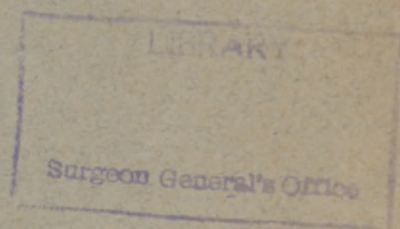


COLL. CAT. *ms*
WA
32
AT2
9Cb

THE BILL CREATING
THE
STATE BOARD OF
HEALTH

Copies may be secured by addressing
THE TEXAS STATE BOARD OF HEALTH
Austin, Texas



BILL TO CREATE A STATE BOARD OF HEALTH.

Title 66, Chapter 1, Articles 4521 to 4553, inclusive, R. C. S. 1911.

Texas.

SECTION 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, who shall be legally qualified practicing physicians, who shall have had at least ten years experience in actual practice of medicine within the State of Texas, of good professional standing, and who shall be graduates of reputable medical colleges, to be appointed biennially by the Governor as soon as practicable after the passage of this bill, and thereafter on or before the 10th day of March following his inauguration. One member of said board, who shall be appointed by the Governor, and confirmed by the State, shall be designated by the Governor as State Health Officer, and who shall be president and executive officer of the board. The members of said board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

SEC. 2. The president of said board shall receive annually a salary of \$2500. The other six members of said board shall receive no salary, but each of said members shall be allowed for each and every day he shall be in attendance upon the meetings of the board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenses to be paid on their vouchers when approved by the president of the board and the Governor by warrant drawn by the Comptroller against the general appropriation provided by law for that purpose; provided, no member shall receive more than \$500 annually.

SEC. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary by the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board, made in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipments and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other officers of the State are furnished, including suitable rooms for its offices and laboratories, necessary for carrying on the work of the board, and to be provided in the Capitol building or other suitable building to be designated by the Governor.

SEC. 4. The president of the board shall at the first meeting of the board appoint, with the approval of the Governor, the following:

(1) An Assistant State Health Officer, who shall be a legally qualified practitioner of medicine under the laws of the State of Texas, and who shall have had five years' experience in the practice of medicine in this State, whose duty it shall be to assist the president of the board in a general supervision of the affairs in his office and in the enforcement of quarantine and sanitation throughout the State. Said Assistant State Health Officer shall receive an annual salary of \$2400.

(2) A Registrar of Vital Statistics, whose duty it shall be to correct, record, compile and tabulate the vital and mortuary statistics of the State as provided by law, and shall also be secretary of the board, and perform such other duties as may be directed by the president of the board, and he shall receive an annual salary of \$1800.

(3) A chemist and bacteriologist, who shall be learned in chemistry,

pathology and bacteriology, and he shall receive a salary of \$1800 per annum. He shall make examination and analyses of such things and matters as may be submitted to him by the board, or the State Health Officer, and shall report results of such examinations in such manner and form as may be directed by the board.

(4) One stenographer and bookkeeper combined at a salary of \$1200 per annum.

(5) One inspector at a salary of \$1800 per annum. It shall be the duty of such inspector to conduct such inspection as required by the board and the president of the board, and to assist in the enforcement of all sanitary and quarantine laws of the State, and to perform such other necessary services as may be prescribed by the president of the board.

SEC. 5. Members of the board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of such oath of office, together with the certificates of their appointments by the Governor, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as members of said board.

SEC. 6. The president of the board shall execute bond in the sum of \$10,000, payable to the Governor, with two or more good and sufficient sureties thereon, conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

SEC. 7. The president of the board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with authority to declare and enforce quarantine, by and with the approval of the Governor, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

SEC. 8. There is hereby appropriated and set aside out of the general revenue of the State the sum of \$8000, or as much thereof as shall be necessary, to pay salaries of the members and officers of the board, its inspectors, assistants and employees for the remainder of the current fiscal year after their tenure of office begins.

SEC. 9. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State. It shall make a study of the causes and prevention of infectious and contagious diseases within the State and except as otherwise provided in this act shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases *within the State and to suppress same and prevent their spread.

SEC. 10. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code of Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic conditions within this State, for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases; provided, however, that where a patient can be treated with reasonable safety to the public health he shall not be removed from his home without his consent, or the consent of the parents or guardian, in case of a minor, which said code, when so made, adopted, approved by the Governor, published and promulgated, shall have the force of law in all respects as far as relates to the following subjects:

(a) In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures.

