

Showing differences between versions effective [See Text Amendments] to April 21, 2021 and July 1, 2023 [current]

Key: ~~deleted text~~ **added text**

46 deletions · 39 additions

NDCC, 23-01-05

§ 23-01-05. Health officer--Qualifications, salary, term, duties--~~Advisory committee~~

1. The governor shall appoint the state health officer who at the time of appointment must be a physician with substantive private or public administrative experience and public health experience. The state health officer is entitled to receive a salary commensurate with that individual's training and experience. The governor shall set the salary of the state health officer within the limits of legislative appropriations to the department.

2. The state health officer is entitled to receive all necessary traveling expenses incurred in the performance of official business.

3. The state health officer may not engage in any other occupation or business that may conflict with the statutory duties of the state health officer and holds office for a term of four years.

~~4. If~~ **4. If** ~~The governor shall appoint the state health officer who must have had substantive private or public administrative experience and demonstrated experience in the management of people. The state health officer is entitled to receive a salary commensurate with that person's training and experience. The governor shall set the salary~~ **office** ~~of the state health officer within the limits of legislative appropriations to the department. The state health officer is entitled to receive all necessary traveling expenses incurred in the performance of official business. The state health officer may not engage in any other occupation or business that may conflict with the statutory duties of the state health officer and holds office for a term of four years beginning January 1~~ **filled temporarily** ~~, 1993. The state health officer is the administrative officer of the state department of health. If the governor does not appoint as state health officer a physician licensed in this state, the governor shall appoint at least three licensed physicians recommended by the state medical association to serve as an advisory committee to the state health officer. Each member of the advisory committee is entitled to receive reimbursement of expenses in performing official duties in amounts provided by law for other state officers. The term of the advisory committee coincides with the term of the state health officer. A committee member serves at the pleasure of the governor. The duties of the state health officer are as follows:~~

5. The duties of the state health officer are as follows:

- ~~1. Enforce all rules~~ **a. Provide strategy** ~~and regulations as promulgated by the~~ **policy advice to improve** ~~health council~~ **and wellness** .
- ~~2. Hold public health unit boards of health responsible for enforcement of state rules, serve~~ **b. Serve** ~~in an advisory capacity to~~ **for local** ~~public health unit boards of health, and provide for coordination of~~ **local** ~~health activities~~ **officers** .
- ~~3. Establish and enforce minimum standards of performance of the work of the local department of health.~~
- ~~4. Study health problems and plan for their solution as may be necessary.~~

5. Collect, tabulate, and publish vital statistics for each important political or health administrative unit of the state and for the state as a whole.

6 **[c]**. Promote the development of local health services and recommend the allocation of health funds to local jurisdictions subject to the approval of the health council .

7. Collect **[d. Issue a written order relating to a disease control measure necessary to prevent the spread of a communicable disease. A disease control measure may include a special immunization activity]** and ~~distribute health education material~~ **[decontamination measure]**.

8. Maintain **[(1) The state health officer shall limit a written order issued under this section to the geographical area affected by the communicable disease. The state health officer may not issue]** a ~~central public health laboratory and where necessary, branch laboratories for the standard function of diagnostic, sanitary~~ **[statewide order under this section unless the governor has declared a statewide disaster or emergency under chapter 37-17.1]** and ~~chemical examinations, and production and procurement of therapeutic and biological preparations for the prevention~~ **[the governor consents to the order. The statewide order is limited in duration to the duration]** of ~~disease and their distribution for public health purposes~~ **[the declared disaster or emergency unless terminated earlier pursuant to chapter 37-17.1]**.

9. Establish a service for medical hospitals and related institutions to include licensing of such institutions according to the standards promulgated by the health council and consultation service to communities planning the construction of new hospitals and related institutions **[(2) A written order issued under this section has the same effect as a physician's standing medical order]**.

10. Comply with the state merit system policies of personnel administration.

11. Establish a program to provide information to the surviving family of a child whose cause of death is suspected to have been the sudden infant death syndrome.

12. Issue any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease. Disease control measures may include special immunization activities and decontamination measures. Written orders issued under this section shall have the same effect as a physician's standing medical order. **[(3)]** The state health officer ~~may~~ **[shall]** apply to the district court in a judicial district ~~where~~ **[in which]** a communicable disease is present for an injunction canceling **[a]** public ~~events~~ **[event]** or closing ~~places~~ **[a place]** of business. On application of the state health officer showing the necessity of ~~such~~ **[the]** cancellation, the court may issue an ex parte preliminary injunction, pending a full hearing.

13. Make bacteriological examination of bodily secretions and excretions and of waters and foods.

14. Make preparations and examinations of pathological tissues submitted by the state health officer, by any county superintendent **[(4) Notwithstanding any other provision]** of public health, or by any physician who has been regularly licensed **[law, an order issued pursuant]** to ~~practice in~~ this state. **[subsection may not:]**

15. Make all required analyses and preparations, and furnish the results thereof, as expeditiously and promptly as possible.

16. Cause sanitary statistics to be collected and tabulated, and cause to be ascertained by research work such methods as will lead to the improvement of the sanitation of the various parts of the state.

~~17. From time to time, cause to be issued bulletins and reports setting forth the results of the sanitary and pathological work done in the laboratories embodying all useful and important information resulting from the work carried on in the laboratories during the year, the substance of such bulletins and reports to be incorporated in the annual report of the state health officer.~~

~~18. Establish by rule a schedule of reasonable fees that may be charged for laboratory analysis. No charge may be made for any analysis conducted in connection with any public health incident affecting an entire region, community, or neighborhood.~~

~~19. a. Establish a review process for instances in which the department is requested to conduct an epidemiological assessment of a commercial building. The epidemiological assessment must include:~~

~~(1) A statement~~ | **a) Substantially burden a person's exercise** | ~~of whether there are known environmental causes~~ | **religion unless the order is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest** |;

~~(2) If there are known environmental causes identified, a recommendation~~ | **b) Treat religious conduct more restrictively than any secular conduct** | ~~of how they can be remediated or mitigated; and~~ | **reasonably comparable risk, unless the government demonstrates through clear and convincing scientific evidence that a particular religious activity poses an extraordinary health risk; or** |

~~(3) If there are no known environmental causes identified, a statement that no known causes exist~~ | **c) Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit** |.

~~b. Costs for remediation, mitigation, and consultant services are the responsibility of the building owner. Proof of remediation of any identified environmental concern related to the epidemiological assessment is the burden of the building owner~~ | **(5) A person claiming to be aggrieved by a violation of paragraph 1 may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees** |.

e. Perform all duties required or provided by law.

Credits

S.L. 1885, ch. 63, §§ 2, 3, 6, 15; S.L. 1889, ch. 22, § 1; S.L. 1897, ch. 35, § 1; S.L. 1899, ch. 58, § 1; S.L. 1903, ch. 181, § 1; S.L. 1923, ch. 227, § 3; S.L. 1933, ch. 189, § 1; S.L. 1943, ch. 207, § 1; S.L. 1947, ch. 200, § 5; S.L. 1977, ch. 104, § 5; S.L. 1987, ch. 290, § 1; S.L. 1993, ch. 218, § 7; S.L. 1993, ch. 247, § 1; S.L. 1995, ch. 243, § 2; S.L. 1999, ch. 242, § 1; S.L. 2001, ch. 29, § 11; S.L. 2005, ch. 32, § 13; S.L. 2013, ch. 203, § 1, eff. Aug. 1, 2013; **S.L. 2021, ch. 191 (H.B. 1118), § 1, eff. April 22, 2021; S.L. 2021, ch. 192 (S.B. 2181), § 1, eff. Aug. 1, 2021; S.L. 2021, ch. 190 (H.B. 1418), § 1, eff. Aug. 1, 2021; S.L. 2021, ch. 92 (H.B. 1410), § 3, eff. Aug. 1, 2021; S.L. 2021, ch. 352 (H.B. 1247), § 107, eff. Sept. 1, 2022; S.L. 2023, ch. 229 (H.B. 1165), § 9, eff. July 1, 2023.**

Codifications: R.C. 1895, §§ 240 to 242, 244, 252; R.C. 1899, §§ 240 to 242, 244, 252; R.C. 1905, §§ 252 to 254, 256, 258; C.L. 1913, §§ 397 to 399, 401, 403; 1925 Supp., § 396d3; R.C. 1943, § 23-0105; 1957 Supp., § 23-0105.

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