

Chapter 36
SLA - 1951

CHAPTER 118

AN ACT

[S. B. 34]

Pertaining to public health; infectious diseases and control thereof; powers of the Board of Health; defining offenses and prescribing penalties, amending Secs. 37-7-11 to 37-7-14 inc. ACLA 1949, Secs. 37-7-17 and 37-7-18 and Sec. 40-1-6 ACLA 1949; and repealing Secs. 40-2-1 to 40-2-6 inc. ACLA 1949.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. LOCAL HEALTH UNITS. Every community or settlement outside of incorporated towns in Alaska shall, for the purpose of this Act, become a health unit, and in every such health unit there shall be a board of health composed of the president of the school board and two citizens of said unit to be selected by the school board; provided, that at least one member of the health board to be thus selected shall, wherever practicable, be a licensed physician. In every health unit where no school board exists, the Commissioner of Health shall appoint three citizens of said unit to be the local board of health; provided, that at least one member of the health board to be thus appointed shall, wherever practicable, be a licensed physician. Provided that this section shall apply and be in effect in each incorporated town in the Territory unless such town shall otherwise provide for the establishment and maintenance of a local board of health or a proper health officer. In any native village, or community composed largely of natives, where the formation of a board of health as above defined is impracticable, the Commissioner of Health may delegate to any representative of the Alaska Native Service the same authority and power granted to the local boards of health.

Health units to
be established

Native villages.

Section 2. HEALTH DISTRICTS. Two or more contiguous health units constituted under the terms of the preceding section and/or local boards of health for contiguous incorporated towns not constituted a health unit under the terms of the preceding section, may be constituted a Health District by the Alaska Board of Health upon the recommendation of the Commissioner of Health. Members of the Board of Health for such health districts shall be appointed by the Alaska Board of Health from residents of each health unit and/or incorporated town represented in the health district in such numbers and for such periods of time as may be determined by the Alaska Board of Health.

Health Districts.

Section 3. COMMISSIONER OF HEALTH IN CHARGE OF WORK. The local boards of health outside of and within incorporated towns, and any representative of the Alaska Native Service acting in the capacity of health officer, as provided in the preceding section shall be responsible to and under the supervision of the Commissioner of Health.

Commissioner of Health to supervise.

Section 4. INFECTIOUS DISEASES. For the purpose of this Act, persons or articles that have been infected or exposed to the contagion or infection of amoebic dysentery, bacillary dysentery, plague, cholera, smallpox, yellow fever, typhus fever, leprosy, typhoid fever, malaria, scarlet fever, puerperal septicemia, measles, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, epidemic influenza, or other epidemics, shall be considered as capable of conveying contagious or infectious disease, and shall be subject to this Act as hereinafter provided. All cases of pulmonary tuberculosis, trachoma, gonorrhoea, syphilis, lympho-granuloma venereum, granuloma inguinal, or chancroid, where the usual precautions to prevent the spread of the disease to others are neglected and where other persons are liable to become infected

Definition of infectious diseases.

on account of this negligence shall also be considered as capable of conveying contagious or infectious disease.

Isolation
procedure.

Section 5. CONCURRENT AND TERMINAL DISINFECTION. Procedures for isolation precautions and concurrent disinfection shall be carried out by the person or persons caring for any patient afflicted with any communicable disease mentioned in Section 4, throughout the patient's illness and in compliance with regulations promulgated by the Alaska Board of Health. Upon the death, recovery or removal of the person sick with any communicable disease mentioned in Section 4, the room in which said person was confined and such rooms as, in the opinion of the local health board, have been contaminated, shall be cleansed and disinfected under the supervision of said board in compliance with regulations promulgated by the Alaska Board of Health, before placards are removed and the quarantine terminated. The isolation, disinfection, and other preventative measures shall be performed in compliance with regulations promulgated by the Alaska Board of Health.

Disinfection of
isolation area.