(b) In the government of quarantine and disinfection of all pestilential

*The Sanitary Code for Texas which was adopted by the Texas State Board of Health was enacted into a State statute by the Thirty-second Legislature, 1911. See General Laws, 1911, chapter 95, page 173.

diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c) For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water, ventilation and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d) Governing the reporting by physicians and health officers of the presence in any locality of all contagious and infectious diseases.

(e) Governing the manner and method of collecting and reporting all vital and mortuary statistics, including reports of births and deaths, designating to whom and by whom such report shall be made and the form of same.

(f) Governing the preparation of transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code of Texas," which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage, garbage and offal, and the proper drainage of unsanitary premises.

(3) Governing the proper interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products of meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for producing food products for human consumption all offensive or disease-producing food-stuffs; regulating the inspection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition of slaughter houses, meat markets and dairies.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county, or any city school building, college or university of every class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

(7) Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons, and all other places and methods of exposure for sale of meat, fish, poultry game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to co-operate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority of its city council or commissioners and whenever the subject matter relates to the public schools with the approval of a majority of the members of the school board of such city or town, adopt such "Advisory Supplement," and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority

vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas," and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in Subdivisions a, b, c, d, e and f of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$100.

Any person who shall wilfully violate any of the rules and regulations contained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in Subdivisions 1, 2, 3, 4, 6 and 7 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5 and not more than \$200.

It shall be the duty of the said Texas Board of Health to investigate and to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly Bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers in the State. after which adoption, approval and publication it shall become operative and have the absolute force of law, and any person who shall violate any of the rules and regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having jurisdiction over such offenses, according to the grade thereof, to enforce and carry into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas," when they have the force and effect of law as provided herein, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city councils, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover the cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of this State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.*

SEC. 11. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the board for enacting the original code.

SEC. 12. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State

*The Sanitary Code for Texas which was adopted by the Texas State Board of Health was enacted into a State statute by the Thirty-second Legislature, 1911. See General Laws, 1911, chapter 95, page 173.

Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

SEC. 13. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws of the sanitary code of Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated by said Board of Health, as provided in this act, when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

SEC. 14. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code for Texas after it has been adopted, promulgated and published by the board for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

SEC. 15. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oath and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

SEC. 16. Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

SEC. 17. Be it further enacted that the office of county physician shall be abolished within several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

SEC. 18. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

SEC. 19. It is hereby made the duty of the commissioners court by a ma-

majority vote of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause; provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered.

SEC. 20. The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer; provided, however, that city physicians now in office shall serve as city health officers until the expiration of their present term.

SEC. 21. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

SEC. 22. It is hereby made the duty of the city council or the city commissioners, as the case may be, of each incorporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of the city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

SEC. 23. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill such office, first having given ten days' notice in writing to such authority of the desire for such appointment.

SEC. 24. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians; and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease prevention and suppression, vital and mortuary statistics of general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within its jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of all sanitary law and quarantine regulations within his jurisdiction.

SEC. 25. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under

its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation, which caused shall be tried in the district court of the county in which such county health officer resides.

SEC. 26. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county, specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary or allowance to said county health officer, and pending such protest and charges it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowance on account of his office, unless such charges are shown to be untrue and are not sustained. After five days' notice in writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court of the county, and pending such appeal no salary, fees or allowance shall be paid to said county health officer for any subsequent earned salary, and, in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances earned subsequent to the date of filing the charges and protests.

SEC. 27. No bond for costs or bond on appeal or writ of error shall be required of the State Board of Health or State officials in any action brought or maintained under this act.

SEC. 28. Each city health officer shall perform such duties as may now or hereafter be required by the city council and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper laws, quarantine regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State Board of Health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge the duties of his office the State Board of Health shall file charges

against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment of said city health officer of further fees, alary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer the charges shall be heard before the mayor or council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented, and either the city health officer or the State Board of Health shall have the right to appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowances accrued subsequent to the date of the filing of the charges and protest originally and which may be due him on account of his office.

Sec. 29. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 30. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of Health shall designate, at which conference the president or some member of the said State Board of Health shall preside. The several counties, towns and cities may provide for and pay the necessary expenses of its county health officer or city health officer for attendance upon said conference.

Sec. 31. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the board, and upon demand of the board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the board to attend to all legal requirements.

Sec. 32. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act effect and be in force from and after its passage, and it is so enacted.

