

SENATE BILL NO. 2  
INTRODUCED BY D. RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT RULES REQUIRING THE USE OF PAPER TOWELS IN PUBLIC RESTROOMS; AND AMENDING SECTION 50-1-202, MCA."

WHEREAS, public health studies have found that proper hand-washing techniques reduce the spread of bacteria and infectious agents; and

WHEREAS, many public health agencies have published materials recommending the use of paper towels over other hand-drying techniques; and

WHEREAS, the presence of paper towels in public restrooms could result in improved hygiene and a reduction in the transfer of bacteria and infectious agents; and

WHEREAS, a reduction in the transfer of infectious agents could reduce the spread of illness and result in improved employee productivity and fewer school days lost to illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-1-202, MCA, is amended to read:

**"50-1-202. General powers and duties.** The department:

(1) shall study conditions affecting the citizens of the state by making use of birth, death, and sickness records;

(2) shall make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;

(3) at the request of the governor, shall administer any federal health program for which responsibilities are delegated to states;

(4) shall inspect and work in conjunction with custodial institutions and Montana university system units periodically as necessary and at other times on request of the governor;

(5) after each inspection made under subsection (4), shall submit a written report on sanitary conditions to the governor and to the director of the department of corrections or the commissioner of higher education and include recommendations for improvement in conditions if necessary;

(6) shall advise state agencies on location, drainage, water supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings;

(7) shall develop and administer activities for the protection and improvement of dental health and supervise dentists employed by the state, local boards of health, or schools;

(8) shall develop, adopt, and administer rules setting standards for participation in and operation of programs to protect the health of mothers and children, which rules may include programs for nutrition, family planning services, improved pregnancy outcome, and those authorized by Title X of the federal Public Health Service Act and Title V of the federal Social Security Act;

(9) shall conduct health education programs;

(10) shall provide consultation to school and local community health nurses in the performance of their duties;

(11) shall consult with the superintendent of public instruction on health measures for schools;

(12) shall develop, adopt, and administer rules setting standards for a program to provide services to children with disabilities, including standards for:

(a) diagnosis;

(b) medical, surgical, and corrective treatment;

(c) aftercare and related services; and

(d) eligibility;

(13) shall provide consultation to local boards of health;

(14) shall bring actions in court for the enforcement of the health laws and defend actions brought against the board or department;

(15) shall accept and expend federal funds available for public health services;

(16) must have the power to use personnel of local departments of health to assist in the administration of laws relating to public health;

(17) shall adopt rules imposing fees for the tests and services performed by the department's laboratory. Fees should reflect the actual costs of the tests or services provided. The department may not establish fees exceeding the costs incurred in performing tests and services. All fees must be deposited in the state special revenue fund for the use of the department in performing tests and services.

(18) shall adopt and enforce rules regarding the reporting and control of communicable diseases;

(19) shall adopt and enforce rules regarding the transportation of dead human bodies;

(20) shall adopt and enforce rules and standards concerning the issuance of licenses to laboratories that

conduct analysis of public water supply systems; ~~and~~

(21) shall enact or take measures to prevent and alleviate injury from the release of biological, chemical, or radiological agents capable of causing imminent infection, disability, or death; and

(22) shall adopt and enforce rules requiring the use of paper towels in restrooms located in public accommodations, as defined in 49-2-101."

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