

MR. SPEAKER:

Your Committee on Medicine and Surgery, to whom was referred house file No. 258, a bill for an act to establish a state board of health in the state of Iowa; to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it be amended by striking out the word "nine" (9), in second line of section 1, and the word "seven" (7) inserted; and that the word "seven," in fourth line of section 1, be stricken out, and the word "five" (5) inserted; and that the word "seven," in fifth line of section 1, be stricken out, and the word "five" (5) be inserted; and that the word "five" (5) be stricken out in first line of section 12, and the word "three" (3) inserted; and that being so amended that it do pass.

THOS. H. BARNES, *Chairman.*

Ordered passed on file.

At the last meeting of the Iowa State Medical College, held at Davenport in June, 1879, the undersigned members were appointed to draft a law creating a state board of health for this state. The following is the draft prepared, and may the committee respectfully ask your hearty co-operation in securing its passage by the next session of the general assembly.

W. S. ROBERTSON, Muscatine,

G. M. STAPLES, Dubuque,

S. B. THRALL, Ottumwa,

*Committee.*

HOUSE FILE NO. 258.]

## A BILL

*[Palmer]*

FOR AN ACT TO ESTABLISH A STATE BOARD OF HEALTH IN THE STATE OF IOWA:  
TO PROVIDE FOR THE APPOINTMENT OF A SUPERINTENDENT OF VITAL STA-  
TISTICS; AND TO ASSIGN CERTAIN DUTIES TO LOCAL BOARDS OF HEALTH.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the gov-  
2 ernor, with the advice and consent of the senate, shall appoint nine (9) persons, one of whom  
3 shall be the attorney-general of the state (by virtue of his office), one a civil engineer, and

4 seven (7) physicians, who shall constitute a state board of health. The persons so appointed  
 5 shall hold their offices for seven (7) years: *provided*, that the terms of office of the first seven  
 6 appointed shall be so arranged by lot, that the term of one shall expire on the thirty-first  
 7 (31st) day of January of each year; and the vacancies thus occasioned, as well as all other  
 8 vacancies otherwise occurring, shall be filled by the governor, with the advice and consent  
 9 of the senate; and *provided, also*, that appointments made when the senate is not in session  
 10 may be confirmed at its next ensuing session.

SEC. 2. The state board of health shall have the general supervision of the interests of  
 2 the health and life of the citizens of the state. They shall have charge of all matters per-  
 3 taining to quarantine; they shall supervise a state registration of marriages, births, and  
 4 deaths, as hereinafter provided; they shall have authority to make such rules and regulations,  
 6 and such sanitary investigations, as they may from time to time deem necessary for the pre-  
 7 servation or improvement of public health; and it shall be the duty of all police officers,  
 8 sheriffs, constables, and all other officers and employes of the state, to enforce such rules and  
 9 regulations, so far as the efficiency and success of the board may depend upon their official  
 10 co-operation.

SEC. 3. The clerks of the courts of the several counties in the state shall be required to  
 2 keep separate books for the registration of the names and post-office address of physicians  
 3 and midwives, for births, for marriages, and for deaths. Said books shall always be open for  
 4 inspection without fee; and said clerks of the courts shall be required to render a full and  
 5 complete report of all births, marriages, and deaths, to the secretary of the board of health  
 6 annually, and at such other times as the board may direct.

SEC. 4. It shall be the duty of the board of health to prepare such forms for the record  
 2 of births, marriages, and deaths, as they may deem proper; the said forms to be furnished by  
 3 the secretary of said board to the clerks of the courts of the several counties, whose duty it  
 4 shall be to furnish them to such persons as are herein required to make reports.

SEC. 5. It shall be the duty of all physicians and midwives in this state to register their  
 2 names and post-office address with the clerk of the courts of the county where they reside;  
 3 and said physicians and midwives shall be required, under penalty of ten dollars (\$10), to be  
 4 recovered in any court of competent jurisdiction in the state at suit of the clerk of the courts,  
 5 to report to the clerk of the courts, within thirty (30) days from the date of their occurrence,  
 6 all births and deaths which may come under their supervision, with a certificate of the cause  
 7 of death, and such correlative facts as the board may require, in the blank forms furnished, as  
 8 hereinafter provided.

SEC. 6. When any birth or death shall take place, no physician or midwife being in

2 attendance, the same shall be reported to the clerk of the local board of health within three  
3 (3) days from the date of their occurrence, with the supposed cause of death, by the parent,  
4 or, if none, by the nearest of kin not a minor, or, if none, by the resident householder where  
5 the birth or death shall have occurred, under penalty provided in the preceding section  
6 of this act. Clerks of the county courts shall, semi-annually, during the last week of May  
7 and November of each year, send to the secretary of the state board of health a statement  
8 of all births and deaths recorded in their offices for the six (6) months preceding such date,  
9 under a penalty of twenty-five dollars (§25) in case of failure.

SEC. 7. The coroners of the several counties shall report to the clerk of the courts all  
2 cases of death which may come under their supervision, with the cause or mode of death,  
3 etc., as per form furnished, under penalty as provided in section 5 of this act.

SEC. 8. All amounts recovered under the penalties of this act shall be appropriated to a  
2 special fund for carrying out the object of this law.

SEC. 9. The first meeting of the board shall be within twenty days after its appointment,  
2 and thereafter in May and November of each year, and at such other times as the board shall  
3 deem expedient. The November meeting shall be in the city of Des Moines. A majority of  
4 the members of the board shall constitute a quorum. They shall choose one of their number  
5 to be president, and shall adopt rules and by-laws for their government, subject to the pro-  
6 visions of this act.

SEC. 10. They shall elect a secretary, who shall perform the duties prescribed by the  
2 board and by this act. He shall receive a salary, which shall be fixed by the board. He  
3 shall, with the other members of the board, receive traveling and other expenses incurred in  
4 the performance of official duties; but no other member of the board shall receive a salary.  
5 The president of the board shall quarterly certify the amount due the secretary, and, on pre-  
6 sentation of said certificate, the auditor of state shall draw his warrant on the state treas-  
7 urer for the amount.

SEC. 11. It shall be the duty of the board of health to make a biennial report, through  
2 their secretary or otherwise, in writing, to the governor of the state, in December preceding  
3 each year that the general assembly meets; and such report shall include so much of the  
4 proceedings of the board, such information concerning vital statistics, such knowledge re-  
5 specting diseases, and such instruction on the subject of hygiene as may be thought useful by  
6 the board, for dissemination among the people, with such suggestions as to legislative ac-  
7 tion as they may deem necessary.

SEC. 12. The sum of five thousand dollars (§5,000) per annum, or so much thereof as may  
2 be deemed necessary by the board of health, is hereby appropriated to pay the salary of the

3 secretary, meet the contingent expenses of the office of the secretary, and the expenses of the  
4 board, and all costs of printing, which, together, shall not exceed the sum hereby appropria-  
5 ted. Said expenses shall be certified and paid in the same manner as the salary of the secre-  
6 tary. The secretary of state shall provide rooms suitable for the meetings of the board, and  
7 office room for the secretary of the board, and also for the clerical duties and safe keeping of  
8 the bureau of vital statistics.

SEC. 13. The mayor and aldermen of each incorporated city, the president and council of  
2 any incorporated town or village in the state, or the trustees of any township, shall have and  
3 exercise all the powers, and perform all the duties, of a board of health within the limits of  
4 the cities, towns, and villages of which they are officers.

SEC. 14. Every local board of health shall appoint a competent physician to the board,  
2 who shall be the health officer within its jurisdiction, and shall hold his office during the  
3 pleasure of the board. They shall select from their own number a clerk, and shall establish  
4 the compensation or salaries of said health officer and clerk, and shall also regulate all fees  
5 and charges of persons employed by them in the execution of the health laws and of their  
5 own regulations.

SEC. 15. It shall be the duty of the health physician of every incorporated town, and also  
2 the clerk of the local board of health in each city or incorporated town or village in the  
3 state, at least once a year, to report to the state board of health their proceedings, and such  
4 other facts required, on blanks, and in accordance with instructions received from said state  
5 board. They shall also make special reports whenever required to do so by the state board  
6 of health.

SEC. 16. Local boards of health shall make such regulations respecting nuisances, sources  
2 of filth, and causes of sickness within their jurisdiction, and on board any boats in their ports  
3 or harbors, as they shall judge necessary for the public health and safety; and if any person  
4 shall violate any such regulations, he shall forfeit a sum of not less than twenty-five dollars  
5 (§25) for every day during which he knowingly violates or disregards said rules and regula-  
6 tions, to be recovered before any justice of the peace or court of competent jurisdiction.

SEC. 17. The board of health of any city or incorporated town or village shall order the  
2 owner of any property, place or building (at his own expense) to remove any nuisance,  
3 source of filth or cause of sickness found on private property, within twenty-four (24) hours,  
4 or such other time as is deemed reasonable, after notice served as hereinafter provided; and if  
5 the owner or occupant neglects to do so, he shall forfeit a sum not exceeding twenty dollars  
6 (§20) for every day during which he knowingly permits such nuisance or cause of sickness to  
7 remain after the time prescribed for the removal thereof.

SEC. 18. If the owner or occupant fails to comply with such order, the board may cause  
 2 the nuisance, source of filth or cause of sickness to be removed, and all expenses incurred  
 3 thereby shall be paid by the owner, occupant or other person who caused or permitted the  
 4 same, if he has had actual notice from the board of health of the existence thereof.

SEC. 19. The board, when satisfied upon due examination, that any cellar, room, tene-  
 2 ment or building in its town, occupied as a dwelling place, has become, by reason of the  
 3 number of occupants, or want of cleanliness, or other cause, unfit for such purpose, and a  
 4 cause of nuisance or sickness to the occupants or the public, may issue a notice in writing to  
 5 such occupants, or any of them, requiring the premises to be put in a proper condition as to  
 6 cleanliness: or, if they see fit, requiring the occupants to remove or quit the premises within  
 7 such time as the board may deem reasonable. If the persons so notified, or any of them,  
 8 neglect or refuse to comply with the terms of the notice, the board may cause the premises  
 9 to be properly cleaned at the expense of the owners, or may remove the occupants forcibly  
 10 and close up the premises, and the same shall not again be occupied as a dwelling place  
 11 without permission in writing of the board.

SEC. 20. Whenever the board of health shall think it necessary for the preservation of  
 2 the lives or health of the inhabitants to enter a place, building or vessel in their township  
 3 for the purpose of examining into and destroying, removing or preventing any nuisance,  
 4 source of filth or cause of sickness, and shall be refused such entry, any member of the board  
 5 may make complaint, under oath, to any justice of the peace of his county, whether such  
 6 justice be a member of the board or not, stating the facts of the case, so far as he has knowl-  
 7 edge thereof.

SEC. 21. Such justice shall thereupon issue a warrant directed to the sheriff or any con-  
 2 stable of the county, commanding him to take sufficient aid, and, being accompanied by two  
 3 or more members of said board of health, between the hours of sunrise and sunset, repair to  
 4 the place where such nuisance, source of filth or cause of sickness complained of may be, and  
 5 the same destroy, remove or prevent, under the direction of such members of the board of  
 6 health.

SEC. 22. When any person coming from abroad, or residing within any township within  
 2 this state, shall be infected, or shall lately have been infected with small-pox, or other sick-  
 3 ness dangerous to the public health, the board of health of the township where said person  
 4 may be shall make effectual provision, in the manner which they shall judge best, for the  
 5 safety of the inhabitants, by removing such sick or infected person to a separate house, if it  
 6 can be done without damage to his health, and by providing nurses and other assistance and

7 supplies, which shall be charged to the person himself, his parents or other person who may  
8 be liable for his support, if able; otherwise, at the expense of the county to which he belongs.

SEC. 23. If such infected person cannot be removed without damage to his health, the  
2 board of health shall make provision for him as directed in the preceding section, in the  
3 house in which he may be, and in such case they may cause the persons in the neighborhood  
4 to be removed, and may take such other measures as may be deemed necessary for the safety  
5 of the inhabitants.

SEC. 24. Any justice of the peace may, if need be, make out a warrant under his hand,  
2 directed to the sheriff or any constable of the county, requiring him, under the direction of  
3 the board of health, to remove any person infected with contagious diseases, or to take pos-  
4 session of condemned houses and lodgings, and to provide nurses and attendants, and other  
5 necessaries for the care, safety and relief of the sick.

SEC. 25. When any lands in any city or town are wet, spongy or rotten, or covered with  
2 stagnant water, so as to be offensive to persons residing in the vicinity thereof, or injurious  
3 to health, the same shall be deemed a nuisance, and shall be abated by the board of health of  
4 the city or town containing it.

SEC. 26. Should any local board of health of any city, town, or village, refuse or neglect  
2 to pass proper orders abating a nuisance or nuisances, the party or parties aggrieved may ap-  
3 peal to the board of supervisors of said county: and in such case said board of supervisors  
4 shall have all the powers of the local board of health, as designated under this statute: and  
5 on the event of failure by said board of supervisors to act within a reasonable time, then an  
6 appeal may be taken to the state board of health, whose action shall be final.

SEC. 27. Local boards of health shall meet for the transaction of business on the first  
2 Monday of May and the first Monday of November of each year, and at any other time that  
3 the necessities of the health of their respective jurisdictions may demand; and the clerk of  
4 each board shall transmit his annual report to the secretary of the state board of health  
5 within two weeks after the November meeting. Said report shall embrace a history of any  
6 epidemic disease which may have prevailed within his district. The failure of the clerk of  
7 the board to prepare, or cause to be prepared, and forward such report as above specified,  
8 shall be considered a misdemeanor, for which he shall be subject to a fine of not more than  
9 twenty-five dollars (§25).

SEC. 28. This law, being deemed of great importance, shall take effect from and after its  
2 passage.

SEC. 29. Any existing law in conflict with this act is hereby repealed.