Diseases to be
reported by
physicians.

Section 6. PHYSICIANS TO NOTIFY COMMISSIONER, WHEN. Every physician in the Territory of Alaska who shall prescribe for, or attend any person having amoebic dysentery, bacillary dysentery, smallpox, plague, yellow fever, cholera, typhus fever, leprosy, typhoid fever, malaria, undulant fever, rheumatic fever, scarlet fever, measles, chicken pox, diphtheria, infantile paralysis, encephalitis infectious, rabies, coccidioidomycosis, botulism, ringworm (dermatophytosis), tapeworm infestation, cancer, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, puerperal septicemia, tularemia, trichinosis, tuberculosis in any form, trachoma, epidemic influenza, other epidemics, gonorrhoea, syphilis, or chancroid, lympho-granuloma venereum, granuloma inguinal, shall, within twenty-four hours after first discovering the existence of such disease, make a report thereon in writing to the Commissioner of Health upon a blank form

Contents of re-
porting form.

to be furnished by the Commissioner of Health, which report shall give the name, age, nativity, residence, date of attack, color, and sex of the person having such disease, together with the character of the disease; provided, that cases of gonorrhoea, syphilis, chancroid, lympho-granuloma venereum, granuloma inguinal shall be reported by name, initials or office number of the person infected, on special forms. If a person infected with gonorrhoea, syphilis, chancroid, lympho-granuloma venereum or granuloma inguinal discontinues treatment before he is pronounced cured, the physician must report his name and address to the Commissioner of Health.

Section 7. AFFLICTED EXCLUDED FROM PUBLIC. Any person or persons afflicted with any of the communicable diseases mentioned in Section 4, or any person or persons residing in the same house in which any person may be located who is infected with any of the aforesaid communicable diseases shall be excluded from any school, any place where food is prepared or served, and from any other place of assemblage in the Territory in accordance with regulations promulgated by the Alaska Board of Health for the control of communicable diseases; and health officers and persons in charge of such schools, etc. are hereby required to exclude any and all such children and persons from such places; such exclusion of those afflicted and their contacts shall continue until complete recovery of the person afflicted or until the health officer decides, in accordance with the Territorial regulations for the control of communicable diseases, that neither is capable of transmitting disease to others.

Section 8. OBSTRUCTING HEALTH OFFICER: BREAKING QUARANTINE: PUNISHMENT. Any person who interferes with a health officer in the performance of his duties, or any person who breaks quarantine or removes any placard without permission of the Board of Health shall be guilty of a misdemeanor, and upon

Exclusion if
infected.

Obstructing
health officer.

conviction thereof punishable by a fine of not more than \$100.00 or imprisonment not exceeding ninety days or both.

Expenses. Section 9. SALARIES AND EXPENSES HOW APPROVED AND PAID. The salaries of the personnel of the Department of Health, together with office rent, furniture, traveling expenses and other authorized expenses, and all authorized expenses incurred by any health officer or local board of health in the enforcement of the laws, regulations or rules falling under the jurisdiction of the Department of Health, shall be paid upon vouchers in the manner required by law.

Section 10. That Sec. 37-7-11 ACLA 1949 is hereby amended to read as follows:

Physical examination school children. Sec. 37-7-11. PHYSICAL EXAMINATION OF CHILDREN IN ELEMENTARY AND SECONDARY SCHOOLS: EXCLUSION FROM ATTENDANCE: VACCINATION. School boards within incorporated municipalities, independent school districts, or incorporated school districts, and school officials in areas outside of these jurisdictions shall provide and require a physical examination of every child attending an elementary or secondary school upon entering said school, or as soon thereafter as may be practicable in communities where no physician resides and at such regular intervals thereafter as may be deemed advisable by the school board. Additional physical examinations may be required by the Commissioner of Health when deemed necessary. Examinations shall be made by a competent physician, or when a physician is not available, inspections may be made by a nurse of the pupils attending said school, and said school board or school officials are authorized and empowered to, and shall exclude from

