

## CHAPTER 25

[Second Substitute House Bill No. 713]

LOCAL HEALTH BOARDS—ADMINISTRATIVE OFFICERS—DIRECTOR OF  
PUBLIC HEALTH QUALIFICATIONS—FARM PRODUCE OR EDIBLES—  
LICENSURE

AN ACT Relating to local health departments and officers; amending section 4, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.040; amending section 3, chapter 46, Laws of 1949 and RCW 70.08.030; amending section 36.71.090, chapter 4, Laws of 1963 and RCW 36.71.090; amending section 9, chapter 51, Laws of 1967 ex. sess. as last amended by section 2, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.050; amending section 10, chapter 51, Laws of 1967 ex. sess. as amended by section 79, chapter 141, Laws of 1979 and RCW 70.05.060; amending section 12, chapter 51, Laws of 1967 ex. sess. as amended by section 80, chapter 141, Laws of 1979 and RCW 70.05.070; amending section 17, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.120; amending section 6, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.132; and adding a new section to chapter 70.05 RCW.

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

Sec. 1. Section 4, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.040 are each amended to read as follows:

The local board of health shall elect a chairman and may appoint ((a clerk)) an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. 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 board of health, the members shall elect a chairman to serve for a period of one year. In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.

NEW SECTION. Sec. 2. There is added to chapter 70.05 RCW a new section to read as follows:

The administrative officer shall act as executive secretary and administrative officer for the local board of health, and shall be responsible for administering the operations of the board including such other administrative duties required by the local health board, except for duties assigned to the health officer as enumerated in RCW 70.05.070 and other applicable state law.

Sec. 3. Section 3, chapter 46, Laws of 1949 and RCW 70.08.030 are each amended to read as follows:

The director of public health, under this chapter shall ~~((be a qualified physician or surgeon having graduated at least five years prior to appointment, shall in addition to his professional degree also hold the degree of master of public health or its equivalent, and shall have had at least three years' practical experience in public health administrative work. He))~~ meet

as a minimum one of the following standards of educational achievement and vocational experience to be qualified for appointment to the office:

(1) Bachelor's degree in business administration, public administration, hospital administration, management, nursing, environmental health, epidemiology, public health, or its equivalent and five years of experience in administration in a community-related field; or

(2) A graduate degree in any of the fields listed in subsection (1) of this section, or in medicine or osteopathy, plus three years of administrative experience in a community-related field.

The director shall not engage in the private practice of ~~(his)~~ the director's profession during ~~(his)~~ such tenure of office ~~(-He)~~ and shall not be included in the classified civil service of the said city or the said county.

If the director of public health does not meet the qualifications of a health officer or a physician under RCW 70.05.050, the director shall employ a person so qualified to advise the director on medical or public health matters.

Sec. 4. Section 36.71.090, chapter 4, Laws of 1963 and RCW 36.71-.090 are each amended to read as follows:

It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, ~~((butter,))~~ eggs, ~~((fish, milk, poultry, meats,))~~ or any farm produce or edibles raised, ~~((caught))~~ gathered, produced, or manufactured by such person ~~((in any place in this state, each and every day except Sundays,))~~ and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as herein defined ~~((, and all city or town ordinances in violation hereof are hereby declared void: PROVIDED, That this section shall not prohibit the sale or delivery of dairy products on Sunday)); PROVIDED, That nothing herein authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town.~~

Sec. 5. Section 9, chapter 51, Laws of 1967 ex. sess. as last amended by section 2, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.050 are each amended to read as follows:

Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards

prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. 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 or official responsible for his appointment under this section as to the reason for his removal. He shall act as executive secretary to, and administrative officer for the local board of health (~~(-He)~~) and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under section 1 of this 1984 act. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 6. Section 10, chapter 51, Laws of 1967 ex. sess. as amended by section 79, chapter 141, Laws of 1979 and RCW 70.05.060 are each amended to read as follows:

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:

(1) Enforce through the local health officer or the administrative officer appointed under section 1 of this 1984 act, if any, the public health statutes of the state and rules and regulations promulgated by the state board of health and the secretary of social and health services;

(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 or the administrative 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. 7. Section 12, chapter 51, Laws of 1967 ex. sess. as amended by section 80, chapter 141, Laws of 1979 and RCW 70.05.070 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under section 1 of this 1984 act, if any, shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the secretary of social and health services, 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 secretary of social and health services 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. 8. Section 17, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.120 are each amended to read as follows:

Any local health officer or administrative officer appointed under section 1 of this 1984 act, if any, who shall refuse or neglect to obey or enforce the provisions of chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 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 or administrative 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 or administrative 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 or administrative 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 chapter 70.05 RCW and RCW 70.46.020 through 70.46.090

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 or administrative 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 chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 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 administrative 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. 9. Section 6, chapter 39, Laws of 1983 1st ex. sess. and RCW 70.05.132 are each amended to read as follows:

All expenses incurred by the state or county in carrying out the provisions of chapters 70.05 and 70.08 RCW, any other public health law, or the rules enacted under such laws by the state board of health shall be paid by the city or town by which or on whose behalf such expenses were incurred. The local health officer or the administrative officer appointed under section 1 of this 1984 act, if any, shall certify the amount agreed upon or determined by arbitration under RCW 70.05.145 which remains unpaid by each city or town to the fiscal or warrant issuing officer of such city or town.

If the certified expense is not paid by the 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 city or town is situated, who shall promptly issue a warrant on the county treasurer payable out of the current expense fund of the county, or in accordance with the procedures of the fiscal agent of the combined city-county health department. Any sums paid in this manner shall be reimbursed by the county auditor out of the money due the city or town at the next monthly settlement or settlements of the collection of taxes and until the certified amount is satisfied

and shall be transferred to the county's current expense fund or to the fiscal agent of the combined city-county health department.

Passed the House January 31, 1984.

Passed the Senate February 16, 1984.

Approved by the Governor February 23, 1984.

Filed in Office of Secretary of State February 23, 1984.

## CHAPTER 26

[Engrossed Substitute House Bill No. 791]

### COUNTY HOSPITALS

AN ACT Relating to county hospitals; amending section 36.62.010, chapter 4, Laws of 1963 and RCW 36.62.010; amending section 36.62.040, chapter 4, Laws of 1963 and RCW 36.62.040; amending section 36.62.050, chapter 4, Laws of 1963 and RCW 36.62.050; amending section 36.62.060, chapter 4, Laws of 1963 and RCW 36.62.060; amending section 36.62.070, chapter 4, Laws of 1963 as last amended by section 72, chapter 167, Laws of 1983 and RCW 36.62.070; amending section 36.62.090, chapter 4, Laws of 1963 as amended by section 37, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.62.090; amending section 36.62.100, chapter 4, Laws of 1963 and RCW 36.62.100; amending section 36.62.110, chapter 4, Laws of 1963 as amended by section 2, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.110; amending section 36.62.120, chapter 4, Laws of 1963 and RCW 36.62.120; amending section 36.62.130, chapter 4, Laws of 1963 and RCW 36.62.130; amending section 36.62.140, chapter 4, Laws of 1963 and RCW 36.62.140; amending section 36.62.150, chapter 4, Laws of 1963 and RCW 36.62.150; amending section 36.62.160, chapter 4, Laws of 1963 and RCW 36.62.160; amending section 36.62.170, chapter 4, Laws of 1963 and RCW 36.62.170; amending section 36.62.180, chapter 4, Laws of 1963 and RCW 36.62.180; amending section 36.62.190, chapter 4, Laws of 1963 and RCW 36.62.190; amending section 36.62.200, chapter 4, Laws of 1963 as amended by section 1, chapter 17, Laws of 1979 ex. sess. and RCW 36.62.200; amending section 36.62.210, chapter 4, Laws of 1963 and RCW 36.62.210; amending section 36.62.230, chapter 4, Laws of 1963 and RCW 36.62.230; amending section 36.62.252, chapter 4, Laws of 1963 as last amended by section 1, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 as amended by section 2, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.270; amending section 1, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.290; repealing section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020; repealing section 36.62.220, chapter 4, Laws of 1963 and RCW 36.62.220; repealing section 36.62.240, chapter 4, Laws of 1963, section 44, chapter 141, Laws of 1979 and RCW 36.62.240; and repealing section 3, chapter 277, Laws of 1971 ex. sess. and RCW 36.62.281.

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

Sec. 1. Section 36.62.010, chapter 4, Laws of 1963 and RCW 36.62.010 are each amended to read as follows:

The (~~board of county commissioners~~) legislative authority of any county may establish, provide, and maintain hospitals for the care and treatment of the indigent, sick, injured, (~~and maternity cases~~) or infirm, and for this purpose the (~~board~~) county legislative authority may:

(1) Purchase or lease real property (~~therefor~~) or use (~~for this purpose~~) lands already owned by the county (~~providing such site is first approved by the state board of health~~);

(2) Erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals;