

CHAPTER 101.

[House Bill No. 404.]

PUBLIC PURCHASES—FIVE PERCENT DIFFERENTIAL.

AN ACT relating to purchases with public funds; and repealing section 1, chapter 34, Laws of 1933 and RCW 39.24.010.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 34, Laws of 1933 and RCW 39.24.010 are each hereby repealed.

Passed the House April 15, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor April 28, 1967.

Public pur-
chases—Five
percent differ-
ential—Repeal.

CHAPTER 102.

[Engrossed House Bill No. 498.]

PUBLIC HEALTH.

AN ACT relating to public health; amending section 43.20.010, chapter 8, Laws of 1965 and RCW 43.20.010; amending section 43.20.040, chapter 8, Laws of 1965 and RCW 43.20.040; amending section 43.20.050, chapter 8, Laws of 1965 and RCW 43.20.050; amending section 43.20.060, chapter 8, Laws of 1965 and RCW 43.20.060; adding new sections to chapter 8, Laws of 1965 and to chapter 43.20 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 43.20.010, chapter 8, Laws of 1965 and RCW 43.20.010 are each amended to read as follows:

The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the

RCW 43.20.010
amended.

Public health.
Powers and
duties of the
director of
health.

health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(7) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor;

(8) Take such measures as he deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The director is also au-

Public health.
Powers and
duties of the
director of
health.

thorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(9) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

New section.

Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Director—
Subpoenas—
Oaths.

The director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. The provisions of section 10, chapter 237, Laws of 1967 shall apply to subpoenas issued hereunder.

New section.

Sec. 3. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Director—In-
vestigative
powers—
Threats to
public health.

The director on his own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the director or his authorized representative may examine that portion of the ledgers, books, accounts,

memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the director or his representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The director may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in section 2 in this 1967 amendatory act, and/or the production of books and documents anywhere in the state.

Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows: New section.

Pending the results of an investigation provided for under section 3 of this 1967 amendatory act, the director may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: *Provided*, That the order of the director shall not be effective for more than fifteen days without the commencement of a legal action as provided for under section 5 of this 1967 amendatory act. Threats to health—
Order of director.

Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows: New section.

The director may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the health department pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs. Enforcement of orders—
Injunctions.

Public health. or is about to occur, or in the superior court of Thurston county.

New section. Sec. 6. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

State jurisdiction when aid requested by local health officer. Upon the request of a local health officer, the state director of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington.

New section. Sec. 7. There is added to chapter 8, Laws of 1965 and to chapter 43.20 RCW a new section to read as follows:

Enforcement. (1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the director reports any violation of this chapter, or regulations promulgated under it, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter is reported by the director to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the director, either orally or in writing, with regard to such contemplated proceeding.

RCW 43.20.040 amended. Sec. 8. Section 43.20.040, chapter 8, Laws of 1965 and RCW 43.20.040 are each amended to read as follows:

Director—Experts—Assistants. The director may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consult-

ants, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

Sec. 9. Section 43.20.050, chapter 8, Laws of 1965 and RCW 43.20.050 are each amended to read as follows:

RCW 43.20.050 amended.

The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

State board of health—Powers and duties.

In order to protect public health, the state board of health shall:

Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and

Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work.

It shall have supreme authority in matters of quarantine, and shall provide by rule and regulation

State board of
health.—Powers
and duties.

procedures for the imposition and use of isolation and quarantine.

The board shall promulgate rules and regulations for the prevention and control of infectious and non-infectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the state director of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the state director of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it.

Sec. 10. Section 43.20.060, chapter 8, Laws of 1965 and RCW 43.20.060 are each amended to read as follows:

RCW 43.20.060 amended.

In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the director of health shall hold annually a conference of local health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the director deems necessary.

Conference of local health officers.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county, district, and municipality or county-city department: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the attendance of the claimant.

Sec. 11. The state board of health is hereby authorized to provide grant-in-aid payments with state funds to assist in the cost of general operation of local health departments in accordance with standards established by the board.

State aid

Sec. 12. In furtherance of the policy of this state to cooperate with the federal government in the programs included in Title 70 RCW, the state board of health shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal matching funds unless the same be expressly prohibited by such title. Any section or provision of Title 70 RCW which may be susceptible to more than one construction shall be interpreted

Rules and regulations.

in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching funds for the various programs of public health.

Severability.

Sec. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Construction
—Religious
liberty.

Sec. 14. Nothing in this act shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in this act be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with.

Passed the House April 19, 1967.

Passed the Senate April 17, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 103.

[Engrossed House Bill No. 182.]

COUNTIES—CENTRAL SERVICES DEPARTMENTS.

AN ACT relating to county government; authorizing the creation and organization of a county central service department; defining their powers and duties; and prescribing procedures.

Be it enacted by the Legislature of the State of Washington: