

DRAFT
An Act to Modernize the Local Health Officer Statutes

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §251, as amended by PL 1989, c. 487, §2 is further amended to read:

§252. Penalties

Whoever ~~willfully~~ intentionally or knowingly violates any provision of section 451, 454, 456, 461 or 462, or of rules adopted pursuant to those sections, or neglects or refuses to obey any order or direction of any local health officer authorized by those provisions, the penalty for which is not specifically provided, or willfully interferes with any person or thing to prevent the execution of those sections or of the rules, ~~is guilty of a Class E crime~~ commits a civil violation for which a fine of not more than \$500 may be adjudged. The District Court shall have jurisdiction of all offenses under these sections.

Sec. 2. 22 MRSA §451, as amended by PL 2007, c. 462, §2 is further amended to read:

2. Qualifications. The local health officer must be qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule no later than June 1, 2008. A person who is employed as a local health officer who is not qualified by education, training or experience must meet qualification standards adopted by department rule no later than six months after appointment. ~~June 1, 2009. On or after June 1, 2009, a person may not be appointed and employed as a local health officer unless that person is first qualified pursuant to the standards set by department rule.~~ Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §454, as amended by PL 2003, c. 689, Pt. B, §7 is repealed and the following enacted in its place:

§454. Powers and duties.

1. Supervision. For the purpose of this section, the local health officer is subject to the supervision and direction of the Commissioner of the Health and Human Services, or the commissioner's designee.

2. Duties. Within jurisdictional limits, the local health officer shall:

A. Make and keep a record of all the proceedings, transaction, doings, orders and regulations acted upon;

B. Report to the commissioner or designee facts that relate to communicable diseases and cases of communicable disease as required by the department rules;

C. During a declared health emergency, as defined in section 802, subsections 2 and 2-A, report to the commissioner or designee facts regarding potential notifiable diseases and cases which directly relate to the declared health emergency, as the rules of the department require;

D. Receive and examine the nature of complaints made by inhabitants concerning conditions posing a public health threat or a potential public health threat;

E. With the consent of the owner, agent or occupant, enter, inspect and examine any place or premises where filth, whether or not the cause of sickness, or conditions posing a public health threat are known or believed to exist. An agent with special expertise appointed by the local health officer may inspect and examine the place or premises. If entry is refused, the local health officer shall apply for an inspection warrant from the District Court, pursuant to Title 4, section 179, prior to conducting the inspection.

F. After consulting with the commissioner or designee, order the suppression and removal of nuisances and conditions suspected of or found to pose a public health threat;

G. Act as a resource for connecting residents with the public health services and resources provided by the Maine Center for Diseases Control and Prevention; and

H. Enforce public health safety laws, including:

- (1) Laws pertaining to the exclusion of students from school, Title 20-A, sections 6356;
- (2) Laws pertaining to control of browntail moths, Title 22, section 1444;
- (3) Laws pertaining to the removal of a private nuisance or nuisance of a dead animal, Title 22, sections 1561 and 1562;
- (4) Laws pertaining to the establishment of temporary hospital facilities, Title 22, section 1762; and
- (5) Laws pertaining to prohibited dumping, Title 30-A, section 3352.

For purposes of this subsection, "public health threat" means any condition or behavior that can reasonably be expected to place others at significant risk of exposure to infection with a communicable disease.

Sec. 4. 22 MRSA §459, as amended by PL 2003, c. 689, Pt. B, §6 is repealed:

Sec. 5. 22 MRSA §801, sub§ 6, as amended by PL 1989, c. 487, §11 is further amended to read:
§801. Definitions

6. Municipal Local health officer. "~~Municipal~~ Local health officer" means a person who is a municipal official appointed pursuant to section 451 and who is authorized by the department to enforce this chapter.