Nurse may make examination.

school attendance all children afflicted with or suffering from, or who have been exposed to or suspected of having, any communicable disease or diseases, and are authorized and empowered to, and shall require, if in the judgment of the Commissioner of Health such actions are necessary for the welfare of the community, the children attending said school to be vaccinated against such diseases as the Commissioner of Health may specify; provided, that the examination of pupils in this section as above required shall be made under the general supervision of the Commissioner of Health, who is hereby authorized to expend not to exceed two and one-half dollars per pupil in each city and rural school each year out of funds appropriated for this purpose in causing said physical examinations to be made.

Section 11. That Sec. 37-7-12 ACLA 1949 is hereby amended to read as follows:

Sec. 37-7-12. VACCINATION NOT COMPULSORY EXCEPT WHEN: OBJECTIONS. No child shall be obliged to submit to vaccination whose parents or guardian object thereto on the grounds of religious principles. Such objection shall be made in writing, shall be signed by the parents or guardian of such child and shall be delivered to the child's teacher or to the person who might order or conduct said examination in the absence of such objection; provided, however; that exemption from vaccination shall not be granted when in the judgment of the teacher, principal, superintendent, board of education or physician the child shows symptoms of or has been exposed to any communicable disease.

Religious
exception to
vaccination.

Exception to
exemption.

Section 12. That Sec. 37-7-13 ACLA 1949 is hereby amended to read as follows:

Sec. 37-7-13. CERTIFICATE TO BE DELIVERED TO PARENT OR GUARDIAN: CONTENTS. The said school board, when such periodic physical examinations are made of any child, shall deliver, in person or by mail, to the parents or guardian of said child a report which shall be signed by the physician or nurse making such physical examination or inspection, specifying the findings of said examination with respect to the health and physical well-being of said child.

Certificate of examination.

Section 13. That Sec. 37-7-14 ACLA 1949 is hereby amended to read as follows:

Sec. 37-7-14. EXCLUDED CHILD NOT TO ATTEND SCHOOL. No child, who has been excluded from a school because he or she is afflicted with, suffering from, or has been exposed to any communicable disease, shall be permitted to again attend said school until said child is obviously well or presents to the person in charge of such school a certificate, in writing, from a duly licensed and practicing physician that he or she is no longer afflicted with or suffering from such disease and, or that his or her exposure thereto will not endanger, by his or her attendance in school, the health or welfare of any other pupil in said school, or the general public.

Conditions for exclusion from school.

Section 14. That Sec. 37-7-17 ACLA 1949 is hereby amended to read as follows:

Sec. 37-7-17. PHYSICIAN MAKING FALSE CERTIFICATE PUNISHABLE BY FINE. Any physician who shall wilfully and knowingly give

False certificate by physician.

a false certificate concerning the health and physical well-being of any child, that is intended to obtain or to assist in obtaining said child's re-admission into any school, either while said child is afflicted with or suffering from any communicable disease or before said child's exposure to any such disease has ceased to endanger him or the health or welfare of any other pupil in said school or of the general public, shall be guilty of a misdemeanor and shall be subjected to a fine of not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Section 15. That Sec. 37-7-18 ACLA 1949 is hereby amended to read as follows:

Sec. 37-7-18. SCOPE AND APPLICABILITY OF PROVISIONS. The provisions of Secs. 37-7-11 to 37-7-19 inclusive ACLA 1949 shall apply in all respects to school areas outside of incorporated cities, independent school districts or incorporated school districts and to parents, guardians, children, physicians, nurses and health officers therein; but in school areas outside of incorporated cities the Commissioner of Education is authorized and empowered to, and shall, carry out the said provisions, and in those areas he is hereby granted and given all the authority and powers herein conveyed to school boards within the above mentioned areas, which powers he, in his discretion, may delegate to the school boards or school officials of such areas and to pay out of the Territorial school funds as operating expense fees, as in said sections provided, for examination and treatment of children.

