

HOUSE BILL NO. 215

INTRODUCED BY D. BEDEY, M. MALONE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF LOCAL GOVERNING BODY IN RELATION TO LOCAL HEALTH BOARDS; AMENDING SECTION 50-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-1-101, MCA, is amended to read:

"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.

(4) "Inanimate reservoir" means soil, a substance, or a combination of soil and a substance:
(a) in which an infectious agent normally lives and multiplies;
(b) on which an infectious agent depends primarily for survival; and
(c) where an infectious agent reproduces in a manner that allows the infectious agent to be transmitted to a susceptible host.

(5) "Institutional controls" means legal or regulatory mechanisms designed to protect public health and safety that:

- 1 (a) limit access to or limit or condition the use of environmentally contaminated property or media;
 2 (b) provide for the protection or preservation of environmental cleanup measures; or
 3 (c) inform the public that property or media is or may be environmentally contaminated.

4 (6) "Isolation" means the physical separation and confinement of an individual or groups of
 5 individuals who are infected with a communicable disease from nonisolated individuals to prevent or limit the
 6 transmission of the communicable disease to nonisolated individuals.

7 (7) "Local board of health" or "local board" means a county, city, city-county, or district board of
 8 health.

9 (8) "Local governing body" or "governing body" means an entity whose voting members are all
 10 elected officials and that operates as or oversees a local board of health. A local governing body may include:

11 (a) the local board of health if all voting members of the local board of health are elected officials;

12 ~~(a)~~(b) the board of county commissioners that oversees a county local board of health;

13 ~~(b)~~(c) the elected governing body of a city that oversees a city local board of health; or

14 ~~(c)~~(d) the entity identified as the governing body as established in the bylaws, interlocal agreement,
 15 or memorandum of understanding creating a city-county local board of health or a local district board of health.

16 (9) "Local health officer" means a county, city, city-county, or district health officer appointed by a
 17 local board of health. With regard to the exercise of the duties and authorities of a local health officer, the term
 18 may include an authorized representative of the local health officer.

19 (10) "Local public health agency" means an organization operated by a local government in the
 20 state, including local boards of health or local health officers, that principally acts to protect or preserve the
 21 public health.

22 (11) "Physician" has the meaning provided in 37-3-102.

23 (12) "Public health services and functions" means those services and functions necessary to
 24 promote the conditions in which the population can be healthy and safe, including:

25 (a) population-based or individual efforts primarily aimed at the prevention of injury, disease, or
 26 premature mortality; or

27 (b) the promotion of health in the community, such as assessing the health needs and status of the
 28 community through public health surveillance and epidemiological research, developing public health policy,

1 and responding to public health needs and emergencies.

2 (13) "Public health system" means state and local public health agencies and their public and
3 private sector partners.

4 (14) "Quarantine" means the physical separation and confinement of an individual or groups of
5 individuals who have been exposed to a communicable disease and who do not show signs or symptoms of a
6 communicable disease from nonquarantined individuals to prevent or limit the transmission of the
7 communicable disease to nonquarantined individuals.

8 (15) "Screening" means diagnostic or investigative analysis or medical procedures that determine
9 the presence or absence of or exposure to a condition of public health importance or the condition's precursor
10 in an individual.

11 (16) "Testing" has the same meaning as screening."
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13 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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