

## CHAPTER 51.

[Engrossed House Bill No. 466.]

## PUBLIC HEALTH.

AN ACT relating to the public health; amending sections 2, 3 and 4, chapter 183, Laws of 1945 and RCW 70.46.020, 70.46.030 and 70.46.040; amending section 5, chapter 183, Laws of 1945 as amended by section 1, chapter 100, Laws of 1957, and RCW 70.46.050; amending sections 6, 8 and 9, chapter 183, Laws of 1945 and RCW 70.46.060, 70.46.080 and 70.46.090; repealing sections 1 through 6, chapter 50, Laws of 1893 and RCW 70.04.030 through 70.04.080; repealing section 7, chapter 50, Laws of 1893 [uncodified]; repealing sections 2, 5 and 6, chapter 65, Laws of 1903 and RCW 70.06.010, 70.06.050 and 70.06.090; repealing sections 1, 3, 4, 7 and 8, chapter 65, Laws of 1903 as amended by sections 1, 3, 4, 5, and 6, chapter 85, Laws of 1907, and RCW 70.06.020, 70.06.030, 70.06.040, 70.06.070 and 70.06.080; repealing section 2, chapter 85, Laws of 1907 and RCW 70.06.025; repealing section 2, chapter 116, Laws of 1901 and RCW 70.06.060; repealing sections 1, 2 and 3, chapter 17, Laws of 1963 and RCW 70.09.010 through 70.09.030; repealing section 7, chapter 183, Laws of 1945 and RCW 70.46.070; and providing penalties.

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

Public health.  
Local health  
departments.  
Definitions.

Section 1. For the purposes of this 1967 amendatory act and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the city, town, county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county or district public health department;

(3) "Local board of health" means the city, town, county or district board of health.

(4) "Health district" means all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or all the territory con-

sisting of one or more counties and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and organized pursuant to the provisions of this 1967 amendatory act: *Provided*, That cities with a population of over one hundred thousand may be included in a health district as provided in section 7 of this 1967 amendatory act.

Sec. 2. The governing body of every city or town in this state, except where such city or town is a part of a county health department, a health district, or is purchasing health services under a contract as authorized by this 1967 amendatory act, shall hereafter organize as a local board of health or shall appoint a local board of health from its members of at least three persons who shall organize as a local board of health for such city or town.

Local board  
of health  
organized.

Sec. 3. The board of county commissioners of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by this 1967 amendatory act, shall constitute the local board of health for such county, and said local board of health's jurisdiction shall be coextensive with the boundaries of said county, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to section 21 of this 1967 amendatory act.

County com-  
missioners to  
constitute  
local board of  
health.

Sec. 4. The local board of health shall elect a chairman and may appoint a clerk, and shall appoint a local health officer pursuant to section 9 of this 1967 amendatory act. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local

Officers—  
Vacancies.

Local health departments.

board of health, the members shall elect a chairman to serve for a period of one year.

RCW 70.46.030 amended.

Sec. 5. Section 3, chapter 183, Laws of 1945 and RCW 70.46.030 are each amended to read as follows:

Districts of one county—  
Board of health—  
Membership—  
Chairman.

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the board of county commissioners of the county shall pass a resolution to organize such a health district under this 1967 amendatory act. The district board of health of such district shall consist of not less than five members, including the three members of the board of county commissioners of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

RCW 70.46.020 amended.

Sec. 6. Section 2, chapter 183, Laws of 1945 and RCW 70.46.020 are each amended to read as follows:

Districts of two or more counties—  
Health board—  
Membership—  
Chairman.

Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties including all cities and towns except cities of over one hundred thousand population. The district board of health of such a district shall consist of not less than seven members, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county

within the district. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.

At the first meeting of a district board of health the members shall elect a chairman to serve for a period of one year.

Sec. 7. Section 4, chapter 183, Laws of 1945 and RCW 70.46.040 are each amended to read as follows: RCW 70.46.040 amended.

Whenever a city of over one hundred thousand population desires to be included in a health district and shall through its legislative authority petition the district board of health to be included and the district board of health and the city legislative authority agree as to the functions to be performed for the city by the health district and the amount of financial contributions to be made by the city to the health district such city shall be included in the health district. Inclusion of city over 100,000 population.

Sec. 8. Section 5, chapter 183, Laws of 1945 as amended by section 1, chapter 100, Laws of 1957, and RCW 70.46.050 are each amended to read as follows: RCW 70.46.050 amended.

Whenever a city of over one hundred thousand population is included in a health district it shall have equal representation with the board of county commissioners of the county in which said city is located, the city's representatives to be selected by the legislative body of the city from among its membership. All appointments to the district board of health shall be made within thirty days after the formation of the district. Vacancies on the district board of health shall be filled by appointment Representation on the district health board.

Local health  
departments.

within thirty days and made in the same manner as was the original appointment. Representatives on the district board of the various units of the district shall continue at the pleasure of the legislative body of the unit: *Provided*, That the representation on the local boards of health in existence at the time of the enactment of this 1967 amendatory act may be continued without change in the discretion of the board.

Local health  
officer—  
Requirements  
—Appointment.

Sec. 9. Each local board of health shall appoint a local health officer who shall be an experienced physician licensed to practice medicine and surgery in this state. He shall also hold the degree of master of public health or its equivalent, and shall have had at least two years experience in public health. No term of office shall be established for the local health officer but he shall not be removed until after notice is given him, and an opportunity for a hearing before the board as to the reason for his removal: *Provided*, That the local board of health may, with the approval of the state director of health, appoint a physician without such qualifications as local health officer for a period not to exceed two years: *Provided further*, That such physician may be appointed as local health officer for an additional period in the event of an emergency where the local board of health is unable to obtain the services of a physician possessing the qualifications set forth above. He shall not engage in the private practice of his profession during his tenure of office. He shall act as executive secretary to, and administrative officer for the local board of health. He shall also be empowered to employ such technical and other personnel as approved by the local board of health. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 10. Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

Local health board—Duties and powers.

(1) Enforce through the local health officer the public health statutes of the state and rules and regulations promulgated by the state board of health and the state director of health;

(2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;

(3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;

(4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;

(5) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

(6) Make such reports to the state board of health through the local health officer as the state board of health may require; and

(7) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules and regulations of the state board of health: *Provided*, That such fees for services shall not exceed the actual cost of providing any such services.

Sec. 11. Section 6, chapter 183, Laws of 1945 and RCW 70.46.060 are each amended to read as follows:

RCW 70.46.060 amended.

The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county or city or town board of health

District health board—Powers and duties.

Local health board.

of any county, city or town included in the health district, except as otherwise in this 1967 amendatory act provided.

Local health officer—Powers and duties.

Sec. 12. The local health officer shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the state director of health, and all local health rules, regulations and ordinances within his jurisdiction;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the state director of health or his authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules and regulations of the state board of health.

(8) Take such measures as he deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 13. In case of the refusal or neglect of any local board of health to appoint a local health officer after a vacancy exists, the state director of health may appoint a local health officer and fix the compensation and the local health officer so appointed shall have the same duties, powers and authority as though appointed by the local boards of health. Such local health officer shall serve until such time as the local board of health appoints a qualified individual in his place. The board shall be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his responsibilities under the provisions of this 1967 amendatory act.

Failure of local health board to appoint local health officer — State board action.

Sec. 14. Whenever any physician shall attend any person sick with any dangerous contagious or infectious disease, or with any diseases required by the state board of health to be reported, he shall, within twenty-four hours, give notice thereof to the local health officer within whose jurisdiction such sick person may then be or to the state department of health in Olympia.

Physicians to report dangerous and/or contagious diseases.

Sec. 15. In case of the question arising as to whether or not any person is affected or is sick with a dangerous, contagious or infectious disease, the opinion of the local health officer shall prevail until the state department of health can be notified, and then the opinion of the executive officer of the state department of health, or any physician he may appoint to examine such case, shall be final.

Determination of nature of disease.

Sec. 16. It shall be the duty of the local board of health, health authorities or officials, and of physicians in localities where there are no local health authorities or officials, to report to the state board of health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to wit: Asiatic chol-

Duty of local health board to report to state health board.



Local health  
board.

era, yellow fever, smallpox, scarlet fever, diphtheria, typhus, typhoid fever, bubonic plague or leprosy, and of such other contagious or infectious diseases as the state board may from time to time specify.

Failure to  
enforce act—  
Penalty.

Sec. 17. Any local health officer who shall refuse or neglect to obey or enforce the provisions of this 1967 amendatory act or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.04 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of this 1967 amendatory act or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state

board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of this 1967 amendatory act or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 18. All expenses incurred by the state, health district, or county in carrying out the provisions of this 1967 amendatory act or any other public health law, or the rules and regulations of the state department of health enacted under such laws, shall be paid by the county or city by which or in behalf of which such expenses shall have been incurred and such expenses shall constitute a claim against the general fund as provided herein. Expenses.

Sec. 19. Section 8, chapter 183, Laws of 1945 and RCW 70.46.080 are each amended to read as follows: RCW 70.46.080  
amended.

Each health district shall establish a fund to be designated as the "district health fund", in which

Local health board—Treasurer—District funds—Contributions by counties and cities.

shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. The county treasurer of the county in the district embracing only one county; or, in a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board: *Provided*, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above.

Each county, city or town which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health after consultation with the Washington association of county commissioners and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the

proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district.

Sec. 20. The expense of providing public health services shall be borne by each county, city or town within the health district, and the local health officer shall certify the amount agreed upon or as determined pursuant to section 19 of this 1967 amendatory act, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.

Procedure on failure to pay contribution.

If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund.

Sec. 21. Section 9, chapter 183, Laws of 1945 and RCW 70.46.090 are each amended to read as follows:

RCW 70.46.090 amended.

Any county or any city or town may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the

Withdrawal of county or city.

Local health department.

county, city or town gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective: *Provided*, That any county, city or town which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health: *Provided further*, That no local health department shall be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in section 9 of this 1967 amendatory act.

Contracts for purchase of health care.

Sec. 22. In addition to powers already granted them, any city, town, county, district or local health department may contract for either the sale or purchase of any or all health services from any local health department: *Provided*, That such contract shall require the approval of the state board of health.

Repeal.

Sec. 23. The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 1 through 6, chapter 50, Laws of 1893 and RCW 70.04.030 through 70.04.080;

(2) Section 7, chapter 50, Laws of 1893 [uncodified];

(3) Sections 2, 5 and 6, chapter 65, Laws of 1903 and RCW 70.06.010, 70.06.050 and 70.06.090;

(4) Sections 1, 3, 4, 7 and 8, chapter 65, Laws of 1903 as amended by sections 1, 3, 4, 5, and 6, chapter 85, Laws of 1907, and RCW 70.06.020, 70.06.030, 70.06.040, 70.06.070 and 70.06.080;

(5) Section 2, chapter 85, Laws of 1907 and RCW 70.06.025;

(6) Section 2, chapter 116, Laws of 1901 and RCW 70.06.060;

(7) Sections 1, 2 and 3, chapter 17, Laws of 1963 and RCW 70.09.010 through 70.09.030;

(8) Section 7, chapter 183, Laws of 1945 and RCW 70.46.070.

Sec. 24. 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.

Severability.

Passed the House March 23, 1967.

Passed the Senate April 5, 1967.

Approved by the Governor April 14, 1967.

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## CHAPTER 52.

[Engrossed House Bill No. 626.]

### SUPPORT OF OTHER GOVERNMENTS BY CITY DISTRIBUTING ELECTRICITY.

AN ACT relating to cities and towns; and authorizing contribution to the support of cities, towns, counties and taxing districts in which city owned electric utilities services are provided.

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

Section 1. Any city, located within a class A county west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount

Cities and towns—Public utility—Payments in lieu of taxes, etc.