Scope of
authority.

Section 16. That Subsection (b) of Sec. 40-1-6 ACLA 1949 is hereby amended to read as follows:

(b) The Board is empowered, directed and authorized to adopt, promulgate, repeal and amend rules and regulations not inconsistent with existing law, relating to and provide for: (a) the definition and control of communicable diseases; (b) the prevention and control of public health nuisances; (c) regulation of sanitation and sanitary practices in the interest of public health; (d) cooperation with local boards of health and health officers; (e) protection and promotion of the public health and prevention of disability and mortality; (f) isolation of any person affected with and prevention of the spread of any contagious or infectious disease; (g) the transportation of dead bodies; (h) establishment and maintenance of quarantine; (i) an annual medical examination of barbers, cosmetologists, and persons employed in the production of food products and the handling thereof in restaurants, lunch counters, soft drink establishments, beer and wine dispensaries, butcher shops, bakeries and other similar establishments; (j) standards of cleanliness and sanitation in connection with the construction, operation and maintenance of any camp, cannery, food handling establishment, food manufacturing plant, frozen desserts manufacturing establishment, mattress manufacturing establishment, industrial plant, school, barber shop, cosmetological establishment, soft drink establishment, beer and wine dispensaries and for other similar establishments in which insanitation may create a condition causative of disease; (k) labelling and grading of milk according to the Standard Milk Ordinance and Code approved by the United States Public Health

Authority of Board.

Quarantine.

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Industrial sanitation.

Milk grading.

Service now in effect or as hereafter amended or re-issued, and for standards of cleanliness and sanitation in the operation of dairies selling or offering for sale milk or milk products; (l) protection of public water supplies through examination of waters, establishment minimum standards of quality, requiring construction of public water supply systems or improvements to existing systems necessary to protect health, the submission of water supply plans for review, proper operation of water supply systems and the regulation of physical connections between public water supply systems and water supply systems which may carry water of questionable sanitary quality; (m) standards for the collection and disposal of sewage and industrial waste, prohibiting the pollution of surface and ground waters, construction and use of sewers and sewage disposal facilities, sewage treatment, requiring the submission of sewage plans for review, sewage treatment works operation, and such additional regulations as may be necessary to protect public health and to maintain sanitary waste disposal; and (n) to do whatever else may be deemed necessary to carry out the purposes of this Act. It shall also adopt rules and regulations necessary for the conduct of its business and for carrying out the provisions of all laws of the United States and Alaska relating to public health; to establish minimum standards for personnel employed by the Health Department and make necessary rules and regulations to maintain such standards; to require such bonds and undertakings from persons employed by it as shall in its judgment be necessary and pay the premiums thereon; to establish such divisions and local offices and such advisory groups as may be necessary or deemed


Water supplies.
Sewage disposal.

expedient to carry out or assist in carrying out any duty or authority assigned to it.

Validation.

Section 17. Rules and regulations promulgated and other administrative action taken with respect to any statutory provision or provisions supplanted by this Act are hereby validated and confirmed.

Savings clause.

Section 18. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Repeal.

Section 19. Secs. 40-2-1 to 40-2-6 inclusive ACLA 1949 are hereby repealed.

Approved March 26, 1949.

CHAPTER 119

AN ACT

[S. B. 29]

Relating to vital statistics, including birth, marriages, deaths and disposition of dead bodies; regulating embalmers and fixing their license fees; providing for a Bureau of Vital Statistics within the Department of Health; repealing Sec. 8-1-7, Secs. 40-11-1 to 40-11-12 inc., Secs. 40-11-21 to 40-11-23 inc. and Secs. 35-2-131 and 56-5-16 ACLA 1949; and fixing an effective date.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. DEFINITIONS. As used in this Act: