 Supp., s. 2889b18.

**19-0203. Unlawful to Sell Adulterated or Misbranded Foods and Drugs.** No person shall manufacture, sell, offer, or expose for sale or delivery, or have in his possession for sale or delivery, any article of food or drugs which is adulterated or misbranded, or which otherwise violates any provisions of this chapter or any rule or regulation issued pursuant thereto.

**Source:** S.L. 1901, c. 4, s. 1, am'd. S.L. 1903, c. 6, s. 1, am'd. S.L. 1905, c. 11, s. 1; R.C. 1905, s. 2118, am'd. S.L. 1907, c. 195, s. 1; C.L. 1913, s. 2879, am'd. S.L. 1915, c. 200, s. 1; 1925 Supp., s. 2889a1. S.L. 1923, c. 222, s. 3; 1925 Supp., s. 2889b3.

**19-0204. Adulteration of Food; What Constitutes.** For the purposes of this chapter, food shall be deemed to be adulterated;

1. If any substance has been mixed or packed with it so as to lower, reduce, or injuriously affect its quality, strength, or fitness for consumption.
2. If any substance has been substituted wholly or in part for the article;
3. If any valuable constituent of the article has been abstracted in whole or in part;
4. If it is mixed, colored, powdered, coated, stained, or otherwise treated in a manner whereby damage or inferiority is concealed or the article is made to appear better than it really is, or if it is so treated for the purpose of imitating another article of recognized quality;
5. If it contains any poisonous or deleterious substance or ingredient, whether the same is naturally present in the food, or has been added thereto, which may render the article injurious or detrimental to health;
6. If it consists in whole or in part of filthy, decomposed, or putrid animal or vegetable substance or of any portion of an animal unfit for food, or if it is the product of a diseased animal or one that has died otherwise than by slaughter; or

7. If it does not conform to the standard of purity or quality established for the article.

**Source:** S.L. 1901, c. 4, s. 2, am'd. S.L. 1903, c. 6, s. 2, am'd. S.L. 1905, c. 11, s. 3; R.C. 1905, s. 2119, am'd. S.L. 1907, c. 195, s. 2; C.L. 1913, s. 2880, am'd. S.L. 1915, c. 200, s. 3; 1925 Supp., s. 2889a3, am'd. S.L. 1923, c. 222, s. 5; 1925 Supp., s. 2889b5, am'd. S.L. 1937, c. 132, s. 2.

**Cross Reference:** Cream and milk adulteration prohibited, see s. 4-1845.

**19-0205. Adulteration of Drugs; What Constitutes.** For the purpose of this chapter, a drug shall be deemed to be adulterated:

1. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, or the National Formulary, it differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein. Whenever tests or methods of assay have not been prescribed therein, or whenever such tests or methods of assay as are prescribed are insufficient for the purpose of determining whether or not the drug complies with such standard, the drug may be examined by other recognized tests or methods of assay. No drug shall be deemed to be adulterated because it differs from the standard of strength, quality, or purity set forth in the United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, or the National Formulary, if the standard of strength, quality or purity of such drug is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case, it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not those of the United States Pharmacopoeia.
2. If, when a drug is sold under or by a name not recognized by the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, or National Formulary, its strength, quality, or purity falls below the professional standard of strength, quality, or purity under which it is sold; or
3. If the drug contains any methyl alcohol, or if it consists in whole or in part of any filthy, decomposed, or putrid substance, or if its container is composed in whole or in part of any poisonous or deleterious substance which may render it injurious to health.

**Source:** S.L. 1923, c. 222, s. 5; 1925 Supp., s. 2839b5, am'd. S.L. 1937, c. 132, s. 2.

**19-0208. Misbranding of Drugs; What Constitutes.** For the purpose of this chapter, a drug shall be deemed to be misbranded;

1. If it is an imitation of, or is offered for sale under the name of another article;
2. If its container is made, formed, or filled so as to mislead the purchaser;
3. If the contents of the package as originally put up have been removed, in whole or in part, and other contents placed in such package;
4. If the package or label fails to bear a statement of the quantity or proportion of alcohol, or of any narcotic, or habit forming drug in the article, if any alcohol narcotic, or habit forming drug is contained therein;
5. If the package or label bears or contains any statement, design, or device regarding the curative or therapeutic effect of the article, or of any of the ingredients or substances contained therein, which is misleading, false, or fraudulent;
6. When the article is in package form, if the name of the article together with the quantity of the contents thereof in terms of weight, measure, or numerical count are not plainly marked on the outside of the package;
7. If it is dangerous to health when used in the dosage or with the frequency or duration prescribed in the labeling or advertising thereof;
8. If it is not designated solely by a name recognized in the United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States or the National Formulary, and its label fails to bear a common or usual name of the drug if such there be;
9. If it is fabricated from two or more ingredients and the name of each active ingredient, and the quantity, kind, and proportion of any alcohol contained therein, is not given;
10. If a statement of the ingredients contained in the drug is insufficient alone to prevent fraud or deception or to convey to the purchaser the true nature of the product, and the percentage of each ingredient, is not given;
11. If its label fails to bear, plainly and conspicuously marked thereon, adequate directions for its use, or adequate warning against its use, under such pathological conditions, or by children, where its use may be dangerous to health, or if its label fails to contain adequate directions and cautions against unsafe dosage, methods, or duration of its administration or application;
12. If its name is recognized in the United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, or of the National Formulary, or if it purports to be a drug the name of which is so recognized, and it is not packaged and labeled as prescribed therein; or
13. If it is a drug liable to deterioration and it is not packaged in the form and manner, or if its label fails to bear a state-

ment of the precautions, required for the protection of public health.

**Source:** S.L. 1923, c. 222, s. 6; 1925 Supp., s. 2889b6, am'd. S.L. 1937, c. 132, s. 3.

**19-0210. Meats: Sale of: Regulations: Misdemeanor.** The meat of an animal shall not be sold for human consumption unless it is the product of a healthy animal. Meat of an animal slaughtered during the period of heat, advanced pregnancy, or immediately preceding or following parturition, and the meat of a calf less than four weeks old shall not be sold for human food. Hogs or other animals to be slaughtered for food shall not be permitted to eat filthy, diseased, or decomposed food, nor shall they be kept in a filthy or insanitary place. Nothing contained in this section shall be construed to conflict with the law relating to the sale of infected meat or the rules and regulations issued pursuant thereto by the state livestock sanitary board. Any person who knowingly shall kill or cause to be killed, for the purpose of sale as food for man, any animal of the kind described in this section, or who knowingly shall have in his possession with intent to sell the same as food for man the meat of any such animal, shall be guilty of a misdemeanor and shall be subject to the penalty hereafter provided in this chapter.

**Source:** S.L. 1923, c. 222, s. 10; 1925 Supp., s. 2889b10. R.C. 1895, s. 7650; R.C. 1899, s. 7650; R.C. 1905, s. 9420; C.L. 1913, s. 10207.

**19-0218. Food Establishment; Ventilation and Light Facilities for Convenience and Health of Employees and Patrons: Power of Department.** The provisions for ventilation and lighting and the toilet and washroom facilities, such as towels, washbowls, and soap, and the cuspidors and other facilities for the convenience, health and safety of employees and patrons of any food establishment, shall be ample therefor and subject to the approval of the department as to their sufficiency, location, and condition.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0219. Food Protected From Vermin: Presence of Vermin Renders Establishment Insanitary.** All doors and windows of a food establishment that may be opened or closed at will, during the fly season, shall be kept properly screened and flyproof. All foods kept, displayed, prepared, or offered for sale in any such place at all times shall be protected from contact with flies, roaches, ants, mice, rats, and other vermin or household pests. The presence of any such pests in a food establishment shall be deemed to render the same insanitary and the proprietor thereof liable to prosecution under this section.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0220. Person Affected With Contagious Disease Not Employed in Food Establishment; Examinations.** No person who is affected with any contagious or infectious disease in a communicable form shall be employed, or permitted to remain as an employee, in any food



establishment. If an inspector or agent of the department has reason to suspect that an employee in any such establishment is affected with any such disease, he may require a medical examination of such employee and a certificate of health with reference to him from the employer of such employee. The examination shall be made by a physician approved by the department, and the cost thereof shall be borne by the employer. If an employer fails to provide such a health certificate for himself or for an employee within a reasonable time after being notified to do so, he shall be deemed guilty of a misdemeanor.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0221. Building or Vehicle in Which Food Is Prepared, Sold, Held, or Transported To Be Kept in Sanitary Condition.** Every building or other structure and every vehicle of transportation in which there is manufactured, prepared, held, sold, used, or transported any food, drug, or product to be used in the preparation of any food or drug, shall be kept and maintained in a clean and sanitary condition at all times. Food shall be kept covered, enclosed, or fully protected by other means at all times from avoidable contamination by any agencies that might serve to bring about or hasten its decomposition or that might render it filthy or infectious, poisonous, deleterious, or injurious to health.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp. s. 2889b13.

**Cross References:** Cream stations, regulations governing, see c. 18 of the title Agriculture.

Food markets, regulation by municipalities, see ss. 40-0501, subs. 31, 40-0503.

**19-0222. All Facilities for Storing, Handling, Preparing Food, To Be Kept Sanitary.** All buildings, shelves, counters, storage bins, floors, walls, ceilings, scales, stoves, machines, refrigerators and other facilities used for storing, handling, displaying, or preparing food products, shall be designed and well adapted for the purpose with strict regard for the principles of sanitation.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0223. Apparel of Employees in Food Establishment.** The person and clothing of all employees in or about any food establishment shall be clean and when possible the personnel of such places shall be provided with special outer garments, aprons, white coats, or other apparel for use during the hours of employment.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0224. Rooms in Which Food Stored, Prepared, or Sold Not To Be Used for Living Quarters.** No room or rooms used for the storage, display, preparation, use, or sale of food shall be used as a sleeping, dressing, or living room, nor shall any sleeping, dressing, or living room be adjacent to, nor shall it open into, any such place,

nor shall dogs, cats, or other domestic animals be permitted to occupy such rooms.

**Source:** S.L. 1923, c. 222, s. 13; 1925 Supp., s. 2889b13.

**19-0225. Authority to Render Certain Foods Unsalable.** Whenever the department or any of its authorized agents shall find in any room, building, vehicle of transportation, or other structure or place, any meat, sea food, poultry, vegetables, fruits, or other perishable articles intended to be sold or used for human consumption, which are filthy, decomposed, infected, or which contain or consist of putrid animal or vegetable substance, or which may be unsafe, unwholesome, poisonous, deleterious, or detrimental to health, such department or any inspector or agent thereof, forthwith shall seize, condemn, and destroy the same or in any other manner render the same unsalable as human food.

**Source:** S.L. 1923, c. 22, s. 17; 1925 Supp. s. 2889b17. S.L. 1935, c. 141, s. 2.

**19-0226. Food or Drug Used in Violation of this Chapter a Nuisance; Abatement.** Any article of food or any drug which is adulterated, misbranded, insufficiently or improperly labeled, or any article of food which is poisonous, deleterious, or detrimental to health or which is held, used, or transported in violation of any provisions of this chapter or of any rules, regulation, standard, or definition issued pursuant thereto, is declared to be a nuisance, and the attorney general or any of his assistants, the state's attorney of any county, or the department, may maintain an equitable action in the name of the state for abatement of any such nuisance. In such action, every person in whose possession such nuisance is found and the occupant, tenant, owner, manager, or person in charge of any building, vehicle of transportation, or other property in which the nuisance is found shall be made defendants. The action shall be instituted and tried in the manner in which other equitable actions are instituted and tried.

**Source:** S.L. 1923, c. 222, s. 16; 1925 Supp., s. 2889b16.

**Cross Reference:** Abatement of common nuisance, see c. 2 of this title Nuisances.

**43-1514. Drugs, Poisons, Medicines, Chemicals; Who May Sell.** No drug, poison, medicine, or chemical, except patent or proprietary preparations, shall be manufactured, compounded, sold, or dispensed in this state for medicinal use by any person other than a registered pharmacist, assistant registered pharmacist, or regularly licensed physician, nor shall any person except a registered pharmacist, assistant registered pharmacist, or a regularly licensed physician, dispense or compound a prescription of a medical practitioner except as provided in this chapter.

**Source:** S.L. 1907, c. 182, s. 1; C.L. 1913, s. 475.

**Cross References:** Sale of narcotic drugs, see c. 3 of the title Foods, Drugs, Oils, and Compounds.

Sale of poisons, see c. 4 of the title Foods, Drugs, Oils, and Compounds.

**43-1543. Pharmacist Negligently Endangering Life: Penalty.**

Any pharmacist or assistant pharmacist in this state, who in putting up any drug or medicine, willfully, negligently, or ignorantly:

1. Omits to label the drug or medicine.
2. Puts an untrue label, stamp, or other designation of contents upon the box, bottle, or package containing the drug or medicine;
3. Substitutes a different article for an article prescribed or ordered;
4. Puts up a greater or less quantity of an article than that prescribed or ordered;
5. Deviates from the terms of the prescription or order in any manner, in consequence of which human life is endangered, is guilty of a misdemeanor.

**Source:** R.C. 1895, s. 7302; R.C. 1899, s. 7302; R.C. 1905, s. 9042; C.L. 1913, s. 9758.

**19-0313. Record of Narcotics Used or Disposed of.** Records of all narcotic drugs used or disposed of shall be kept in the manner prescribed by this section:

1. **Physicians, Dentists, Veterinarians, and Other Authorized Persons.** Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall be deemed a sufficient compliance with this subsection, however, if any such person using small quantities of solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of each such solution or other preparation applied by him to individual patients. No record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient when the amount administered, dispensed or professionally used for that purpose does not exceed in any forty-eight consecutive hours:
  - a. Four grains of opium; or
  - b. One-half of a grain of morphine or of any of its salts; or
  - c. Two grains of codeine or of any of its salts; or
  - d. One-fourth of a grain of heroin or of any of its salts; or
  - e. A quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

2. **Manufacturers and Wholesalers.** Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of section 19-0314.
3. **Apothecaries.** Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of section 19-0314.
4. **Vendors of Exempted Preparations.** Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 19-0312 of this chapter, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of section 19-0314.

**Source:** S.L. 1917, c. 117, s. 1; 1925 Supp., s. 2889c1.

**19-0315. Labels.** Labels shall be affixed to all packages or receptacles containing narcotic drugs sold or dispensed under the provisions of this chapter as follows:

1. Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person except an apothecary for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.
2. Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number, of the apothecary for whom he is lawfully acting; the name and address of the patient, or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

#### POISONS AND DELETERIOUS PREPARATIONS

**19-0401. Selling Certain Enumerated Poisons: Regulated; Penalty.** Every person who, at retail, without receiving a physician's prescription specifying that such prescription shall contain a poison and giving the name thereof, sells, furnishes, gives away, or delivers to another:

1. Arsenic or any preparation thereof, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, or any other poison or vegetable alkaloid, or the salts thereof, or essential oil of bitter almonds; or
2. Aconite, belladonna, colchicum, conium, formaldehyde, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote digitalis, or the pharmaceutical preparations of any of them, croton oil, chloroform, sulphate of zinc, mineral acids, carbolic acid, or oxalic acid,

without affixing to the bottle, box, vessel, or package containing the same, the name of the contents, the word "poison," and his name and place of business, is guilty of a misdemeanor. Any storekeeper, however, may sell in original, unbroken packages, fungicides and insecticides, including formaldehyde and Paris green, generally used for agricultural purposes which have been designated as such by the state board of pharmacy.

**Source:** R.C. 1895, s. 7282; R.C. 1899, s. 7282, am'd. S.L. 1903, c. 137, s. 1; R.C. 1905, s. 9022; C.L. 1913, s. 9737. R.C. 1895, s. 7283; R.C. 1899, s. 7283; R.C. 1905, s. 9023; C.L. 1913, s. 9738. S.L. 1907, c. 182, s. 29; C.L. 1913, s. 503, am'd. S.L. 1931, c. 212, s. 3. S.L. 1907, c. 182, s. 28; C.L. 1913, s. 502. R.C. 1895, s. 7303; R.C. 1899, s. 7303; R.C. 1905, s. 9043; C.L. 1913, s. 9759. R.C. 1895, s. 7304; R.C. 1899, s. 7304; R.C. 1905, s. 9044; C.L. 1913, s. 9760.

**Cross Reference:** Poisons may be sold or dispensed only by a licensed physician or registered pharmacist, see s. 43-1514.

**19-0403. Record To Be Kept of Poisons Dispensed; Examination of Record; Penalty.** Every person who, at retail, sells, furnishes, gives away, or delivers to another any of the articles or preparations mentioned in section 19-0401 or any drug, chemical, or preparation which, according to the standard works on medicine or materia medica is liable, in quantities of sixty grains or less, to destroy adult human life, and who:

1. Fails or neglects, before delivering the same, to enter or cause to be entered in a book kept for that purpose, the date of sale, the name and address of the person to whom the article or preparation is delivered or sold, the name, quantity, and quality of the article or preparation delivered or sold, and the name of the dispenser; or
2. Fails, neglects, or refuses, during business hours, to exhibit such book, and every part thereof, for inspection, and to permit the same to be inspected, upon demand, by any physician, coroner, sheriff, constable, or magistrate of the county. is guilty of a misdemeanor.

**Source:** R.C. 1895, s. 7284; R.C. 1899, s. 7284; R.C. 1905, s. 9024; C.L. 1913, s. 9739. S.L. 1907, c. 182, s. 28; C.L. 1913, s. 502. R.C. 1895, ss. 7303, 7305; R.C. 1899, ss. 7303, 7305; R.C. 1905, ss. 9043, 9045; C.L.

1913, ss. 9759, 9761. R.C. 1895, s. 7304; R.C. 1899, s. 7304; R.C. 1905, s. 9044; C.L. 1913, s. 9760.

**19-0404. Distribution of Certain Drugs and Preparations Prohibited.** No person, for the purpose of advertising or inviting or suggesting the use of any such article, shall leave, throw, or deposit upon the doorstep or premises of another, or within the dwelling, barn, or other building owned or occupied by another, without a special personal request, samples or any quantities of any of the following preparations:

1. Patent or proprietary medicines; or
2. Any preparation, pill, tablet, powder, capsule, cosmetic, disinfectant, antiseptic, drug, medicine, or condiment that contains poison or any ingredient that is deleterious to health, or that contains an ingredient the name of which has to be printed upon the label or to be disclosed otherwise under any law of this state or of the United States.

**Source:** S.L. 1903, c. 81, s. 1; R.C. 1905, s. 9452, am'd. S.L. 1913, c. 147, s. 1; C.L. 1913, s. 10260.

#### HAIRDRESSERS AND COSMETOLOGISTS

**43-1111. Sanitary Rules.** The board, with the approval of the state department of health, shall prescribe such sanitary rules as it may deem necessary to be employed to prevent the creating and spreading of infectious and contagious diseases. A hairdressing or cosmetician shop shall not be used for living or sleeping quarters. An operator may practice outside of such establishment under the direction and control of an owner or manager thereof under such regulations as the board may provide.

**Source:** S.L. 1927, c. 157, s. 20.

#### HOTELS, LODGINGHOUSES, RESTAURANTS, AND BOARDING HOUSES

**23-0902. State Laboratories Department to Enforce Provisions of Chapter.** The state laboratories department shall enforce the provisions of this chapter.

**Source:** I.M. June 23, 1938; S.L. 1939, c. 258, s. 1.

**23-0909. Sanitation and Safety.** Every hotel, lodginghouse, boarding house, and restaurant shall be operated with strict regard for the health, safety, and comfort of its patrons. The following sanitary and safety regulations shall be followed:

1. **Construction, Drainage, Plumbing.** Every hotel, lodginghouse, boarding house, and restaurant shall be well constructed, drained, and provided with plumbing equipment according to established sanitary principles and shall be kept free from effluvia arising from any sewerage, drain, privy, or other source within the control of the proprietor;

2. **Lavatories, Baths, Sinks, Drains Connected With Sewerage.** In municipalities in which a system of public water supply and sewerage is maintained, every hotel, lodginghouse, and restaurant shall be equipped with suitable toilets for the accommodation of its guests, and such toilets shall be ventilated and connected by proper means of flushing with the water of said system. All lavatories, bathtubs, sinks, drains, and the toilets shall be connected with such sewerage system. Separate toilets shall be furnished for each sex, each being properly designated;
3. **Open Toilets.** When a sewerage system is not available, open toilets shall be located not less than forty feet from all kitchens, dining rooms, and pantry openings and must be properly cleaned, screened, and disinfected as often as may be necessary to keep them in a sanitary condition. Separate open toilets shall be furnished for each sex, each being properly designated;
4. **Garbage and Kitchen Refuse.** All garbage and kitchen refuse must be kept in watertight containers with tight fitting covers to prevent decomposition. No dishwater or other substance which is or may become foul or offensive shall be thrown upon the ground near any hotel or restaurant building;
5. **Bedrooms and Bedding.** All bedrooms shall be kept free from vermin, and the bedding in use shall be clean and sufficient in quantity and quality. All sheets must be at least eight feet in length. In hotels or lodginghouses in which fifty cents or more per night is charged for lodging, the sheets and pillowcases shall be changed after the departure of each guest, and it shall be unlawful to have upon a bed of any such hotel or lodginghouse a mattress of a lower grade than that commonly known to the trade as cotton felt combination. Each mattress shall weigh at least thirty-five pounds unless it is a hair mattress, in which case it shall weigh thirty pounds or more;
6. **Towels.** Each guest in a hotel or lodginghouse shall be furnished with at least two towels;
7. **Towels in Public Washroom.** Each hotel or restaurant shall keep in its main public washroom and available at all hours, individual towels or paper towels for the use of its guests;
8. **Cleaning Carpets.** If bedrooms in a hotel or lodginghouse are carpeted, the carpets shall be taken up and thoroughly cleaned at least once each year;
9. **Fumigation When Guest Has Infectious or Contagious Disease.** In all cases where a patient having an infectious or contagious disease has been confined in a hotel room, the room, upon removal of such patient, shall be closed and disinfected. Upon the completion of the disinfection, the certificate of a reputable physician to that fact shall be forwarded to the state laboratories department;

10. **Ventilation.** Each room in a hotel or lodginghouse shall be properly ventilated by at least one window and by a doorway leading into the hall. Every hotel and lodginghouse shall be equipped during the winter months with storm windows installed in such a way that the same may be opened and closed at will. If storm windows having slides thereon are used, such slides shall open and close over an opening of not less than ten inches by ten inches;
11. **Screens During the Summer Months.** All hotels, restaurants, lodginghouses, and boarding houses shall equip their windows during the summer months with screens adequate to keep out flies and mosquitoes;
12. **Hotel Kitchen or Dining Room Not Used for Sleeping Room.** Neither the dining room nor kitchen of any hotel or restaurant shall be used as a sleeping or dressing room by any employee of the hotel or restaurant or by any other person;
13. **Disposition of Ashes.** A metal container shall be provided to hold ashes when any ashes are stored in or around a hotel building;
14. **Cooking Utensils: Sanitation of Foodstuffs.** No rusted tin or iron vessel or utensil shall be used in cooking food, and all foodstuffs shall be kept in a clean and suitable place, free from dampness and contact with dirty water;
15. **Dishes.** No dishes that are badly cracked or chipped on the top or side, nor any chipped glasses, shall be used in any restaurant or boarding house;
16. **Sanitation of Kitchen.** The floors, closets, cupboards, and walls of all kitchens shall be kept free from dirt at all times, and no dust or grease shall be allowed to collect thereon;
17. **Common Drinking Cup Prohibited.** The use of the common drinking cup in hotels, lodginghouses, dining rooms, or restaurants is prohibited. Water supplies for common drinking use shall be kept covered or protected at all times to avoid contamination from dust, dirt, and flies.

**Source:** S.L. 1907, c. 135, s. 6, am'd. S.L. 1909, c. 141, s. 5, am'd. S.L. 1913, c. 184, s. 1; C.L. 1913, s. 2984, am'd. S.L. 1915, c. 170, s. 1; 1925 Supp., s. 2984, am'd. S.L. 1929, c. 144, s. 6.

**Cross Reference:** Board of health may destroy articles exposed to infection from contagious or infectious disease, see s. 23-0714.

**23-0910. Drinking Water Standards.** Every person operating a hotel, restaurant, lodginghouse, or boarding house shall see that the drinking water supplies therein is pure and free from disease germs. The source of supply of such water must be far enough removed from open toilet vaults, barns, hogpens, chicken yards, manure piles, or other means of contamination to prevent drainage therefrom to the wells or other sources of supply. The water supply shall not contain bacteriological, chemical, or physical impurities which affect, or tend to affect, public health, shall meet the bacteriological standards of



the United States public health service for waters used upon public or interstate common carriers, and shall be subject to examination by the state laboratories department. If it is unfit for drinking under these requirements, it either shall be improved to fulfill the standards or the use thereof shall be discontinued.

**Source:** S.L. 1907, c. 135, s. 16; C.L. 1913, s. 2994, am'd. S.L. 1929, c. 144, s. 14.

**23-0911. Inspection: Records Kept.** Every hotel, restaurant, lodginghouse, and boarding house shall be inspected once in each year by the state laboratories department. The Department and its inspectors are granted police power to enter any such establishment at reasonable hours to determine whether the provisions of this chapter are being complied with. The state laboratories department shall keep a complete set of books for public use and inspection showing the condition of each establishment inspected, the name of the proprietor thereof, and its sanitary condition, the number and condition of its fire escapes, and any other information which may be required for the betterment of the public service.

**Source:** S.L. 1907, c. 135, s. 9; C.L. 1913, s. 2987, am'd. S.L. 1929, c. 144, s. 8.

### JUVENILE COURT

**27-1629. Care of the Child.** When the health or physical condition of any child under the jurisdiction of the court requires medical or surgical care, the court, by order, may have such child placed in a public or private hospital or institution for treatment or special care, subject, however, to the supervision and further order of the court. Expense of such care and treatment should be paid in the manner provided in sections 27-1623 and 27-1624.

**Source:** S.L. 1911, c. 177, s. 12; C.L. 1913, s. 11413, am'd. S.L. 1943, c. 212, s. 29.

### LIVESTOCK SALES RINGS

**36-0507. Sanitary Regulations of Livestock Sales Ring.** Every livestock sales ring shall be maintained in a sanitary condition. Any portion thereof used for the handling of hogs, including all hog pens, alleys, and sales rings, shall be equipped with concrete floors at least three inches thick. Such floors shall be cleaned and disinfected after each sale, or in case of a continuous sale, not less than once each week or as often as may be prescribed by the state livestock sanitary board.

**Source:** S.L. 1941, c. 9, s. 1, supplemental s. 23.

**36-1402. Killing of Infected Animal for Human Consumption Prohibited; Exception; Stamping of Infected Meat.** No person shall kill for human consumption any animal infected, or suspected of being infected, with any contagious or infectious disease, nor shall he sell, give away, or use any part of such animal or its milk, nor

remove any part of its skin, except as the state livestock sanitary board may provide by rules and regulations. When it is lawful under the rules and regulations made by the state livestock sanitary board to sell, barter, or give away for human consumption the meat from any animal infected with a contagious or infectious disease, each quarter of meat shall be stamped or labeled in at least ten separate places with the words "infected meat." No meat from any infected or diseased animal shall be placed upon the block or table on which uninfected meat is handled. The provisions of this section shall not apply to industries which are under the supervision of the United States department of agriculture, bureau of animal industry.

**Source:** R.C. 1895, s. 1604; R.C. 1899, s. 1604; R.C. 1905, s. 2005, am'd. S.L. 1909, c. 162, s. 1, am'd. S.L. 1913, c. 204, s. 1; C.L. 1913, s. 2698, am'd. S.L. 1919, c. 179, s. 1; 1925 Supp., s. 2698.

**Cross Reference:** Regulation of sale of meat by state laboratories department, see s. 19-0210.

### MARRIAGE

#### 14-0304. Marriage Between White Person and Negro Person

**Void; Penalty.** No white person residing or being in this state shall intermarry with any negro person. Every such marriage shall be void. Each of the contracting parties, upon conviction, shall be punished by imprisonment in the penitentiary for a term of not more than ten years, or by a fine of not more than two thousand dollars, or by both such fine and imprisonment.

**Source:** S.L. 1909, c. 164, s. 1; C.L. 1913, s. 9582.

**14-0307. Marriages Prohibited.** Marriage by a woman under the age of forty-five years or by a man of any age, unless he marries a woman over the age of forty-five years, is prohibited if such man or woman is a common drunkard, an habitual criminal, an epileptic, an imbecile, a feeble-minded person, an idiot, an insane person, a person who has been afflicted with hereditary insanity, or a person afflicted with pulmonary tuberculosis in its advanced stages or with any contagious venereal disease.

**Source:** S.L. 1913, c. 207, s. 1; C.L. 1913, s. 4373.

#### 14-0310. Marriage May Not Be Solemnized Without License;

**Residence Required.** No person shall solemnize any marriage until the parties thereto shall produce a license issued not more than sixty days prior to the date of such marriage by the county judge of the county in which either of the contracting parties resides, or if such county is unorganized or disorganized, of the county to which it is attached for judicial purposes.

**Source:** R.C. 1895, s. 2724; R.C. 1899, s. 2724; R.C. 1905, s. 4036, am'd. S.L. 1907, c. 172, s. 1; C.L. 1913, s. 4361, am'd. S.L. 1929, c. 160, s. 1, am'd. S.L. 1931, c. 179, s. 1, am'd. S.L. 1939, c. 162, s. 1.

**14-0312. Serological Test for Syphilis Required Before Application for License Filed.** Before any county judge shall accept an

application for a marriage license, each applicant must file with him a certificate from a duly licensed physician and surgeon stating that the applicant has been given a standard serological test and such other examination as may be necessary for the discovery of syphilis, and that in the opinion of the physician and surgeon the applicant is not infected with syphilis or that if so infected such disease is not in such a stage of development that it is or may become communicable to the marital partner. Such examination shall have been made not more than thirty days prior to the date of the application. No license shall be granted if either party is affected with syphilis in communicable form, and no person who is so afflicted is entitled to marry.

**Source:** S.L. 1939, c. 162, s. 2.

**14-0313. Standard Serological Test Defined.** 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, or by any other state public health laboratory approved by the state health officer. The county judge shall collect a fee of not to exceed fifty cents for each serological test performed in this state, which shall be paid by him into the state treasury monthly. State public health laboratories outside of the state of North Dakota which have been approved by the state health officer shall make their own arrangements as to the amount and manner of collecting their fees for the service.

**Source:** S.L. 1939, c. 162, s. 5, am'd. S.L. 1943, c. 227, s. 1.

**14-0314. Serological Test; Contents of Laboratory Statement.** The certificate of the physician and surgeon 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 the statement. The statement shall set forth the name of the test, the date it was completed, and the name and address of the person whose blood was tested. It shall not state the result of the test. The physician's certificate and the laboratory statement shall be on the same form sheet. 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 shall file it with the state health officer, where it shall be held in absolute confidence and shall not be open to public inspection. Upon order of a judge of a court of competent jurisdiction, it shall be produced as evidence in a proceeding involving issues in which it is material and relevant. Nothing in this section shall affect the duty of physicians and others to report cases of syphilis discovered by them.

**Source:** S.L. 1939, c. 162, ss. 4, 6.

**14-0315. When Serological Test Not Necessary.** In cases of emergency or other cause shown by affidavit or other proof, the judge of the district court may make an order, on joint application of both parties, dispensing with the requirement for filing with the

county judge the physician's certificate and the laboratory statement, or he may extend the time in which such examination shall have been made to not more than ninety days, if he is satisfied that neither the health of the individuals nor the public health and welfare will be affected injuriously. The order shall be accompanied by a memorandum from the district judge reciting his reasons for granting the order. Applications for extensions may be made before or after the expiration of the thirty day period. The order and accompanying memorandum shall be filed with the county judge and he shall accept the application for the marriage license without the filing of the physician's certificate and the laboratory statement, or he shall accept the application within the extended period, as the case may be. The county judge and his clerk and employees shall hold the memorandum of the district judge in absolute confidence.

**Source:** S.L. 1939, c. 162, s. 3.

**14-0316. Physician's Certificate and Laboratory Statement; Misrepresentation; Penalty.** Any person who shall misrepresent any of the facts called for by the physician's certificate and the laboratory statement, any licensing officer who shall accept an application for a license without the physician's certificate and laboratory statement unless they have been dispensed with by order of the district court, or who has reason to believe that the facts contained in said statements have been misrepresented and nevertheless issues a license, any health officer who shall not hold the laboratory record confidential, and any officer, clerk, or employee of the office issuing the license who shall not hold in strict confidence the statement of the district judge in granting the judicial order, shall be punished as provided in section 14-0328.

**Source:** S.L. 1939, c. 162, s. 8.

**14-0317. Application for License.** When application is made to any county judge of this state for a marriage license, he shall inquire of the applicant upon oath relative to the legality of the contemplated marriage. He may examine other witnesses upon oath. The facts relative to the legality of the marriage may be submitted to the county judge by affidavit. The county judge also shall require each applicant to submit the following facts upon blanks provided by the county:

1. An affidavit of some disinterested, credible person showing that the female is over the age of eighteen years and the male is over the age of twenty-one years. If the female is under the age of eighteen years or the male is under twenty-one years, the county judge shall require the consent of the parents or guardian if any, to be given personally, or a certificate of consent signed by such parents or guardian and attested by two witnesses, one of whom shall appear before the judge and testify on oath that he saw the parents or guardian sign the certificate;

2. An affidavit showing whether or not either or both of the parties have been divorced. If a decree of divorce has been granted to either or both of the parties a certified copy of the decree must be filed with the application. A license shall not be issued if it contravenes any provisions of the decree of divorce;
3. An affidavit of a duly licensed physician other than the person seeking the license, showing that neither of the contracting parties is feeble-minded, an imbecile, an epileptic, an insane person, a common drunkard, or a person afflicted with pulmonary tuberculosis in its advanced stages or with any contagious venereal disease. For making the examination of either of the contracting parties and the affidavit, the physician may charge a fee of not more than two dollars; and
4. An affidavit of a disinterested, credible person that the applicants are not habitual criminals.

All affidavits shall be subscribed and sworn to before a person authorized to administer oaths. The county judge shall retain on file in his office all papers and records pertaining to all marriage licenses. Anyone knowingly swearing falsely to the statements contained in any affidavit mentioned in this section shall be punished as provided in section 14-0328.

**Source:** R.C. 1895, s. 2725; R.C. 1899, s. 2725; R.C. 1905, s. 4037, am'd. S.L. 1911, c. 186, s. 1; C.L. 1913, s. 4362. S.L. 1913, c. 207, ss. 3, 5; C.L. 1913, ss. 4375, 4377. S.L. 1917, c. 153, ss. 1, 2; 1925 Supp., ss. 4362a1, 4362a2.

**14-0318. License to and Marriage of Intoxicated Person Prohibited.** A license for marriage shall not be issued to anyone under the influence of intoxicating liquor at the time of making application therefor. No marriage ceremony shall be performed when either or both of the contracting parties is under the influence of intoxicating liquor or any narcotic drug.

**Source:** S.L. 1913, c. 207, s. 4; C.L. 1913, s. 4376.

**Cross Reference:** For penalty, see s. 14-0328.

**14-0323. Marriage Registered With Bureau of Vital Statistics.** After the county judge has recorded the marriage license and the certificate of the person performing the marriage ceremony, he shall transmit them to the registrar of vital statistics who shall record the same in a book of records in his office kept for that purpose, and when they have been recorded, he shall return them to the county judge. The registrar shall index his records and upon request shall issue certified copies of the recorded license and certificate for which he shall receive a fee of one dollar. He shall keep an accurate account of all fees received and shall turn the same over to the state treasurer not later than the fifteenth of each month. The fees collected and turned over to the state treasurer shall be credited to the general fund.

**Source:** S.L. 1925, c. 162, s. 1; 1925 Supp., s. 4378a1; S.L. 1925, c. 162, s. 2; 1925 Supp., s. 4378a2; S.L. 1925, c. 162, s. 3; 1925 Supp., s. 4378a3, am'd. S.L. 1931, c. 180, s. 1.

**14-0328. Penalty.** Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

**Cross Reference to Chapter 14-03**

Damages for breach of promise to marry, see s. 32-0319.

**NUISANCE**

**42-0101. Nuisance: Definition.** A nuisance consists in unlawfully doing an act or omitting to perform a duty, which act or omission:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway; or
4. In any way renders other persons insecure in life or in the use of property.

**Source:** R.C. 1895, s. 5056; R.C. 1899, s. 5056; R.C. 1905, s. 6641; C.L. 1913, s. 7228.

**42-0106. Public Nuisance; Definition.** A public nuisance is one which at the same time affects an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

**Source:** R.C. 1895, s. 5057; R.C. 1899, s. 5057; R.C. 1905, s. 6642; C.L. 1913, s. 7229.

**Cross Reference:** Barberry bushes and hedges public nuisances, see s. 63-0402.

**GOVERNING BODY IN MUNICIPALITIES**

**GENERAL PROVISIONS**

**40-0501. Powers of All Municipalities.** The governing body of a municipality shall have the power:

32. **Dairy, Meat, and Food Products; Inspection and Regulation of Sale.** To provide for the inspection of milk, cream, and butter sold within the limits of the municipality, and of any dairy or dairy herd kept for the production of such milk, cream, and butter; to prescribe the terms upon which sales of such milk, cream, and butter may be made to fix penalties for violation

thereof; to prescribe regulations for the slaughtering of animals to be sold as meat; and to prescribe generally sanitary and regulatory provisions as applied to food products sold within the limits of the municipality, and to prohibit the sale of impure and diseased milk or other food products.

**Source:** S.L. 1923, c. 222, s. 20; 1925 Supp., s. 2889b20. S.L. 1905, c. 95, s. 16; R.C. 1905, s. 2105, am'd. S.L. 1907, c. 90, s. 17, am'd. S.L. 1909, c. 92, s. 26; C.L. 1913, s. 2860.

**Cross References:** Food establishments, regulations, see ss. 19-0218 to 19-0225, inclusive.

Meat, sale of, regulations, see s. 19-0210.

Regulating sale of dairy products, see c. 18 of the title of Agriculture.

Rendering food unsalable, authority, see s. 19-0225.

45. **Health Regulations.** To make regulations necessary or expedient for the promotion of health or for the suppression of disease;

**Source:** R.C. 1895, s. 2148, subs. 60, am'd. S.L. 1897, c. 102, s. 1, subs. 59, am'd. S.L. 1899, c. 40, s. 1, subs. 59; R.C. 1899, s. 2148, subs. 59, am'd. S.L. 1905, c. 62, s. 47, subs. 59; R.C. 1905, s. 2678, subs. 59; C.L. 1913, s. 3599, subs. 59, S.L. 1907, c. 45, s. 48, subs. 54, am'd. S.L. 1911, c. 77, s. 48, subs. 54; C.L. 1913, s. 3818, subs. 54.

**Cross Reference:** Contagious diseases, power of quarantine, see s. 23-0706.

Establish temporary hospital, see s. 23-0713.

Powers of local board of health, see s. 23-0501.

Reportable diseases, regulations, see s. 23-0702 to 23-0705, inclusive.

61. **Public Water Supply.** To prevent the pollution of or injury to any water supply belonging to the municipality or any public water supply within, or within one mile of, the limits of the municipality.

**40-0502. Additional Powers of Cities.** The city council in a city operating under the council form of government and the board of city commissioners in a city operating under the commission system of government, in addition to the powers possessed by all municipalities, shall have power:

2. **License Sale of Milk.** To license the sale of milk;

**Source:** R.C. 1895, s. 2148, subss. 37, 38, 39, am'd. S.L. 1897, c. 102, s. 1, subss. 36, 37, 38, am'd. S.L. 1899, c. 40, s. 1, subss. 36, 37, 38; R.C. 1899, s. 2148, subss. 36, 37, 38, am'd. S.L. 1905, c. 62, s. 47, subss. 36, 37, 38; R.C. 1905, s. 2678, subss. 36, 37, 38; C.L. 1913, s. 3599, subss. 36, 37, 38. S.L. 1907, c. 45, s. 48, subss. 29, 30, 31, am'd. S.L. 1911, c. 77, s. 48, subss. 29, 30, 31, C.L. 1913, s. 3818, subss. 29, 30, 31.

10. **Hospitals and Medical Dispensaries.** To establish, control, and regulate hospitals and medical dispensaries;

**Source:** R.C. 1895, s. 2148, subs. 59, am'd. S.L. 1897, c. 102, s. 1, subs. 58, am'd. S.L. 1899, c. 40, s. 1, subs. 58; R.C. 1899, s. 2148, 58, am'd. S.L. 1905, c. 62, s. 47, subs. 58; R.C. 1905, s. 2678, subs. 58; C.L. 1913, s. 3599, subs. 58. S.L. 1907, c. 45, s. 48, subs. 53, am'd. S.L. 1911, c. 77, s. 48, subs. 53; am'd. C.L. 1913, s. 3818, subs. 53.

**Cross Reference:** Permission to establish hospital in residence block of city required, see s. 23-1204.

17. **Water Supply.** To withdraw from any stream watercourse, or body of water within or without a city, or within or without, or bordering upon this state, a supply of water reasonably sufficient for the needs of the inhabitants of the city, and to supply the facilities for the storage of water for all other necessary municipal purposes;

**Source:** S.L. 1933, c. 175, s. 1, subs. 6.

19. **Water Supply; Acquire Necessary Property.** To acquire by gift, grant, lease, easement, purchase, or by eminent domain, and to own, operate, maintain, and improve, all lands, structures, power plants, public works, and personal property, whether within or without this state necessary for the maintenance and conservation of its water supply;

**Source:** S.L. 1933, c. 175, s. 1, subs. 6.

**40-0503. Cities Having Population of Fifteen Thousand May Provide for Regulation and Inspection of Food Markets.** The governing body of any city having a population of fifteen thousand or more may enact ordinances providing for the regulation and inspection of food markets, stores, and other places where food intended for human consumption is sold at retail, and may prohibit the operation of such food markets, stores, and other places on Sundays and legal holidays.

**Source:** S.L. 1941, c. 201, s. 1.

**40-0601. Jurisdiction of Governing Body.** Except as otherwise provided by law, a governing body of a municipality shall have jurisdiction.

2. In and over all places within one-half mile of the municipal limits for the purpose of enforcing health and quarantine ordinances and regulations and police regulations and ordinances adopted to promote the peace, order, safety, and general welfare of the municipality.

**Source:** R.C. 1895, s. 2146; R.C. 1899, s. 2146, am'd. S.L. 1905, c. 62, s. 43; R.C. 1905, s. 2574; C.L. 1913, s. 3595. R.C. 1895, s. 2366; R.C. 1899, s. 2366; R.C. 1905, s. 2865; C.L. 1913, s. 3864.

**40-2201. Power of Municipalities to Defray Expense of Improvements by Special Assessment.** Any municipality, upon complying



with the provisions of this chapter, may defray the expense of any or all of the following improvements by special assessments:

1. The construction of a waterworks system, including the construction and erection of pumping stations, settling basins, filtration plants, standpipes, water towers, reservoirs, and other contrivances and structures necessary for a complete waterworks system;
2. The construction of a sewer system, including the construction and erection of all contrivances and structures, and the laying of all mains and pipes necessary for a complete sewer system;
3. The laying, extending, enlarging, relaying, or replacing of water mains.

**Source:** S.L. 1899, c. 41, s. 6; R.C. 1899, s. 2326f. S.L. 1899, c. 42, s. 1; R.C. 1899, s. 2326u. S.L. 1897, c. 41, s. 4; R.C. 1899, s. 2326x, am'd. S.L. 1905, c. 62, ss. 137, 141; R.C. 1905, ss. 2772, 2776, am'd. S.L. 1911, c. 70, ss. 1, 3, am'd. S.L. 1913, c. 74, ss. 1, 3; C.L. 1913, ss. 3698, 3702.

**40-2202. Sewerage System; Establishment, Maintenance, and Alteration: Vote Required.** The governing body of any municipality may establish, maintain, and alter a general system of sewerage for the municipality in such manner and under such regulations as it shall deem expedient and proper. No action shall be taken for the establishment of a sewerage system except upon the affirmative vote of two-thirds of the members of the governing body. When a sewerage system is established, all measures necessary for the construction of sewers as a part of that system may be taken by a vote of the majority of the governing body.

**Source:** R.C. 1895, s. 2315, am'd. S.L. 1899, c. 41, s. 1; R.C. 1899, ss. 2315, 2326a, am'd. S.L. 1905, c. 62, s. 136; R.C. 1905, s. 2771, am'd. S.L. 1907, c. 229, s. 1; C.L. 1913, s. 3697.

**40-2204. Discharge of Sewage; Regulations Governing.** Any municipality may empty or discharge its sewage into any river, but where a dam is located on such river within the corporate limits, the sewage shall be discharged below each dam. If no river into which to discharge the sewage is accessible, it may be discharged into a lake, coulee, or slough but in such cases, a septic tank system shall be employed for sewage from closets, kitchen sinks, or other fixtures carrying objectionable matter prior to discharging it into such lake, coulee, slough, or other outlet. Drainage from basements, cellars, or the surface may be discharged directly into the lake, coulee, slough, or other outlet, and any such drainage may be admitted directly into the main sewer system without first passing through the septic tank system.

**Source:** R.C. 1895, s. 2315, am'd. S.L. 1899, c. 41, s. 1; R.C. 1899, ss. 2315, 2326a, am'd. S.L. 1905, c. 62, s. 136; R.C. 1905, s. 2771, am'd. S.L. 1907, c. 229, s. 1; C.L. 1913, s. 3697.

**RENDERING PLANTS****36-0704. Sanitary Requirements of Rendering Establishment.**

No rendering establishment or plant shall be deemed sanitary unless it conforms to the following specifications:

1. All floors must be made of concrete;
2. All openings must be screened to prevent the entrance of flies and insects;
3. The building must be provided with good drainage and be thoroughly sanitary in every respect; and
4. All collecting vats or tanks shall be air tight except for proper escapes for live steam for cooking, and such steam shall be reverted into a tank of water or into a firebox so as not to become an unnecessary annoyance or nuisance.

**Source:** S.L. 1941, c. 19, s. 3.

**36-0705. Disposal of Waste and Sewage From Rendering Plants.**

No liquid waste, either from the rendering process or from washing, shall be discharged into any stream or water place, or upon the surface of the ground, nor shall such liquid waste be discharged in any manner which will contaminate any water supply or make the same unfit for human or livestock use. All sewage from washing floors and vehicles and liquid waste from the rendering process shall be disposed of in a manner satisfactory to the state livestock sanitary board. A rendering establishment which is situated so that all its waste can be disposed of into a city disposal plant may so dispose of it if permission is granted by the city. No such permit shall be granted by any city to any such plant or establishment which comes into existence after March 17, 1941 unless the same is equipped for dry rendering.

**Source:** S.L. 1941, c. 19, s. 4.

**Cross Reference:** Fouling public waters with dead animals or other refuse, see s. 61-0113.

**36-0706. Situation and Conduct of Rendering Plants Not to Interfere With Comfort or Property of Citizens.** All rendering plants or establishments shall be situated and conducted in such a manner as not to interfere with the comfort or property of the citizens of this state.

**Source:** S.L. 1941, c. 19, s. 4.

**SCHOOLS, SCHOOL BUILDING, INSTRUCTION**

**15-3501. School Buildings; Plans and Specifications; Approval by Superintendent of Public Instruction.** No building designed to be used in whole or in part, as a public school building shall be erected until a copy of the plans thereof has been submitted, by the person causing its erection or by the architect thereof, to the superintendent of public instruction who, for the purpose of carrying out the provisions of this chapter, is designated as inspector of public school

building plans and specifications. The plans shall show in detail the ventilation, heating, and lighting of the buildings and the specifications therefor. As a prerequisite to the approval of plans showing the methods or systems of heating and ventilation to be used in a school building, the specifications shall guarantee compliance with the requirements of section 15-3502.

**Source:** S.L. 1911, c. 269, ss. 1, 2, 6; C.L. 1913, ss. 1489, 1490, 1494.

**15-3502. School Buildings; Construction.** The superintendent of public instruction shall not approve the plans for any school building or addition thereto, unless the plans conform to the following requirements:

1. They shall provide for at least twelve square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study room or recitation room;
2. They shall provide facilities which assure at least thirty cubic feet of pure air every minute per pupil and which warm the air to maintain an average temperature of seventy degrees Fahrenheit during the coldest winter weather, and the facilities for exhausting the foul or vitiated air shall be positive and independent of atmospheric changes;
3. They shall provide for the admission of light from the left, or from the left and rear of the classrooms, and the total light area, unless strengthened by the use of reflecting lenses, shall be equal to at least twenty percent of the floor space;
4. All ceilings shall be at least twelve feet in height;
5. All halls, doors, stairways, seats, passageways, and aisles, and all lighting and heating appliances and apparatus shall be arranged to facilitate egress in case of fire or accident and to afford the requisite and proper accommodations for public protection in such cases;
6. All exit doors shall open outwardly, and if double doors are used, they shall fasten with movable bolts operated simultaneously by one handle from the inner face of the door;
7. No staircase shall be constructed with wider steps in lieu of a platform but shall be constructed with straight runs, changes in direction being made by platform;
8. No doors shall open immediately upon a flight of stairs, but a landing at least as wide as the door shall be provided between the stairs and the doorway.

**Source:** S.L. 1911, c. 269, s. 2; C.L. 1913, s. 1490.

**15-3503. Toilet Rooms; Construction.** All toilet rooms constructed in any public school building shall have outside ventilation and windows permitting free access of air and light.

**Source:** S.L. 1911, c. 269, s. 3; C.L. 1913, s. 1491.

**15-3504. Ventilating Flues; Method of Construction.** No wooden flue or wooden air duct for heating or ventilating purposes shall be

placed in any school building. No pipe for conveying hot air or steam in any such building shall be placed or left within one inch of any woodwork unless protected by suitable guards or casings of incombustible material.

**Source:** S.L. 1911, c. 269, s. 5; C.L. 1913, s. 1493.

**15-3505. Exits Required in School Building.** All schoolhouses having more than one schoolroom shall have the doors in the exits opening outward. All schoolhouses of more than one room shall be provided with an exit not less than four feet six inches in width.

**Source:** S.L. 1913, c. 255, s. 1; C.L. 1913, s. 1200.

**Cross Reference:** Construction of doors of public buildings, see s. 23-1304.

**15-3506. Construction of Fire Escapes.** There shall be attached to every schoolhouse having more than one story a stationary fire escape guarded by an iron railing not less than two and one-half feet in height, with iron landings easily accessible from each schoolroom above the first floor. The landings shall be connected by iron stairs not less than three feet wide, with steps not less than six-inch tread, and protected by a well secured iron hand rail on both sides and reaching to the ground. The six-foot section immediately above shall be hinged to the main escape so that it may be swung out of the way when not in use. The superintendent of public instruction and the state fire marshall may authorize other adequate fire escapes to be used in lieu of those provided for in this section, or may dispense with the requirements as to fire escapes in fire proof buildings.

**Source:** S.L. 1909, c. 124, s. 1, am'd. S.L. 1911, c. 266, s. 94, am'd. S.L. 1913, c. 255, s. 12; C.L. 1913, s. 1201.

**15-3508. Fireguards; Duty of School Board; Misdemeanor.** Every school board or board of education in the state shall provide reasonable fireguards around the rural schools of the district. If any school board fails or neglects to provide the same the county superintendent of schools shall notify the school board of its failure. After being so notified, it shall be a misdemeanor for any member of the board to draw or receive his compensation until fireguards have been provided.

**Source:** S.L. 1915, c. 137, s. 3; 1925 Supp., s. 1494b3.

**15-3511. Doors in Schoolhouses To Be Unlocked and Fire Escapes Kept Clear.** All doors in schoolhouses shall be kept unlocked from eight-thirty o'clock a.m. to four-thirty o'clock p.m. on school days. The way of egress to the fire escapes in every school building shall be kept free from all obstruction at all times.

**Source:** S.L. 1913, c. 255, ss. 1, 2; C.L. 1913, ss. 1200, 1201.

**15-3512. School Buildings; Sanitation.** Every public school building shall be kept clean and free from effluvia arising from a

drain, privy, or nuisance, and shall be provided with a sufficient number of water closets, earth closets, or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health.

**Source:** S.L. 1911, c. 269, s. 2, subs. 4; C.L. 1913, s. 1490, subs. 4. R.C. 1895, s. 874; R.C. 1895, s. 874; R.C. 1899, s. 874; R.C. 1905, s. 1038, am'd. S.L. 1911, c. 266, s. 290; C.L. 1913, s. 1403.

**Cross Reference:** County Superintendent of health to enforce cleanliness of schools, see s. 23-0307, subs. 10.

**15-3513. Superintendent of Public Instruction May Order Change in Sanitary or Ventilating Systems. Appeal; Penalty.** If it shall appear to the superintendent of public instruction that the sanitary or ventilating system of any school building is defective or deficient and that such defect or deficiency can be remedied without unreasonable expense, he may issue a written order to the school board or board of education of the district in which the schoolhouse is situated directing that such defect or deficiency shall be remedied. The members of any board or any person having charge of any schoolhouse who shall neglect for four weeks after an order made by the superintendent under the provisions of this section is served upon such board or person to comply with such order shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. Any person feeling aggrieved by any order made by the superintendent of public instruction under this section may apply in writing, within four weeks after the service of the order, to the city or village board of health, in the case of a school located within a city or village, or to the county board of health in all other cases, for a review of the order, and may request that such order be amended or set aside. The board of health to which the application is directed shall afford a hearing upon the order upon such reasonable notice as it shall specify and may alter, annul, or affirm such order.

**Source:** S.L. 1911, c. 269, s. 4; C.L. 1913, s. 1492.

**15-3515. Duty of Superintendent of Public Instruction to Enforce Statutes.** The provisions of this chapter shall be enforced by the superintendent of public instruction or some person designated by him for that purpose.

**Source:** S.L. 1911, c. 269, s. 3; C.L. 1913, s. 1491.

**15-3517. Penalty for Violating Provisions of Chapter.** Any person who shall violate any of the provisions of this chapter, and each member of any board concurring in any such violation by such board, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, unless another penalty is provided in this chapter for the specific violation.

**Source:** S.L. 1909, c. 124, s. 3, am'd. S.L. 1911, c. 266, s. 96, am'd. S.L. 1913, c. 255, s. 4; C.L. 1913, s. 1203.

**15-3807. Required Subjects in the Public School.** The following subjects shall be taught in the public schools to pupils who are sufficiently advanced to pursue the same; spelling, reading, writing, arithmetic, language, English grammar, geography, United States history, civil government, nature study, and elements of agriculture. Physiology and hygiene also shall be taught, and in teaching such subject, the teacher shall:

1. Give special and thorough instruction concerning the nature of alcoholic drinks and narcotics and their effect upon the human system;
2. Give simple lessons in the nature, treatment, and prevention of tuberculosis and other contagious and infectious diseases;
3. Give, to all pupils below the high school and above the third year of school work, not less than four lessons in hygiene each week for ten weeks of each school year from text books adapted to the grade of the pupils;
4. Give, to all pupils in the three lowest primary school years, not less than three oral lessons on hygiene each week for ten weeks of each school year, using text books adapted to the grade of the pupils as guides or standards for such instruction.

**Source:** R.C. 1895, s. 750; R.C. 1899, s. 750, am'd. S.L. 1905, c. 106, s. 2; R.C. 1905, s. 883, am'd. S.L. 1909, c. 204, s. 4, am'd. S.L. 1911, c. 266, s. 271; C.L. 1913, s. 1383.

**15-3809. Physical Education To Be Taught in All Schools.** Physical education shall be taught as a regular subject to all pupils in all departments of the public schools and in all educational institutions supported wholly or in part by money from the state. All school boards and boards of education and boards of educational institutions receiving money from the state shall make provision for daily instruction in all the schools and institutions under their respective jurisdictions and shall adopt such methods as will adapt progressive physical exercises to the development, health, and discipline of the pupils in the various grades and classes of such schools and institutions.

**Source:** S.L. 1899, c. 85, ss. 1, 2, R.C. 1899, s. 754a; R.C. 1905, s. 889, am'd. S.L. 1909, c. 102, ss. 1, 6, am'd. S.L. 1911, c. 266, s. 278; C.L. 1913, s. 1390.

**15-4722. Health Inspection of Pupils.** Upon being petitioned in writing by a majority of the school directors of the county, the board of county commissioners may 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 the schools. The school board or board of education of any school

district, when petitioned to do so by a majority of the persons having children attending the schools of the district, may employ one or more licensed physicians, or graduate nurses duly registered and licensed to practice nursing in this state, to visit the schools in the district to examine and inspect the children attending such schools.

**Source:** S.L. 1911, c. 266, s. 236; C.L. 1913, s. 1346, am'd. S.L. 1915, c. 144, s. 1, am'd. S.L. 1917, c. 210, s. 1, am'd. S.L. 1919, c. 200, s. 1; 1925 Supp., s. 1346, am'd. S.L. 1933, c. 230, s. 1.

**15-4723. Duty of County Board of Health as to School Buildings and Persons of School Age.** When the county superintendent of schools shall report to the county board of health that a schoolhouse or school outbuilding is in an unsanitary or unsafe condition, or that any pupil or any person of school age is alleged to be defective in mind or body the board shall investigate the report without delay and shall direct the school board or board of education, or a person in charge of the alleged defective person, to take such action as shall be for the best interests of the persons immediately concerned.

**Source:** S.L. 1907, c. 86, s. 2, am'd. S.L. 1911, c. 266, s. 80, am'd. S.L. 1913, c. 263, s. 1; C.L. 1913, s. 1186.

#### TOURIST CAMPS

**23-1001. Definition.** The term "tourist camp" as used in this chapter shall mean any plot of land used or maintained, or held out to the public as a place for use for camping purposes by transient guests, whether or not the same is equipped with tents, tent-houses, huts, or cottages, by whatever name the same may be called, and whether or not any fee is charged for the use thereof.

**Source:** S.L. 1931, c. 299, s. 1.

**23-1002. State Laboratories Department to Make Regulations; Inspection.** The state laboratories department shall have general supervision of the health and sanitary condition of all tourist camps in this state and may make, promulgate, and enforce such rules and regulations as may be necessary or desirable for the preservation of the same. The department and its inspectors shall have access to the premises of each tourist camp, and every part thereof, at such times as may be proper and reasonable for the inspection thereof.

**Source:** S.L. 1931, c. 299, s. 5.

**23-1003. License Required; Application.** No person, firm, or corporation, municipal or private, shall establish or maintain a tourist camp in this state without first obtaining a license therefor from the state laboratories department. The application for such license shall be made in writing to the department and shall state the location and type of the camp, the approximate number of guests for which facilities are to be furnished, the probable duration of use of the camp, the purposed water supply therefor, the proposed method of sewerage and garbage disposal, and such other information as may

be required by the department. Forms for such application shall be prepared by the department and distributed upon request.

**Source:** S.L. 1931, c. 299, ss. 2, 3.

**23-1004. Inspection Before License Granted; Basis of Fees.** As soon as possible after the receipt of an application, the state laboratories department shall cause an inspection of the premises to be made, and if the department is satisfied from the application and inspection that existing or proposed tourist camp will not be a source of danger to the health of the guests of the camp or to the general public, it shall notify the applicant of its approval of such camp and of the amount 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 any other building or buildings. A license fee, however, shall not be charged for any municipally owned and operated tourist camp.

**Source:** S.L. 1931, c. 299, s. 4.

**23-1007. Garbage Disposal; Penalty.** Suitable garbage containers of a kind to be approved by the state laboratories department shall be provided at convenient 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 tourist camp shall be guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars.

**Source:** S.L. 1931, c. 299, s. 6.

**23-1008. Sickness in Tourist Camps; Penalty for Failure to Report.** Every guest of a tourist camp immediately shall report to the person in charge of the camp, or to 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 such report shall be guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars.

**Source:** S.L. 1931, c. 299, s. 7.

**23-1010. Posting Rules and Regulations.** The owner or keeper of a tourist camp shall post in one or more conspicuous places in the camp a notice of the provisions of this chapter with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the state laboratories department. At least two copies of such notice shall be furnished to each tourist camp by the department.

**Source:** S.L. 1931, c. 299, s. 12.



## STATE INSTITUTIONS

**25-0101. Definitions.** In this title, unless the context or subject matter otherwise requires:

1. "Insane" includes any species of insanity or mental derangement except such as may be of a temporary character and as fairly may be expected to be cured within a reasonable time;
2. "Feeble-minded person" means any person, minor or adult, other than an insane person, who is so defective mentally as to be incapable of managing himself and his affairs and as to require supervision, control, and care for his own or the public's welfare;
3. "Idiot" is restricted to a person supposed to be naturally without a mind;
4. "State Hospital" shall mean the state hospital for the insane;
5. "State School" shall mean the Grafton state school for the feeble-minded;
6. "State Sanatorium" shall mean the North Dakota State Tuberculosis Sanatorium;
7. "Blind asylum" shall mean the North Dakota blind asylum;
8. "School for the deaf" shall mean the school for the deaf and dumb of North Dakota;
9. "Board" shall mean the board of administration;
10. "Superintendent" shall mean the superintendent of the state hospital, of the state school, of the state sanatorium, of the blind asylum, or of the school for the deaf, as the case may be.

**Source:** R.C. 1895, s. 1532; R.C. 1899, s. 1532; R.C. 1905, s. 1909; C.L. 1913, s. 2567, am'd. S.L. 1937, c. 142, s. 6. S.L. 1931, c. 146, s. 1.

**54-2319. Record of Board of Persons in Institutions.** The board of administration shall keep in its office a record showing:

1. The residence, sex, age, nativity, occupation, religion, civil condition, and date of entrance or commitment of every person, patient, inmate, or convict in the institutions under the control and management of the board;
2. The date of discharge of every person from the institutions under the control and management of the board, and whether such discharge was final;
3. The condition of the person at the time he left the institution;
4. If a person is transferred from one institution to another and to what institution transferred; and
5. If a person, patient, inmate, or convict of an institution under the control and management of the board dies, the date and cause of death.

This information shall be furnished to the board by the several institutions under its control. Such other obtainable facts shall be furnished as the board, from time to time, may require. No one but a member, the secretary, or a proper clerk of the board shall have access to the record except by the consent of the board, or on the order of a court record.

**Source:** S.L. 1911, c. 62, s. 21; C.L. 1913, s. 256.

**54-2320. Entrance and Discharge Record of Persons to Institutions Sent to Board of Administration.** The managing officer of each institution under the control and management of the board, within ten days after the commitment or entrance of a person, patient, inmate, or convict to the institution, shall cause a true copy of his entrance record to be made and forwarded to the office of the board. When a patient or inmate leaves, or is discharged, transferred, or dies in an institution, the superintendent or person in charge, within ten days thereafter, shall send such information to the office of the board. All such information shall be furnished on forms which the board may prescribe.

**Source:** S.L. 1911, c. 62, s. 21; C.L. 1913, s. 256.

**23-0801. Board of Examiners Appointed by Board of Administration.** For the purpose of carrying into effect the provisions of this chapter, the board of administration shall appoint, upon the recommendation of the state board of examiners, three competent physicians and surgeons to act as a board of examiners. Each member of such board shall serve during the pleasure of the board of administration. The board of examiners shall choose one of its members to act as chairman, and one member to act as secretary.

**Source:** S.L. 1927, c. 263, s. 2.

## STERILIZATION

**23-0803. Heads of State Institutions Report Persons Who Should Be Sterilized to Board of Examiners.** The warden, superintendent, or other head of the penitentiary, the state hospital for the insane, the state training school, and the Grafton state school shall report quarterly to the board of examiners each feeble-minded, insane, and epileptic person and each habitual criminal, moral degenerate, and sexual pervert within his institution who is a potential producer of offspring and who, because of the inheritance of inferior or antisocial traits, probably would become social menaces or wards of the state. The criminals who shall come within the operation of the provisions of this chapter shall be those who are moral degenerates and sexual perverts or who are addicted to the practice of sodomy, the crime against nature, or to other gross, bestial, and perverted sexual habits and practices prohibited by statute.

**Source:** S.L. 1927, c. 263, ss. 1, 12.

**23-0804. Investigation by Board of Examiners.** The board of examiners shall examine the inmate traits, the mental and physical condition, the personal record, and the family traits and history of each person reported to it by the head of any state institution as provided in this chapter. For this purpose, the board may summon and examine witnesses.

**Source:** S.L. 1927, c. 263, s. 3.

**23-0805. Inmate Entitled to Hearing; Notice.** Before an order is made adjudging an inmate of any state institution to be a proper subject for sterilization, such inmate shall be entitled to a hearing before the board of examiners upon reasonable notice. The notice of hearing shall be in writing and shall be served upon the inmate personally in all cases, and in addition, in the case of an insane or feeble-minded person, upon his legal guardian, and, if none has been appointed, upon his next of kin residing in the state. In the case of a minor, such notice also shall be served upon his parents or guardian. At the hearing, the inmate, or any person appearing for him, shall be entitled to offer evidence, in the nature of expert testimony or otherwise, to show that he is not a proper subject for sterilization.

**Source:** S.L. 1927, c. 263, s. 4.

**23-0806. When Sterilization Ordered.** If, in the judgment of all the members of the board of examiners, procreation by any person reported to it under the provisions of this chapter would produce children with inherited tendency to feeble-mindedness, insanity, epilepsy, criminality, or degeneracy, and there is no probability that the condition of the person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved by sterilization, the board, after the examination and hearing, shall make an order requiring the person to be sterilized.

**Source:** S.L. 1927, c. 263, s. 3.

**23-0807. Findings of Board; Where Filed; Order Requiring Sterilization To Be Served on Inmate.** After completing the examination and hearing, the board of examiners shall make separate written findings for each of the inmates examined by it. Such findings shall be preserved in the records of the board, and a copy thereof shall be furnished to the superintendent or head of the institution in which the inmate is confined. If an operation is deemed necessary by the board, a copy of its order forthwith shall 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 there is none, then upon his nearest kin within the state. In case such inmate is a minor, such order also shall be served upon his parents or guardian.

**Source:** S.L. 1927, c. 263, s. 6.

**23-0808. Appeal From Sterilization Order; Time; Notice; Procedure Stayed.** Any inmate named in an order requiring his sterilization, or the guardian of any such inmate who is under guardianship, or the guardian or parent of any such inmate who is a minor, may appeal from such order to the district court of the county and judicial district in which the institution in which the inmate is confined is situated. Notice of such appeal shall be filed with the secretary of the board of examiners within fifteen days after the notice of the board's order is served in the manner provided in this

chapter. The notice of appeal shall stay the proceedings of the board until the appeal is heard and determined. No sterilization operation shall be performed upon any person until the time for an appeal from the order of the board has expired.

**Source:** S.L. 1927, c. 263, s. 7.

**23-0809. Certification of Record on Appeal: Appeal Tried De Novo: Appointment of Attorney: Duty of State's Attorney.** The secretary of the board of examiners within fifteen days after a notice of appeal from an order of the board is served upon him, or within such further time as the court may allow, shall transmit a certified copy of the notice of appeal and the findings and order of the board and a transcript of its proceedings in the matter to the clerk of the district court to which the appeal is taken. On the appeal, the entire matter shall be tried de novo by the court. If the person taking the appeal does not have sufficient financial means to employ an attorney, the court shall appoint an attorney to represent him, and such attorney shall be compensated upon the order of the court as in the case of an indigent defendant in a criminal proceeding. The state's attorney of the county in which the trial of the appeal is had shall represent the board.

**Source:** S.L. 1927, c. 263, s. 8.

**23-0810. Order of Court on Appeal.** If the court shall affirm the findings of the board of examiners, it shall enter a judgment adjudging that the order of the board shall be carried out. If the court fails to affirm the decision of the board from which the appeal is taken, the order shall be null and void and of no further effect.

**Source:** S.L. 1927, c. 263, s. 9.

**23-0811. When Head of Institution to Cause Operation for Sterilization To Be Performed.** Upon the receipt of the order from the board of examiners, the superintendent or head of the institution to which it is directed, after the time for appeal has expired, or if an appeal was taken from the order, upon the entering of a judgment affirming the order, shall perform or cause to be performed such surgical operation for the sterilization of the inmate named in such order as may be specified therein. The operation shall not under any circumstances be by castration or ovariectomy except when the 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.

**Source:** S.L. 1927, c. 263, s. 10.

**23-0812. Surgeon Not Liable Except for Negligence.** No surgeon performing any operation provided for in this chapter shall be held criminally liable therefor, nor civilly liable for any loss or damage on account thereof, except in the case of negligence in the performance of such operation.

**Source:** S.L. 1927, c. 263, s. 11.

**23-0813. Records of Board of Examiners.** The board of examiners shall keep all files and records in any proceeding had under the provisions of this chapter with full minutes of all meetings of the board. The secretary of the board shall be the custodian of all records and files pertaining to proceedings had by the board.

**Source:** S.L. 1927, c. 263, s. 15.

**23-0814. Chief Medical Officer to Report to Board of Examiners.** The chief medical officer of any institution in which any sterilized inmate is confined shall make careful observations of such inmate, particularly with the view of ascertaining the effect of such operation upon the moral, mental, and physical condition of the sterilized person, and annually shall make a written report to the board of examiners on such person. He shall keep a copy of all such reports on file with the records of the institution.

**Source:** S.L. 1927, c. 263, s. 16.

**23-0815. Purpose of Sterilization: Not Used as Punitive Measure.** The purpose of an examination, findings, and order of the board of examiners provided for in this chapter shall be the betterment of the physical, mental, neural, or psychic condition of the inmate, or the protection of society from the menace of procreation by said inmate, and shall not in any manner be used as a punitive measure. No person shall be sterilized under the authority of this chapter unless 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 offspring that would become a menace to society or a ward of the state.

**Source:** S.L. 1927, c. 263, s. 5.

## WATER

**61-0112. Fouling Waters With Gas Tar or Other Refuse: Penalty.** 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.

**Source:** R.C. 1895, s. 7291; R.C. 1899, s. 7291; R.C. 1905, s. 9031; C.L. 1913, s. 9747.

**61-0113. Fouling Public Waters With Dead Animals or Other Refuse.** 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 shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars.

**Source:** R.C. 1895, s. 7653; R.C. 1899, s. 7653; R.C. 1905, s. 9423; C.L. 1913, s. 10225.

**61-0114. Fouling Public Water; What Included.** The provisions of section 61-0113 shall be construed to include:

1. Privies and privy vaults;
2. Any stable, shed, pen, yard, or corral wherein is kept any horse, bovine, sheep, or swine and located nearer than sixty feet from the top of the bank of such lake or stream; and
3. Any slaughterhouse, grave, graveyard, or cemetery located nearer than eighty feet from any lake or stream.

The provisions of this section shall not be construed to prevent any city within this state from running its sewers into any river, but where there is a dam across said river within the corporate limits of the city, any such sewer shall connect with such river below the dam.

**Source:** R.C. 1895, s. 7654; R.C. 1899, s. 7654; R.C. 1905, s. 9424; C.L. 1913, s. 10226.

#### WATER CONSERVATION COMMISSION

**61-0214. Powers and Duties of the Water Conservation Commission.** The commission shall have full and complete power, authority, and general jurisdiction:

1. To investigate, plan, regulate, undertake, construct, establish, maintain, control, and supervise all works, dams, and projects, public and private which in its judgment may be necessary or advisable;
  - a. To control the low-water flow of the streams in the state;
  - b. To impound water for the improvement of municipal and rural water supplies;
  - c. To control and regulate flood flow in the streams of the state to minimize the damage of such flood waters;
  - d. To conserve and develop the waters within the natural water-shed area of the state;
  - e. To improve the channels of the streams for more efficient transportation of available water in the streams;
  - f. To provide sufficient water flow for the abatement of stream pollution;
  - g. To develop, by restoration and stabilization, the water areas of the state for recreation and wildlife conservation;
  - h. To promote the maintenance of existing drainage channels in good agricultural lands and to construct any needed channels;
  - i. To provide more satisfactory subsurface water supplies for the smaller villages of the state;
  - j. To finance the construction, establishment, and maintenance of public and private works, dams, and irrigation projects, which in its judgment may be necessary and advisable;
  - k. To provide for the storage, development, diversion, delivery, and distribution of water for the irrigation of agricultural land;

1. To provide for the drainage of lands injured by, or susceptible of injury from, the utilization of irrigation water;
- m. To provide water for stock; and
- n. To provide water for mining and manufacturing purposes.
2. To define, declare, and establish rules and regulations;
  - a. For the sale of waters and water rights to individuals, associations, corporations, and political subdivisions of the state, and for the delivery of water to users;
  - b. For the full and complete supervision, regulation, and control of the water supplies within the state; and
  - c. For the complete supervision and control of acts tending to pollute watercourses, for the protection of the health and safety of all the people of the state.
3. To exercise full power and control of the construction, operation, and maintenance of works and the collection of rates, charges, and revenues realized therefrom;
4. To sell, lease, and otherwise distribute all waters which may be developed, impounded, and diverted by the commission under the provisions of this chapter, for the purpose of irrigation, the development of power, and the watering of livestock, and for any other private or public use; and
5. To exercise all express and implied rights, power, and authority, that may be necessary, and to do, perform, and carry out all the expressed purposes of this chapter and all of the purposes reasonably implied incidentally thereto or lawfully connected therewith.

**Source:** S.L. 1937, c. 255, s. 8, am'd. S.L. 1939, c. 256, s. 8.

**61-0215. Provisions of Chapter Not to Limit or Deprive Health Department of Authority.** The provisions of this chapter shall not be construed to limit or deprive the state department of health of its jurisdiction to prevent the pollution of the water of streams, watercourses, or underground waters, or to prevent the pollution of waters wherever found. The commission shall not declare waters to be polluted without a finding to that effect by the state department of health, and the provisions of this chapter shall not be construed as repealing or limiting any of the public health laws of the state or regulations of the state department of health adopted pursuant thereto and in conformity therewith.

**Source:** S.L. 1937, c. 255, s. 8, am'd. S.L. 1939, c. 256, s. 8.

**61-0221. Sewage Disposal Plant or Water Supply Plant; Approval of Commission Required.** No sewage disposal plant or works for the water supply of any municipality shall be constructed without the prior approval of the commission, which shall be granted only upon the approval of the state department of health.

**Source:** S.L. 1937, c. 255, s. 9, am'd., S.L. 1939, c. 256, s. 9.

**61-0228. Plans, Investigations, and Surveys Concerning Use of Waters: Special Powers of Commission.** The commission may make

plans, investigations, and surveys concerning the use of any and all waters, either within or without this state, for purposes of establishing, maintaining, operating, controlling, and regulating systems of irrigation works and projects in connection therewith within the state. The commission shall have all necessary powers of purchasing and selling, leasing, and assigning, rights and interests in the use or in the appropriation of waters concerned with such systems of irrigation projects or works in connection therewith, and shall possess full authority and jurisdiction to exercise and assert actual possession over the corpus of all of such waters, and to secure control and regulation of the diversion thereof subject to rules and regulations and methods prescribed by the commission. This power and authority shall include full right to contract and agree with any person, association, or agency concerning water rights possessed by such person, association, or agency through which the commission may be given full authority and jurisdiction over such water and water rights. In connection therewith the commission may coordinate, subordinate, supplement, and act jointly or subordinately with the United States, and any agency or department thereof, covering or concerning any federal project affecting water use, works, or projects in connection therewith.

**Source:** S.L. 1937, c. 255, s. 15, am'd. S.L. 1939, c. 256, s. 15.



# REGULATIONS FOR PREVENTION OF DISEASE

Adopted by the State Department of Health of North Dakota Under the Authority Conferred Upon Said Department by the  
Laws of the State  
September, 1946

## 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:

Actinomycosis	Plague bubonic, septicemic, pneumonic
Ancylostomiasis (hookworm disease)	Pneumonia acute lobar, broncho, virus, and unspecified
Anthrax	Poliomyelitis
Chancroid	Psittacosis
Chicken pox (varicella)	Puerperal infection (puerperal septicemia)
Cholera	Rabies
Conjunctivitis acute, infectious	Rat-bite fever (sodoku)
Dengue	Relapsing fever
Diarrhea of the newborn (in institutions)	Rheumatic fever, acute
Diphtheria	Rocky Mt. spotted (or tick fever)
Dysentery, amebic (amebiasis)	Scarlet fever (scarlatina)
Dysentery, bacillary	Septic sore throat
Encephalitis infectious	(streptococcus throat infection)
lethargic and non-lethargic	Smallpox (variola)
Erysipelas	Syphilis
Favus	Tetanus
Glanders (farcy)	Trachoma
Gonorrhea	Tuberculosis, Pulmonary
Impetigo contagiosa (without medical attention)	Tuberculosis, other than Pulmonary
Influenza	Tularemia
Leprosy	Typhoid fever
Lymphogranuloma venereum (inguinale) & climatic bubo	Undulant fever (brucellosis)
Malaria	Vincent's Infection
Measles (rubeola)	Whooping cough
Meningococcus Meningitis	Yellow Fever
Paratyphoid fever	

**Regulation 3. Diseases Designated as Infestations.** The following diseases are hereby declared to be infestations and reportable in this State:

Ascariasis	Hemorrhagic jaundice
Coccidiomycosis (coccidioidal granuloma, "Valley fever")	(spirochetosis ictero-hemorrhagic Weil's disease)
	Scabies (the itch)
	Trichinosis

**Regulation 4. Diseases of concern** because of their group or epidemic occurrence and the practicability of their prevention are hereby declared reportable in this state:

Botulism	Pellagra
Food infections and poisonings	

**Regulation 5. Tumors, benign and malignant,** because of their frequent occurrence and the possibility of prevention of malignancy and prolongation of life are hereby declared reportable in this State.

Carcinoma, Sarcoma, and other growths suspected of being or becoming malignant.

**Regulation 6. Diarrhea of Newborn. Occurring in Maternity Hospitals.** Diarrhea of the newborn (infants under one month of age) occurring in hospitals conducting maternity and nursery service shall be reported. The circumstances surrounding the development of such disease shall be investigated by the local or State Department of Health.

**Regulation 7. 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 housekeepers; (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 8. 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 9. Morbidity Reports.** All morbidity reports must be made as soon as clinical diagnosis is made, but laboratory confirmation is desirable.

**Regulation 10. 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 11. 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 12. 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, rat-bite Fever, relapsing fever, hemorrhagic jaundice, food infections and poisonings, and such other diseases as the State Department of Health may from time to time designate.

**Regulation 13. 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 insanitary condition dangerous to public health exists within his district, and if such insanitary 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 insanitary condition exists; and if said owner or agent shall fail to remove or remedy such insanitary 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 insanitary condition dangerous to public health and in violation of the laws of the state and regulations of the State Department of Health.

**Regulation 14. 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, para-typhoid 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 15. Destruction of Foods in Certain Cases.** When a case of any disease mentioned in Regulation 14 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 16. 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 14 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 14, 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 17. Milkmen, Grocermen, Etc.** Section 1. Milkmen shall deliver milk to premises infected with a quarantinable disease in a type of container which shall not be used again but shall be burned as soon as it is empty. If the milk is delivered in the standard type of glass container or other non-destructible material such containers shall remain in the house until it has been released from quarantine and the bottles disinfected by sterilizing in boiling water 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 18. 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 19. 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 20. 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
Diphtheria .....	2-5 days	.....
Measles .....	10-14 days	21 days
Meningococcus Meningitis .....	2-7- days	10 days
Mumps .....	18 days	26 days
Paratyphoid .....	4-7 days	10 days
Poliomyelitis .....	7-14 days	14 days
Scarlet Fever .....	2-5 days	7 days
Septic Sore Throat .....	2-5 days	.....
Smallpox .....	7-16 days	21 days
Typhoid Fever .....	7-14 days	38 days
Whooping Cough .....	7-10 days	21 days

### QUARANTINE

**Regulation 21. 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 22. 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.

### QUARANTINE AND ISOLATION

**Regulation 23. 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: smallpox, 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 24. 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, and church or place of amusement or public gathering of any kind unless otherwise stated in these regulations or by written permission of the 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, para-typhoid fever, whooping cough, measles, german measles, septic sore throat, chickenpox, mumps, meningitis, and lobar pneumonia.

Section 6. No placard is required unless isolation and instructions of Health Officer or Public Health nurse are not being carried out. 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 "WARNING" and the name of the disease in letters not less than 2½ inches in height.

**Regulation 25. 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 26. 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 27. Exclusion of Household Pets.** Dogs, cats, and other household pets shall not be permitted to enter rooms where communicable disease exists.

## DISINFECTION

**Regulation 28. Disinfection.** By this term is meant the destroying of the vitality of pathogenic micro-organisms by chemical or physical means. All disinfection shall be carried out in the manner prescribed by these regulations.

**Regulation 29. 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 should be kept clean; 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.



Education in personal cleanliness. This phrase is intended to include all the various means available to impress upon all members of the community, young and old, and especially when communicable disease is prevalent or during epidemics, by spoken and printed word, and by illustration and suggestion, the necessity of:

1. Keeping the body clean by sufficiently frequent soap and water baths.
2. Washing hands in soap and water after voiding bowels or bladder and always before eating.
3. Keeping hand and unclean articles, or articles which have been used for toilet purposes by others, away from mouth, nose, eyes, and ears.
4. Avoiding the use of common or unclean eating, or drinking or toilet articles of any kind, such as towels, handkerchiefs, hairbrushes, drinking cups, pipes, etc.
5. Avoiding close exposure of persons to spray from the nose and mouth as in coughing, sneezing, laughing, or talking.

**Regulation 30. 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 of 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 per cent 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 bi-chloride of mercury solution, or otherwise treated in a manner satisfactory to the health officer in charge.

**Regulation 31. 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 32. 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 renovation is meant, in addition to cleansing, such treatment of the walls, floors and ceilings of rooms of houses as may be necessary to place the premises in a satisfactory sanitary condition, as by repainting or revarnishing, re-papering, or calcimining the sick room or entire premises.

**Regulation 33. Approved Disinfectant Agents.**

1. 1-3000 bichloride solution.
2. 5% carbolic acid solution.
3. Lysol, creolin—compound solution of Creosol, in strengths recommended by manufacturers.
4. Calcium hypochlorite and similar chlorine compounds in strengths recommended by manufacturer.
5. Any other disinfectant agents approved by the State Health Officer.

**Regulation 34. 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 agent.

**Regulation 35. 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 apart-

ments, 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 tuberculous 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 a penalty of law except by the health officer or an authorized agent.

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.

### COMMON CARRIERS

**Regulation 36. 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.

### CANCER

**Regulation 37. Cancer To Be Reported. By Whom to Whom.** Every physician, pathologist, laboratory director, technician, 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 cancer shall within seventy-two hours of such knowledge of such known or suspected case coming to his notice, report same on a special form to the State Department of Health. These reports shall be confidential and not open to public inspection.

### REGULATIONS OF CONTAGIOUS AND INFECTIOUS DISEASES CHICKENPOX (Varicella)

**Regulation 38. Section 1. Chickenpox in persons over 15 years.** When chickenpox occurs in persons over 15 years of age, or at any age during an epidemic of smallpox, the same quarantine regulations may be maintained as those required for smallpox until investigation

has been done to eliminate the possibility of their being smallpox.

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 29 and 30).

Section 4. **Placard.** (See Regulation 24, Section 6)

### **CONJUNCTIVITIS, ACUTE INFECTIOUS**

(of the newborn, not including trachoma)

(This title to replace the terms of gonorrhoeal ophthalmia, ophthalmia neonatorum and babies' sore eyes)

**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 a 1 per cent solution of silver nitrate in the eyes of all newborn babies. Antepartum treatment of mother is necessary if gonorrhoea is suspected.

Section 2. **Midwives and Nurses Must Report.** All midwives, nurses and other persons having charge of a newborn 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 29)

### **DIPHTHERIA**

**Regulation 40. 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. Isolation may be terminated if the micro-organism reported as morphologically "positive," although persistently present, proves to be an avirulent form. Where termination by culture is impracticable, cases may be terminated with fair safety, as a rule, 16 days after the onset of the disease. A virulence test should be made if practicable where positive throat cultures are reported 3 weeks or longer after onset of the disease.

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 infections. 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 Regulation 23)

Section 8. **Concurrent and Terminal Disinfection Are Required,** as Described in Regulation 30.

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.

## MEASLES

**Regulation 41. Section 1. Isolation Required.** Whenever a case of measles is discovered the health officer shall immediately isolate the case.

Section 2. **Period of Isolation.** (a) Measles should be isolated a 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.

Section 3. **Quarantine.** (a) Measles. When the disease is very prevalent and in large communities quarantine of exposed susceptible children is impracticable and of no value. Exclusion of exposed susceptible children and teachers from school until 14 days from last exposure and of exposed susceptible children from public gatherings for the same period may be justifiable under sparsely settled rural conditions. This applies to exposure in the household. If the date of only exposure is reasonably certain, and exposed susceptible child of school age may be allowed to attend school for the first 7 days of the incubation period. Quarantining of institutions of young children and of wards or dormitories where exposure is suspected is of value. Strict quarantine of wards of infants if a case occurs in an institution is important.

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 23 and 24)

Section 6. **Concurrent and Terminal Disinfection.** (See Regulations 29 and 30)

**MENINGOCOCCUS MENINGITIS**

(Epidemic Cerebro-spinal Meningitis)

**Regulation 42. 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 naso-pharynx.

**Section 3. No Quarantine of Exposed Persons is Required.****Section 4. Placard.** (See Regulation 24)

Section 5. **Concurrent and Terminal Disinfection.** (See Regulation 29 and 30)

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

**POLIOMYELITIS**

(Infantile Paralysis)

**Regulation 43. 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 22 and 23)

Section 7. **Concurrent and Terminal Disinfection.** (See Regulations 29 and 30)

**RABIES**

**Regulation 44. 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.

**What to Do With Suspected Animals.** Do not kill the animal. If it is killed early in the disease the negri bodies may be so widely scattered or be so small as to be overlooked on microscopic examination. Thus it is always advisable to keep the suspected animal alive at least long enough to permit full development of symptoms. Put it in a secure pen, with plenty of food and water or, preferably, place it in the hands of your veterinarian who is skilled in the diagnosis of rabies and other allied animal diseases. If the animal has rabies it will show progressive symptoms and die usually within 3 to 5 days. If it is alive and well at the end of 14 days one can be fairly certain that rabies does not exist.

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.)

**Bring Head to the Laboratories.** The best and quickest way to get an animal's head to the Laboratory is by a personal messenger in an automobile. Always bring or send the head in this way if it is at all possible. When it is necessary to ship the head by a common carrier every precaution should be taken to protect those who handle it en route from danger of becoming infected. Owing to the rigid requirements of the postal regulations for shipping pathological specimens through the mails it is best to ship dogs' heads by express or by auto bus if you cannot send by messenger. In order that the animal's head may reach the Laboratories in fresh enough condition to be examined, it should be **packed in ice**. Never send or bring the live animal or animal's carcass. **Bring only the head.** If it is too late in the day for a messenger to reach the Laboratories by 4 P.M. so it can be examined that evening pack it in ice for the night and bring it to the Laboratories the next morning.

**How to Pack the Dog's Head.** The following instructions should be carefully observed in packing a head for conveyance to the Laboratories:

1. Wrap sufficient absorbent cotton about the animal's head to absorb any blood that may escape.

2. Put the head in a tin can or bucket with a tight fitting lid. Adjust the lid and fasten so it will not come off. If possible, put adhesive tape around joint between pail and lid to act as a seal.

3. Place the tin vessel containing the animal's head in a larger water-tight bucket, tub or box. Pack ice around it and nail or fasten cover so that the tin vessel containing the animal's head cannot possibly escape from the larger container.

4. Provide a bail or handle by which the whole package can be carried in upright position like a bucket.

5. Address package plainly so there can be no misunderstanding as to place of delivery.

**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 city.

**Section 4. Concurrent Regulation in Cooperation 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 a 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.

### **RHEUMATIC FEVER (ACUTE)**

**Regulation 45. Rheumatic Fever (Acute) To Be Reported. By Whom to Whom.** Every physician shall immediately give notice to the Health Officer of the County or City, wherever such person resides, of every case of rheumatic fever (acute) under his or her care. The county or city health officer is then to make a copy of said report for his files and transmit the original to the State Health Department at Bismarck. If the case be an inmate of a state institution, it becomes the duty of the superintendent, or whoever is in charge of the institution, to make and forward said report directly to the State Health Department.

### **SCARLET FEVER**

(Scarlatina)

**Regulation 46. Section 1. Isolation and Quarantine are Required.**

**Section 2. Period of Isolation.** Isolation shall be maintained in home or hospital; maintained in each case until the end of the period



of communicability. The period of communicability usually lasts until 2 weeks from the onset of the disease without regard to the stage or extent of desquamation, but until all abnormal discharges have ceased and all open sores or wounds have healed. If medical inspection is not available, isolate for 14 days from onset for uncomplicated cases.

**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 22 and 23)

**Section 5. Concurrent and Terminal Disinfection Are Required.** (See Regulations 29 and 30)

### SMALLPOX

**Regulation 47. Section 1. Isolation and Quarantine are required.**

**Section 2. Period of Isolation.** Isolation shall be maintained in screened wards of hospital, free from vermin until the disappearance of all scabs and crusts and until the thorough disinfection of persons and premises are performed.

**Section 3. Quarantine.** There must be isolation of all contacts until vaccinated with virus of full potency 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 recent successful vaccination as determined by the health officer must be isolated for 16 days from the last exposure.

**Section 4. Placard.** (See regulations 22 and 23)

**Section 5. Concurrent and Terminal Disinfection Are Required.** (See Regulations 29 and 30.) No article is to leave the surroundings of the patient without boiling or equally effective disinfection.

**Section 6. Health Officers and Physicians Must State On All Reports the Type of the Disease.**

### TYPHOID FEVER, PARATYPHOID FEVER

**Regulation 48. Section 1. Isolation Required.** All cases of typhoid fever and paratyphoid fever shall be isolated in a flyproof room, preferably under hospital conditions of such cases as cannot command adequate sanitary environment and nursing care in their homes.

**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 24)

Section 5. **Concurrent and Terminal Disinfection.** (See Regulations 29 and 30)

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. **Reporting of Cases in Hospitals and Sanatoria.** It shall be the duty of the superintendent of any public or private hospital or sanatorium 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 sanatorium 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 sanatorium 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 cess-pool, or privy, properly located, of an approved sanitary construction. One of the essentials of a sanitary privy is the fly proof and rodent proof vault. The interior of the privy should be kept clean and scrubbed with warm water and soap whenever necessary.

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 release of chronic typhoid carriers may be granted only on the approval of the State Health Officer after sub-

mission of the following evidence: (1) That the gall bladder has been removed; (2) that subsequent to the removal of the gall bladder each of three specimens of the duodenal contents, taken in a hospital at intervals of not less than twenty-four hours, has been examined by the laboratory of the State Department of Health and found to contain no typhoid bacilli; and (3) at least eight successive specimens of liquid feces, taken in a hospital on successive days and under circumstances which do not permit of substitution, have been examined by the laboratory of the State Department of Health and found to contain no typhoid bacilli. The health officer may at his discretion release chronic typhoid carriers upon other evidence which he may consider satisfactory.

### WHOOPIING COUGH

(Pertussis)

**Regulation 49. 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 for 3 weeks after onset of typical paroxysms. It is of particular importance to protect children under 3 years of age against contact with any other children with cough and fever, of whatever origin, and especially if whooping cough is suspected or is known to be prevalent. **Isolation of children over 2 years of age is impracticable**, and even in those under 2 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 14 days after their last exposure to a recognized case. This applies to exposures in the household or under other similar conditions. This precaution may be omitted if exposed non-immune children are observed with care by a physician or nurse on their arrival at school each day for 14 days after their last exposure to a recognized case.

Section 4. **Placard.** (See regulation 24)

Section 5. **Concurrent Disinfection** and a good clean-up of premises with soap and water, fresh air and sunshine should take place. (See regulations 29 and 30.)

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

### MISCELLANEOUS

**Regulation 50. Section 1. Typhus Fever, Cholera, Plague, Spotted Fever, Malaria, Anthrax, Glanders, Pellagra, Amebic Dysentery, Trichinosis infection, Undulant Fever, Psittacosis, Encephalitis, Rat-bite Fever, Relapsing Fever,** 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 24)

Section 3. **Concurrent and Terminal Disinfections.** (See regulations 29 and 30)

## **CONTROL AND SUPPRESSION OF VENEREAL DISEASE**

**Regulation 51. 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 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 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 disease shall give to such a 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;
- (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, medi-

cal 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 of 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 in the opinion of the 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) **Gonorrhoea: 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 all persons exposed to the same.

(c) Make examinations of person 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 sanitorium 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 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 and incorrect name and address or to impart any false information.

**Regulation 52. 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.

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

**Regulation 53. 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 54. 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 55. 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 56. 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 a 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 57. 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 the pertinent portions of Regulation 30 have been complied with in a manner satisfactory to the health officer in charge.

**Regulation 58. 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. Any pupil so excluded shall not be permitted to attend school again until he 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, 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 59. 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.

**Regulation 60. 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, cess-pools, privies, or other sources of pollution should be located down grade and at safe distances from any well, main, 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. 100 feet for municipal. 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.

Section 2. No settling tank, cess-pool, 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 61. 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 with 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 62. 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 63. Sanitation of Barber Shops**

**Regulation 64. Governing Beauty Parlors**

**Regulation 65. Standard Minimum Plumbing Code**

#### **WATER, SEWERAGE AND REFUSE DISPOSAL**

**Regulation 66. Standard Railway Sanitary Code.** Hereafter contractors and other persons who may establish an industrial camp or camps for the purpose of potato picking, sugar beet topping or harvesting or any like occupation or for the purpose of construction of any road, railroad, or irrigation works, or other work, or any other temporary or permanent industrial camp of whatsoever nature, shall report to the State Health Officer 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.

**Regulation 67.**

Section 1. Sanitary Regulation No. 1 of the State Water Conservation Commission follows and is hereby declared to be a part of the Regulations of the State Department of Health:

"No system for the disposal of sewage, industrial waste, garbage, or refuse, tending to pollute water courses, shall be installed by any public agency or by any person or corporation, nor shall any such existing system be materially altered or extended until satisfactory plans and specifications for the installation, alteration, or extension, together with such information as the State Water Conservation Commission and the State Department of Health may require, have been submitted in duplicate and approved by the State Water Conservation Commission and the State Department of Health, and no

construction shall take place except in accordance with the approved plans."

Section 2. 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.

**Regulation 68. Care and Disposal of Refuse and Garbage.** No house refuse, offal, garbage, dead animals, decaying vegetable matter, manure, or organic waste matter of any kind shall be thrown upon any street, alley, highway, or public place. Within the limits or closely adjacent areas of any incorporated or unincorporated city, town, village or built up community such refuse, offal, etc., shall be collected in receptacles which shall be so constructed so as to be of sufficient dimensions for the reception of all the material, shall be watertight, shall be made of tight-matched lumber, galvanized iron, or other suitable impervious material, 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 during the months from April 1 to October 31 and at least once every four days from November 1 to March 31. (It is to be noted that compliance with this section will not under all instances determine that a nuisance has not been created. Section 42-0101 of the 1943 Revised Code defines nuisances).

**Regulation 69. 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, town, village, or built up community unless approved of by the health officer having jurisdiction.

**Regulation 70. Section 1.** No system of sewage or sewage 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 related to their sanitary features. The basis for approval shall be the "Minimum Sanitary Standards For Public Sewerage Systems" established by the State Department of Health. All construction shall take place in accordance with the plans as approved, either 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 or their authorized representative 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 2. Submission of Plans for Sewage System and Sewage 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 of the State 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. (According to Section 43-1918 of the North Dakota revised code of 1943 all plans and specifications for public works exceeding \$2000 must be prepared by a registered professional engineer).

**Section 3. 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, accompanying a set of the plans, if approved, 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. This system of distribution of letters of approval and plans may be modified at the discretion of the State Department of Health.

**Regulation 71. Information Required.** The plans for a complete sewerage and sewage treatment plant shall conform to the following six sections: (if possible all of this material should be bound in an 8½ by 11 folder convenient for filing)

Section 1. A general map of the municipality or sewage district.

(a) The general plan shall be drawn to a scale not greater than 100 or less than 300 feet to the inch and shall show the entire area of the municipality or district. If more than one sheet is necessary, an index map shall be 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 an 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 can be provided for all 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 0.1 foot; those of the sewer invert shall be shown to the nearest 0.01 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 man-holes, flush tanks, siphons, pumps, etc., shall be designated on the plans by suitable symbols and referenced by a legend near the title.

**Section 2. Profiles of all sewers proposed.**

(a) Profiles of all sewers used shall accompany the application.

**Section 3. Details of construction of manholes, flush tanks, and special structures pertaining to the sewers.**

(a) Detail drawings of sewer sections, except where terra cotta or iron pipe is used, and of all sewer appurtenances, such as man-holes, 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 manhole frame and covers, iron pipes, valves, gates, etc.

**Section 4. General and Detailed Plans for Disposal Works.**

(a) Drawings of the disposal works 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.

(b) The detail plans shall show longitudinal and transverse sections sufficient to explain the construction of each unit. They should also show the distribution and drainage system, 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.

(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 same.

**Section 5. A comprehensive report upon the proposed system by the designing or consulting engineer.**

(a) Information concerning sewer systems to be included in the engineer's report.

(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.

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

(b) Information concerning treatment plant to be included in the written report.

(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 disinfectant 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 6. Specifications for the construction of the system of sewers and sewage treatment works shall accompany all plans for which approval is requested.

An estimate of the cost shall accompany all plans for new or original systems.

**Regulation 72. 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.

**Regulation 73. Systems on Separate Plan.** Under ordinary circumstances the State Department of Health will approve only such plans for a sewerage system which are so designed that all rain water

from roofs, streets, and other areas and all ground water, other than unavoidable leakage, is to be excluded.

**Regulation 74. 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.

**Regulation 75. Section 1. 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 2. Penalty for Failure to Make Connection.** Any person who shall in any way interfere with the carrying out of the provisions of this regulation 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 court.

**Regulation 76. Submission of Plans for Approval.** No system of water supply, or water treatment works 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. The basis for approval shall be the "Minimum Sanitary Standards For Public Water Supplies" established by the State Department of Health. 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 or their authorized representative 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 2. 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. (According to Section 43-1918 of the North Dakota Revised Code of 1943 all plans and specifications for public work exceeding \$2000.00 must be prepared by a registered professional engineer.)

**Section 3. 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, accompanying a set of the plans, if approved, 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. This system of distribution of letters of approval and plans may be modified at the discretion of the State Department of Health.

**Regulation 77. Information Required.** The plans for a complete water supply and water system shall conform to the following five sections:

If possible, all this material should be bound in 8½" x 11" folder convenient for filing.

**Section 1.** A general plan of the municipality or district, showing the proposed system.

(a) The general plan shall be drawn to a scale not greater than 100 nor less than 300 feet to the inch and shall show the entire area of the municipality or district. If more than one sheet is necessary, an index map shall be supplied showing by number the area covered by the various sheets. A general plan shall accompany each

application for a new water system or for any extension or modification of any existing water system, unless such general plan has already been submitted.

(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) Profiles of conduits or pipe lines may be plotted to a convenient scale and shown on the plans.

Section 2. Detail drawings showing the construction of any special structure in the distribution system.

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

Section 3. General and detailed plans for the water treatment works.

(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) 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 4. A comprehensive report upon the proposed system by the designing or consulting engineer.

(a) 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.

(b) 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.

(c) 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 cooperation of the system; a description of all the special appliances used, any special methods of maintenance or operation of the plant, and the extent of treatment expected or guaranteed.

(d) 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.

(e) 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 5. 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.

**Regulation 78. 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.

**Regulation 79. 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.

**Regulation 80. 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.

**Regulation 81. 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 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. The basis for approval shall be the Department's "Minimum Sanitary Standards for Swimming and Wading Pools." Preliminary rejection of plans or suggested changes would generally be taken up with the engineer designing the system. Final approval or rejection will be indicated on each sheet of the plans and in a letter on the subject, copies of which will be sent to the engineer or to the mayor or other executive of the city, village, school, or institution for which the pool is designed. The State Department of Health may deviate from this method of routing if it appears desirable to do so.

After such plans have been approved by the State Department of Health, no modification, affecting 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 therefore have been approved as herein provided.

**Regulation 82. 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 water systems be materially altered or extended 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. The basis for approval shall

be the "Minimum Sanitary Standards for Water and Sewerage Systems at Public Schools" established by the State Department of Health. The State Department of Health may waive the requirement for complete plans in triplicate when the work involved is of a relatively minor nature and accept in lieu thereof pencil drawing sketches and descriptions which they consider adequate for the facility involved. 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.

**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 complete plans and specifications therefor, together with such 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. The basis for approval shall be the "Minimum Sanitary Standards for Water and Sewerage Systems at Public Schools" established by the State Department of Health. The State Department of Health may waive the requirement for complete plans in triplicate when the work involved is of a relatively minor nature and accept in lieu thereof pencil drawing sketches and descriptions which they consider adequate for the facility involved. 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.

**Regulation 83. 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. However, 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 84. 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 85. 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. 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.

Section 3. RULES AND REGULATIONS GOVERNING THE PRODUCTION, PROCESSING, DISTRIBUTION, AND SALE OF FLUID MILK AND MILK PRODUCTS, FOR ENFORCEMENT BY COUNTY SUPERINTENDENT OF HEALTH, (AS GRANTED IN SECTION 23-0307 OF THE NORTH DAKOTA REVISED CODE OF 1943.)

Rules and Regulations defining "milk" and certain "milk products," "milk producer," "pasteurization," etc., prohibiting the sale of adulterated and misbranded milk and milk products, requiring permits for the sale of milk and milk products, regulating the inspection of dairy farms and milk plants, the examination, grading, labeling, placarding, pasteurization, regrading, distribution, and sale of milk

and milk products, providing for the publishing of milk grades, the construction of future dairies and milk plants, the enforcement of these rules and regulations.

**I. Definitions.**—The following definitions shall apply in the interpretation and the enforcement of these rules and regulations:

**A. Milk.**—Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8 percent of milk solids not fat, and not less than  $3\frac{1}{4}$  percent of milk fat.

**B. Milk fat or butter fat.**—Milk fat or butter fat is the fat of milk.

**C. Cream and sour cream.**—Cream is a portion of milk which contains not less than 18 percent milk fat. Sour cream is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.

**D. Skimmed milk.**—Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than  $3\frac{1}{4}$  percent.

**E. Milk or skimmed-milk beverage.**—A milk beverage or a skimmed-milk beverage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a syrup or flavor consisting of wholesome ingredients.

**F. Buttermilk.**—Buttermilk is a product resulting from the churning of milk or cream, or from souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk or skimmed milk, or milk or skimmed-milk powder. It contains not less than 8 percent of milk solids not fat.

**G. Vitamin D. Milk.**—Vitamin D milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officer.

**H. Reconstituted or recombined milk and cream.**—Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, skimmed milk, or water.

**I. Goat Milk.**—Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of these rules and regulations. The word "cows" shall be interpreted to include goats.

**J. Homogenized milk.**—Homogenized milk is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after 48 hours storage no visible cream separation occurs on the milk and the fat percentage of the top 100 cc. of

milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

**K. Milk products.**—Milk products shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages, skimmed-milk beverages, and any other product made by the addition of any substance to milk or any of these products and used by similar purposes and designated as a milk product by the health officer.

**L. Pasteurization.**—The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143° F., and holding at such temperature for at least 30 minutes, or to at least 160° F., and holding at such temperature for at least 15 seconds, in approved and properly operated equipment: Provided, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and is approved by the State health authority.

**M. Adulterated Milk and milk products.**—Any milk or milk product which contains any unwholesome substance, or which if defined in these rules and regulations does not conform with its definition, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

**N. Milk producer.**—A milk producer is any person who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

**O. Milk distributor.**—A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

**P. Dairy or dairy farm.**—A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

**Q. Milk plant.**—A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

**R. Health Officer.**—The term "health officer" shall mean the health authority of the city, village, county, or health district, or his authorized representative.

**S. Average bacterial plate count, direct microscopic count, reduction time, and cooling temperature.**—Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average reduction time and average cooling temperature shall be taken to mean the arithmetic average, of the respective results of the last four consecutive samples, taken upon separate days, irrespective of the date of grading or regrading.

**T. Grading period.**—The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed 6 months.

**U. Person.**—The word "person" as used in these rules and regulations shall mean "person, firm, corporation, or association."

**V. And/or.**—Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

**II. The sale of adulterated, misbranded, or ungraded milk or milk products prohibited.**—No person shall within any city or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

**III. Permits.** It shall be unlawful for any person to bring into or receive into any city, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in these rules and regulations, who does not possess a permit from the health officer of the city.

Only a person who complies with the requirements of these rules and regulations shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of these rules and regulations.

**IV. Labeling and placarding.**—All bottles, cans, packages, and other containers enclosing milk or any milk product defined in these rules and regulations shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in these rules and regulations; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the phrase "for pasteurization" if the contents are to be pasteurized; (6) the name of the producer if the contents are raw, and the name of the plant at which the contents were pasteurized, if contents are pasteurized; and (7) in the case of vitamin D milk, the designation "vitamin D. Milk" and the source of vitamin D. The label or mark shall be in letters of a size, kind, and color approved by the health officer and shall contain no marks or words which are misleading.

Every restaurant, cafe, soda fountain, or other establishment serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or milk products served.

**V. Inspection of dairy farms and milk plants for the purpose of grading or regrading.**—At least once during each grading period

the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within any city, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of these rules and regulations on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

**VI. The examination of milk and milk products.**—During each grading period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk and milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the latest standard methods recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration, these examinations to be made in accordance with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains, and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature falls beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned, and shall take an additional sample but not before the lapse of 3 days, for determining a new average in accordance with section 1 (S). Violation of the grade requirement by the new average or by any subsequent average during the remainder of the current grading period shall call for immediate de-

grading or suspension of the permit, unless the last individual result is within the grade limit.

**VII. The grading of milk and milk products.** At least once every 6 months the health officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately consumed within any city, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream, and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A or grade B pasteurized, certified, or grade A raw quality.

**Certified milk-raw.**—Certified milk-raw is raw milk which conforms with the requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of a medical milk commission and of the State board of health or of the city, county, or district health officer.

**Grade A raw milk.**—Grade A raw milk is raw milk the average bacterial plate count of which as determined under sections 1(S) and 6 of this rules and regulations does not exceed 50,000 per cubic centimeter or the average direct microscopic count of which does not exceed 50,000 per cubic centimeter if clumps are counted or 200,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than 8 hours: **Provided**, That if it is to be pasteurized the corresponding limits shall be 200,000 per cubic centimeter, 800,000 per cubic centimeter, and 6 hours, respectively; and which is produced upon dairy farms conforming with all of the following items of sanitation.

**ITEM Ii. Cows, tuberculosis and other diseases.**—Except as provided hereinafter, a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every 12 months thereafter, by a licensed veterinarian approved by the State Livestock Sanitary Authority. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above test: **Provided**, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from Bang's disease, as shown by blood serum tests for agglutinins against **Brucella abortus** made in a laboratory approved by the health officer.

All such herds shall be retested at least every 12 months and all reactors removed from the herd. A certificate identifying each animal by number, and signed by the laboratory making the test, shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

**ITEM 2r. Dairy barn, lighting.**—A dairy or milking barn shall be required and in such sections thereof where cows are milked windows shall be provided and kept clean and so arranged as to insure adequate light properly distributed, and when necessary shall be provided with adequate supplementary artificial light.

**ITEM 3r. Dairy barn, air space and ventilation.**—Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

**ITEM 4r. Dairy barn, floors.** The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, provided that if the milk is to be pasteurized tight wood may be used, shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowl, calves, etc., shall be permitted in parts of the barn used for milking.

**ITEM 5r. Dairy barn, walls and ceilings.**—The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every 2 years, or oftener, if necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

**ITEM 6r. Dairy barn, cowyard.** All cowyards shall be graded and drained as well as practicable and kept clean.

**ITEM 7r. Manure disposal.**—All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

**ITEM 8r. Milk house or room, construction.**—There shall be provided a milk house or milk room in which the cooling, handling, and

storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into a stable or into any room used for domestic purposes; shall, unless the milk is to be pasteurized, have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chlorine is employed as the principal bactericidal treatment, the three-compartment type must be used; and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operations which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

**ITEM 9r. Milk house or room, cleanliness and flies.**—The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

**ITEM 10r. Toilet.**—Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

**ITEM 11r. Water supply.**—The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

**ITEM 12r. Utensils, construction.**—All multi-use containers or other utensils used in the handling, storage, or transportation of milk or milk products must be made of smooth nonabsorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. Woven wire cloth shall not be used for straining milk. All milk pails shall be of a small-mouth design approved by the health officer. The manufacture, packing, transportation, and handling of single-service containers and containers caps and covers shall be conducted in a sanitary manner.

**ITEM 13r. Utensils, cleaning.**—All multi-use containers, equipment and other utensils used in the handling, storage, or transporta-



tion of milk and milk products must be thoroughly cleaned after each usage.

**ITEM 14r. Utensils, bactericidal treatment.**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall between each usage be subjected to an approved bactericidal process with steam, hot water, chlorine, hot air, or processes approved by the Health Officer.

**ITEM 15r. Utensils, storage.**—All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall be stored so as not to become contaminated before being used.

**ITEM 16r. Utensils, handling.**—After bactericidal treatment no container or other milk or milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact.

**ITEM 17r. Milking, udders and teats, abnormal milk.**—The udders and teats of all milking cows shall be clean and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

**ITEM 18r. Milking, flanks.**—The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking.

**ITEM 19r. Milkers' hands.**—Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wethand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

**ITEM 20r. Clean Clothing.**—Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

**ITEM 21r. Milk stools.**—Milk stools shall be kept clean.

**ITEM 22r. Removal of milk.**—Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

**ITEM 23r. Cooling.**—Milk must be cooled immediately after completion of milking to 50° F. or less, and maintained at that average temperature, as defined in section 1(S), until delivery. If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within 2 hours after completion of milking or cooled to 70° F. or less and maintained at that average temperature until delivered.

**ITEM 24r. Bottling and capping.**—Milk and milk products shall be bottled from a container with a readily cleanable valve, or by

means of an approved bottling machine. Bottles shall be capped by machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

**ITEM 25r. Personnel, health.**—The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a retail raw dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

**ITEM 26r. Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surrounding of the dairy shall be kept in a neat, clean condition.

**GRADE B raw milk.**—Grade B raw milk is raw milk which violates the bacterial standard and/or the abortion testing requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding 1,000,000 per cubic centimeter, or an average direct microscopic count not exceeding 1,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted, or an average reduction time of not less than 3½ hours, as determined under sections 1(S) and 6.

**Grade C raw milk.**—Grade C raw milk is raw milk which violates any of the requirements for grade B pasteurized milk.

**Certified milk-pasteurized.**—Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

**Grade A pasteurized milk.**—Grade A pasteurized milk is grade A raw milk, with such exceptions as are indicated if the milk is to be pasteurized, which has been pasteurized, cooled, and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter, as determined under sections 1(S) and 6.

The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to items 1p to 15p, inclusive, and 17p, 19p, 22p, and 23p, except that the partitioning requirement of item 5p shall not apply.

**ITEM 1p. Floors.**—The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

**ITEM 2p. Walls and ceilings.**—Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean.

**ITEM 3p. Doors and windows.**—Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

**ITEM 4p. Lighting and ventilation.**—All rooms shall be well lighted and ventilated.

**ITEM 5p. Miscellaneous protection from contamination.**—The various milk-plant operations shall be so located and conducted as to prevent any contamination of milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

**ITEM 6p. Toilet facilities.**—Every milk plant shall be provided with toilet facilities conforming with the ordinances of the city and the Minimum Sanitary Standards of the State Health Department. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. In case privies or earth closets are permitted and used, they shall be separate from the building, and shall be of a sanitary type constructed and operated in conformity with the requirements of item 10r, grade A raw milk.

**ITEM 7p. Water supply.**—The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

**ITEM 8p. Hand-washing facilities.**—Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

**ITEM 9p. Sanitary piping.**—All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

**ITEM 10p. Construction and repair of containers and equipment.**—All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. The manufacture, packing, transportation, and handling of single-service containers and container caps and covers shall be conducted in a sanitary manner.

**ITEM 11p. Disposal of wastes.**—All wastes shall be properly disposed of.

**ITEM 12p. Cleaning and bactericidal treatment of containers and equipment.**—All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

**ITEM 13p. Storage of containers and equipment.**—After bactericidal treatment all bottles, cans, and other multi-use milk or milk-products containers and equipment shall be stored in such manner as to be protected from contamination.

**ITEM 14p. Handling of containers and equipment.**—Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk.

**ITEM 15p. Storage of caps, parchment paper, and single-service containers.**—Milk-bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean dry place.

**ITEM 16p. Pasteurization.**—Pasteurization shall be performed as described in section 1 (L) of these rules and regulations.

**ITEM 17p. Cooling.**—All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50° F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50° F. or less, as defined in section 1(S), and maintained thereat until delivery.

**ITEM 18p. Bottling.**—Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

**ITEM 19p. Overflow milk.**—Overflow milk or milk products shall not be sold for human consumption.

**ITEM 20p. Capping.**—Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

**ITEM 21p. Personnel, health.**—The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

**ITEM 22p. Personnel, cleanliness.**—All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

**ITEM 23p. Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated

as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the slides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

**Grade B pasteurized milk.**—Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provision of lip-cover caps of item 20p and/or the requirement that grade A raw milk be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk of not less than grade B quality, and has an average bacterial plate count after pasteurization and before delivery not exceeding 50,000 per cubic centimeter, as determined under sections 1(S) and 6.

**Grade C pasteurized milk.**—Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

**VIII. Grades of milk and milk products which may be sold.**—From and after 12 months from the date on which these rules and regulations take effect no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments. **Provided,** That when any milk distributor fails to qualify for one of the above grades the health officer is authorized to revoke his permit, or in lieu thereof, to degrade his product and permit its sale during a temporary period as he may deem necessary.

**IX. Supplementary grading prescribed and regrading authorized.** If, at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6, and 7 of these rules and regulations, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and packaging thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his products.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count,

direct microscopic count, reduction time, or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall regrade the milk or milk products upward whenever the average of the last four sample results indicates the necessary quality, but not before the lapse of 2 weeks from the date of degrading.

In case the lowered grade of the applicant's product is due to a violation of an item of the specifications prescribed in section 7, other than average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within 1 week of the receipt of such an application and statement the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward, but not before the lapse of 2 weeks from the date of degrading.

**X. Transferring or dipping milk; delivery containers; handling of more than one grade; delivery of milk at quarantined residences.—**Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized, and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery containers at the farm at which they are produced. Milk and milk products sold in the distributor's containers in quantities less than 1 gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or milk product except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: **Provided**, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, or similar establishment to sell or serve any milk or milk products which have not been maintained, while in its possession, at a temperature of 50° F. or less.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleansed and subjected to bactericidal treatment.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk-products containers from residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the health officer.

**XI. Milk and milk products from points beyond the limits of routine inspection.**—Milk and milk products from points beyond the limits of routine inspection of any city may not be sold in that city, or its police jurisdiction, unless produced and/or pasteurized under provisions equivalent to the requirements of these rules and regulations: **Provided**, That the health officer shall satisfy himself that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

**XII. Future dairies and milk plants.**—All dairies and milk plants from which milk or milk products are supplied to any city which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the requirements of these rules and regulations for grade A dairy farms producing milk for consumption in the raw state, or for grade A pasteurization plants, respectively: **Provided**, That the requirement of a two-room milk house shall be waived in the case of dairies the milk from which is to be pasteurized. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State Health Department.

**XIII. Notification of disease.**—Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious, or communicable disease occurs.

**XIV. Procedure when infected suspected.**—When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of that person from milk handling. (2) the immediate exclusion of the milk supply concerned from distribution and use, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.



XV. **Enforcement interpretation.**—These rules and regulations shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1939 edition of the United States Public Health Service Milk Code.

### STERILIZATION OF SECONDHAND GOODS

**Regulation 86.** It is provided by law that before any person, firm, or corporation dealing in secondhand goods shall sell, exchange, offer for sale or exchange, or intent to sell or offer for sale or exchange, to the public in this state any wearing apparel, bedclothes, secondhand furniture, or any article of any description ordinarily used in furnishing, equipping, or decorating a home, he shall disinfect thoroughly each and every such article in a manner approved by the State Department of Health.

The State Department of Health hereby declares and rules that the disinfection of these articles or materials shall be by one of the following methods: It further declares that common cleanliness shall be considered a part of the disinfection process regardless of the method selected. Before any of the aforementioned articles or materials shall be subjected to the selected method of disinfection noted below, they shall be thoroughly cleaned. All signs of visible dirt, filth and contamination must be removed.

**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  $7\frac{1}{2}$  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  $1\frac{1}{2}$  inches in diameter.

**Section 4. Dry Health 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.

**Section 5. Commercial Laundering or Dry Cleaning.** Such material as is adaptable to the process such as pillows, thin pads, etc. shall be considered as satisfactorily disinfected when subjected to the regular commercial dry cleaning or laundering process. The commercial laundering process should be one which provides for complete immersion in hot water containing the proper detergent with subsequent rinsing and complete drying. The commercial dry cleaning process shall be one which provides for complete immersion in the dry cleaning fluid with subsequent complete drying.

**Section 6. DDT and Dry Storage.** Such articles that cannot be subjected to high temperature, disinfecting processes such as over-stuffed furniture etc., shall be considered as satisfactorily disinfected when treated as outlined below with a 5% solution or emulsion of DDT and placed in dry storage for at least 7 days. This 7 day dry storage period is definitely a part of this process.

The DDT shall be applied by spraying with a 5% solution or emulsion of DDT so as to produce a residual deposit of approximately 200 mg. per square foot. A 200 mg. per square foot residual deposit of DDT can be obtained by distinctly wetting the surface with a 5% emulsion or solution of DDT.

The following formula is recommended by the State Department of Health for complying with this section. However, other formulas providing for a 5% solution or emulsion of DDT may be approved.

3 lbs. DDT  
 3 qts. Xylene  
 6 oz. Triton X100  
 -----  
 1.03 gal. concentrate

Makes 35% concentrate  
 Dilute 1 part, 6 parts water  
 for 5% spray.

**Regulation 87. Sanitary Requirements.** Under the general sanitary laws and in order to insure full compliance with these rules, all premises, rooms, chambers, places, vehicles, etc. used for the handling, storing, transportation, or sterilization of these materials shall be kept in a clean and orderly condition, free from dust, dirt, vermin, or other filth.

**Regulation 88.** All properly cleaned and disinfected articles coming under the provisions of these regulations should be labeled, "Disinfected by..... on..... at....."

Name of Agency                      Date                      Place

in a manner prescribed by the laws of North Dakota and the regulations of the State Department of Health. (Do not Remove this label)

Such labels shall not be less than 2 inches by 3 inches and composed of cloth of similar durable material. Wherever possible,

and especially in the case of mattresses, pillows, comforters, upholstered furniture, etc., such labels shall be securely sewed to the article in a position readily accessible and such sewing shall take place on all four sides of the label. When such stitching is impossible because of the nature of the article the tag must be securely fastened in a manner approved by the State Department of Health.

All mattresses, pillows, comforters, upholstered furniture, etc., containing secondhand, used or renovated materials in any quantity must be so designated on the aforementioned label so as to leave no misunderstanding as to the nature, kind, and proportion of materials used. The label must clearly state that secondhand material has been utilized and must likewise state the proportion of such secondhand material.

**Regulation 89. 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, cocatoo, 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 90. Embalming, undertaking, and transportation of the dead.** NOTE: These rules and regulations are published separately. Copy will be sent upon application.

**Regulation 91. 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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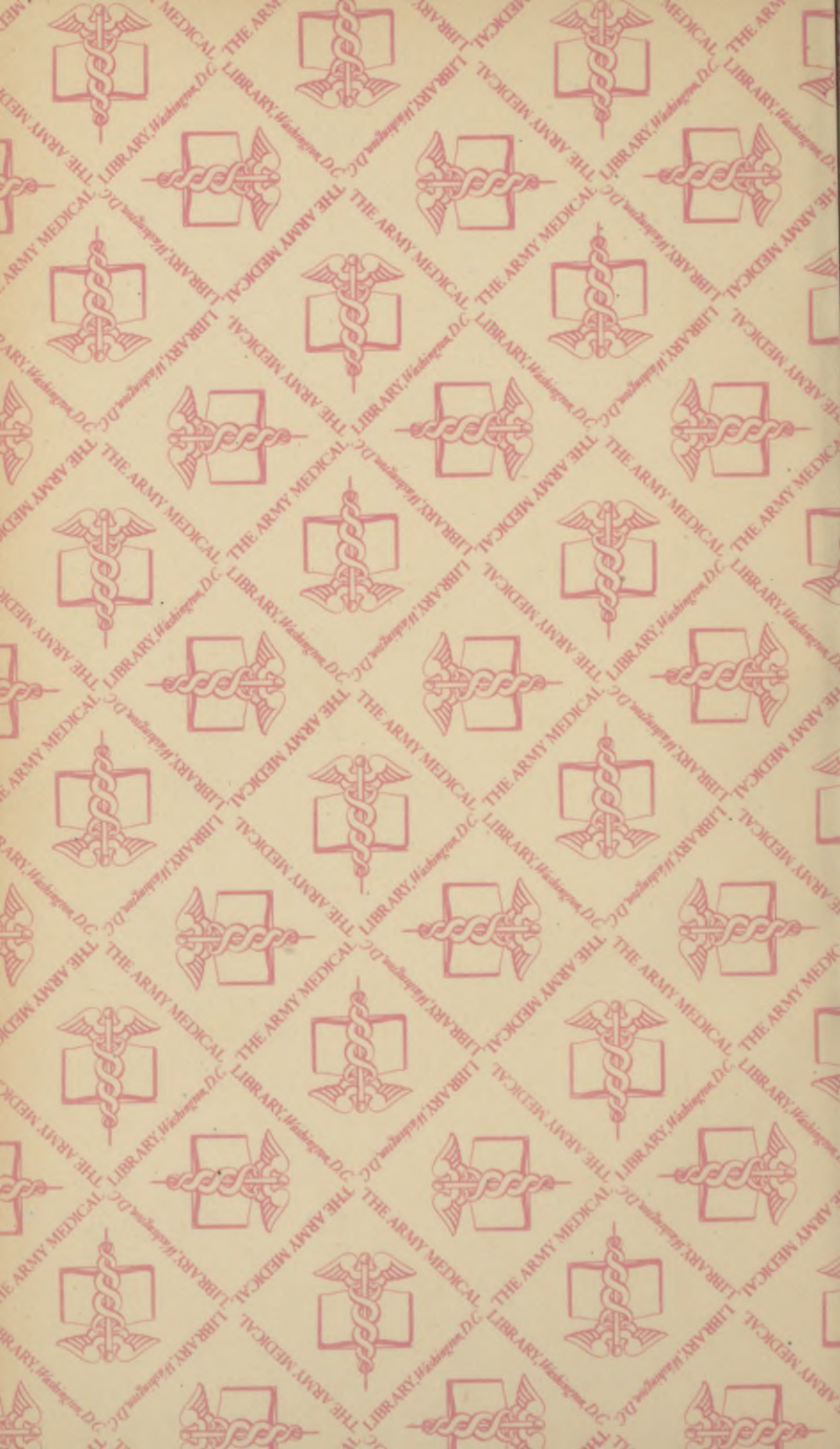
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