

ATTACHMENT B: Authorizing Statute Cited for Proposed Rule

50-1-202. General powers and duties. (1) In order to carry out the purposes of the public health system to protect and promote the public health, the department, in collaboration with federal, state, and local partners, shall:

(a) make inspections for conditions of public health importance and issue written orders for correction, destruction, or removal of the condition;

(b) disseminate information and make recommendations for control of diseases and other conditions of public health importance;

(c) at the request of the governor, accept funds for and administer any federal health program for which responsibilities are delegated to states;

(d) identify, assess, prevent, and mitigate conditions of public health importance through:

(i) epidemiological tracking and investigation;

(ii) screening and testing programs;

(iii) isolation and quarantine measures;

(iv) treatment;

(v) abatement of public health nuisances;

(vi) inspections;

(vii) collecting and maintaining health information; or

(viii) other public health measures as allowed by law;

(e) promote efforts among public and private sector entities to develop and fund programs or initiatives that identify and ameliorate health problems;

(f) develop and promote training for members of the public health workforce;

(g) bring and pursue actions necessary to abate, restrain, or prosecute the violation of public health laws and rules;

(h) advise state agencies on the following as they relate to public buildings and facilities:

(i) location, drainage, water supply, water quality, heating, plumbing, sewer systems, and ventilation; and

(ii) the disposal of infectious or hazardous wastes;

(i) develop, administer, and promote activities for the protection and improvement of oral health;

(j) develop, adopt, and administer rules setting standards for the operation of programs to protect the health of mothers and children, including programs for nutrition, family planning services, improved pregnancy outcome, and programs authorized by Title X of the federal Public Health Service Act, 42 U.S.C. 300a, et seq., and Title V of the federal Social Security Act, 42 U.S.C. 501 through 510;

(k) conduct health education programs;

(l) provide consultation to school and local public health personnel and consult with the superintendent of public instruction on conditions of public health importance for schools;

(m) develop, adopt, and administer rules setting standards for a program to provide services to children with special health care needs, including standards for:

(i) diagnosis;

(ii) medical, surgical, and corrective treatment;

(iii) aftercare and related services; and

(iv) eligibility;

(n) provide consultation to local boards of health;

(o) promote cooperation and formal collaborative agreements between the state and tribes, tribal organizations, and the Indian health service regarding public health planning, priority setting, information and data sharing, reporting, resource allocation, funding, service delivery, jurisdiction, and other public health matters addressed in this title;

(p) adopt and enforce rules regarding:

(i) the reporting and control of communicable diseases and other conditions of public health importance;

(ii) the imposition of fees for testing, screening, and other services performed by the state laboratory;

(iii) the transportation of dead human bodies;

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definition
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(iv) the issuance of licenses to laboratories that conduct analysis of public water supply systems; and

(v) public health requirements for school sites, including water supply and quality, sewage and waste disposal, and any other matters pertinent to the health and physical well-being of pupils, teachers, and others; and

(q) take measures to prevent and alleviate threats to the public health from the release of biological, chemical, or radiological agents capable of causing imminent infection, disability, or death.

(2) The department:

(a) has the power to use personnel of local public health agencies to assist in the administration of laws relating to public health services and functions; and

(b) may provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary.

50-1-101. Definitions. Unless the context indicates otherwise, in chapter 2 and this chapter, the following definitions apply:

(1) "Communicable disease" means an illness because of a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or inanimate reservoir to a susceptible host. The transmission may occur either directly or indirectly through an intermediate plant or animal host, a transmitting entity, or the inanimate environment.

(2) "Condition of public health importance" means a disease, injury, or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community.

(3) "Department" means the department of public health and human services provided for in 2-15-2201. . . .