Sec. 6. 22 MRSA §804, as amended by PL 1989, c. 487, §11 is further amended to read:
§804. Penalties

- 1. Rules enforced.** All agents of the department, ~~municipal~~ local health officers, sheriffs,

state and local law enforcement officers and other officials designated by the department shall ~~are authorized to~~ enforce the rules of the department made pursuant to section 802 to the extent that enforcement is authorized in those rules.

Sec. 7. 22 MRSA §1313-A, as amended by PL 1997, c. 704, §11 is further amended to read:

§1313-A. Provisions for immediate destruction of certain animals

If an undomesticated animal or a wolf hybrid suspected of having rabies bites or otherwise exposes to rabies a person or a domestic animal, an animal control officer, ~~a local health officer~~ or a game warden must immediately remove the undomesticated animal or wolf hybrid or cause the undomesticated animal or wolf hybrid to be removed and euthanized for testing. When in the judgment of the animal control officer, ~~local health officer~~, game warden or law enforcement officer the animal poses an immediate threat to a person or domestic animal, the animal control officer, ~~local health officer~~, game warden or law enforcement officer may immediately kill or order killed that animal without destroying the head. The Department of Inland Fisheries and Wildlife shall arrange for the transportation of the head to the State Health and Environmental Testing Laboratory; except that the animal control officer shall make the arrangements if the animal is a wolf hybrid.

Sec. 8. 22 MRSA §2608, as amended by PL 1983, c. 837, §2 is further amended to read:

§2608. Information on private water supply contamination; interagency cooperation

1. Information on private water supply contamination. The department shall provide information and consultation to citizens who:

- A. Make reports of potential contamination of private water supplies;
- B. Request information on potential ground water contamination at or near the site of a private water supply.

2. Interagency cooperation. The department shall coordinate with the Department of Environmental Protection for the purposes of:

- A. Assessing the public health implications of reports or requests made by citizens in subsection 1; and
- B. Determining the appropriate response to those reports or requests, including, but not limited to, on-site investigation, well water testing and ground water monitoring.

~~**3. Cooperation with local health officer.** The department and the Department of Environmental Protection, to the extent possible, shall notify and utilize the services of local health officers in collecting and evaluating information relating to actual or potential ground water contamination.~~

Sec. 9. 30-A MRSA §1560, sub§ 1 and 4 as amended by PL 1989, c.6, is further amended to read:

§1560. Removal for disease

1. Removal. If a prisoner in a jail is afflicted with a disease which the ~~local health officer~~, commissioner or designee by medical advice, considers dangerous to the safety and health of

other prisoners or of the inhabitants of the municipality, the ~~local health officer~~ commissioner or designee shall, by written order, direct the person's removal to some place of safety, to be securely kept and provided for until the officer's further order.

4. Notice. If the diseased person was committed to the place of confinement by an order of court or judicial process, the ~~local health officer~~ commissioner or designee shall send the following to the office of the clerk of court from which the order or process was issued:

- A. The order for the diseased person's removal or a copy of the order attested by the commissioner or designee ~~local health officer~~; and
- B. A statement describing the actions taken under the order.

Sec. 10. 20-A MRSA §6301, Chapter 223, Subchapter 1, Subsection 6, as amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

6. Authority and duties of the Department of Health and Human Services. The Department of Health and Human Services shall have the authority and duties prescribed in Title 22, chapters 250 and 251 on the control of communicable diseases

Sec. 11. 20-A MRSA §6356, Chapter 223, Subchapter 2, as amended by PL 1983, c. 661, §8, is further amended to read:

§6356. Exclusion from school

1. Public health official action. When a public health official has reason to believe that the continued presence in a school of a child who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the Maine Center for Disease Control and Prevention in the Maine Department of Health and Human Services and the superintendent of the school. The superintendent shall cause the child to be excluded from school during the period of danger or until the child receives the necessary immunizing agent.

Summary

This bill modernizes the local health officer (LHO) role by focusing LHO authorities and duties on the prevention and suppression of communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources.