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STATE OF WISCONSIN SUPREME COURT

No. Case No. 20-AP-765-OA

WISCONSIN LEGISLATURE,

Petitioner,

v.

SECRETARY-DESIGNEE ANDREA PALM; JULIE WILLEMS VAN DIJK; NICOLE SAFAR, IN THEIR OFFICIAL CAPACITIES AS EXECUTIVES OF WISCONSIN DEPARTMENT OF HEALTH SERVICES

Respondents.

WISCONSIN MANUFACTURERS & COMMERCE,

WISCONSIN DAIRY ASSOCIATION

Amici Curiae

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CHAPTER 291, Laws of 1981

AN ACT to repeal 141.01 (1) (a), 141.06, 143.04 (10), 143.05 (2), (7) to (9) and (11), 143.06 (2), (3) and (8), 143.07 (3), (8), (12) and (13), 143.075, 143.085, 143.09, 143.12 (2) to (5) and (7), 143.13 and 143.14 (2) to (4); to renumber and amend 143.05 (10), 143.07 (1) and 143.14 (1); to amend 46.23 (5) (a), 50.83, 93.07 (10), 95.10 (4), 95.20, 95.22 (1), 95.50 (2), 115.35 (1), 118.01 (2), 140.09 (16), 141.01 (1) (intro.), (3), (6), (8) and (9), 141.015 (3) and (4), 141.07, 141.10 (1) and (4), 143.02 (1) to (5), 143.03, 143.04 (1), (3) to (9) and (11), 143.05 (title), (1) and (3) to (6), 143.06 (5), 143.07 (title), (2), (4), (7), (9) and (10), 143.08, 143.10, 143.11, 143.12 (title) and (6), 143.14 (title), 143.15 (7) and 765.06 (1) (a) and (d) and (2); to repeal and recreate 141.01 (7), 143.01, 143.02 (6), 143.04 (2), 143.06 (1) and (4), 143.07 (5) and (11) and 143.12 (1); and to create 141.01 (1m), (9m) and (10), 143.05 (10) (b), 143.07 (1) and 990.01 (5am) of the statutes, relating to revising the laws concerning local health agencies and communicable diseases and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.23 (5) (a) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

46.23 (5) (a) The powers and duties of boards that are integrated into a community human services board transfer to the community human services board, including the powers and duties specified in ss. 46.21, 46.22, 49.51, 51.42 and 51.437. The county board or boards of supervisors creating the community human services board may also transfer to the community human services board the powers and duties of a county unit created under s. 59.025 (3) (a), of a board of health created under s. 140.09 or of a county health commission <u>or committee</u> created under s. 141.01 or may transfer the operation of any other human services programs under county control.

SECTION 1m. 50.83 of the statutes is amended to read:

50.83 Persons with communicable disease not to be guest; penalty. No person is entitled to accommodation at a hotel who has a communicable disease ~~(as determined pursuant to s. 143.01)~~. No person who has had any such disease shall be entitled to such accommodation until all danger of spreading contagion therefrom is past. This section does not authorize compulsory removal of or refusal of shelter to any such person who is receiving accommodation at any hotel, if removal would specially endanger his life or health. Any person who knowingly and wilfully solicits or receives accommodation in violation of this section shall be punished by a fine not exceeding $100 or by imprisonment not exceeding 6 months.

SECTION 2. 93.07 (10) of the statutes is amended to read:

93.07 (10) ANIMAL HEALTH; QUARANTINE. To protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of communicable diseases among domestic animals, and for these purposes it may establish, maintain, enforce and regulate such quarantine and such other measures relating to the importation, movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department may deem necessary. <u>The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.</u>

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SECTION 3. 95.10 (4) of the statutes is amended to read:

95.10 (4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 4. 95.20 of the statutes is amended to read:

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the livestock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this section.

SECTION 5. 95.22 (1) of the statutes is amended to read:

95.22 (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 6. 95.50 (2) of the statutes is amended to read:

95.50 (2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least 6 feet below the surface of the ground and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of under such regulations as are prescribed by the department. The definition of "communicable disease" in s. 990.01 (5am) does not apply to this subsection.

SECTION 6e. 115.35 (1) of the statutes is amended to read:

115.35 (1) A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him or her to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: controlled substances, as defined in s. 161.01 (4); alcohol; tobacco; mental health; sexually transmitted diseases; human growth and development; and related health and safety topics. Participation in the human growth and development topic of the curricula shall be entirely voluntary.

SECTION 6m. 118.01 (2) of the statutes is amended to read:

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118.01 (2) PHYSIOLOGY AND HYGIENE. Physiology and hygiene, sanitation, the effects of controlled substances under ch. 161 and alcohol upon the human system, symptoms of disease and the proper care of the body shall be taught, but no pupil may be required to take such instruction if his or her parents file with the teacher a written objection thereto. Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.

SECTION 8. 140.09 (16) of the statutes is amended to read:

140.09 (16) COUNTY NURSES. When a county health department is established county nurses shall be transferred to the jurisdiction of the county health department and county health committees or commissions shall cease functioning.

SECTION 9. 141.01 (1) (intro.) of the statutes is amended to read:

141.01 (1) (intro.) Unless a county has a county health department organized under s. 140.09 or the entire area of a county has local boards of health under s. 141.015, 141.02 or 141.04, or the county has a population of 500,000 or more, the county board may provide for a county health commission ~~which~~ or a county health committee under sub. (9m). A commission shall:

SECTION 10. 141.01 (1) (a) of the statutes is repealed.

SECTION 10m. 141.01 (1m) of the statutes is created to read:

141.01 (1m) Any county authorized to provide for a county health commission or committee under sub. (1) but elects not to do so shall designate a health care professional to assume the powers and duties of a local health officer under ch. 143. The health care professional shall perform these powers and duties only in areas of the county outside of towns that elect to create a board of health under sub. (9). The person designated shall be a person licensed, permitted, registered or certified to provide health care under chs. 441 or 446 to 449, such as a physician, podiatrist, osteopath, physician's assistant, physical therapist, nurse, chiropractor, dentist, dental hygienist or optometrist.

SECTION 11. 141.01 (3) and (6) of the statutes are amended to read:

141.01 (3) (a) Unless the manner of appointment is otherwise provided for by ordinance, the commission shall elect a ~~chairman and a clerk, and employ a health director, and~~ chairperson and shall designate a qualified public health professional, as specified by the department by rule, to fulfill the requirements of a local health officer under ch. 143 and a public health nurse to conduct general public health nursing programs under the direction of the commission and in cooperation with the department. The commission shall also designate a qualified public health professional, as specified by the department by rule, for the purposes of environmental sanitation and other public health programs not specifically designated by statute as functions of the public health nurse. The commission may employ one or more sanitarians under s. 140.45 (3)~~. The director shall receive an annual salary to be fixed by the county board and shall receive his actual and necessary expenses. If the appointee is not a physician, the commission shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or a full-time basis~~ and shall coordinate the activities of any sanitarian employed by the county board. The commission is not required to designate different persons to perform these functions. The commission may arrange for the provision of services of a physician as necessary and may provide reasonable compensation therefor.

(b) The commission shall be supplied with ~~record books, quarantine cards and other~~ materials needed to carry out its functions. Unless such materials are provided by the department, their costs shall be paid for by the county.

(6) The ~~director shall~~ commission:

(a) ~~Make~~ May make an annual sanitary survey and maintain continuous sanitary supervision over ~~his~~ the territory.

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(b) ~~Make~~ May make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.

(c) ~~Promote~~ Shall promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

(d) ~~Take~~ Shall take steps necessary to secure prompt and full reports~~, by physicians~~ of communicable diseases~~,~~ and prompt and full registration of births and deaths.

(e) ~~Enforce~~ Shall enforce the health laws and the rules of the department.

(f) ~~Keep and deliver to his successor~~ Shall keep a record of all ~~his~~ official acts.

(g) ~~The director and the clerk shall~~ Shall report to the department as required. ~~They shall also submit the report of their transactions to the department.~~

SECTION 12. 141.01 (7) of the statutes is repealed and recreated to read:

141.01 (7) The commission has the powers vested in local boards of health under ss. 141.015, 141.02 and 141.04.

SECTION 13. 141.01 (8) of the statutes is amended to read:

141.01 (8) No services shall be performed by the ~~county health~~ commission for any political subdivision in a county which does not contribute toward the support of the ~~county health~~ commission.

SECTION 13m. 141.01 (9) of the statutes is amended to read:

141.01 (9) If the county board does not provide for a county health commission or committee every town board ~~shall~~ of a town with a population exceeding 2,500 may, within 30 days after each election of officers, organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons as a board of health for the town. The board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board with voting power and its executive officer and take the oath of office. The health officer shall hold office for 2 years. The town board of health ~~and health officer shall have~~ has the powers and duties authorized for the county health commission ~~and health director~~ in this section. The health officer has the powers and duties of a local health officer under ch. 143.

SECTION 14. 141.01 (9m) of the statutes is created to read:

141.01 (9m) A county health committee created under this section shall consist of 5 or more members appointed by the chairperson of the county board, at least 3 of whom shall be county supervisors. The committee may employ one or more persons designated under sub. (3) (a), who shall have the powers and duties specified for a commission in subs. (1) and (3) to (7).

SECTION 15. 141.01 (10) of the statutes is created to read:

141.01 (10) The county board shall make an appropriation to fund the operation of any commission or committee created under this section.

SECTION 16. 141.015 (3) and (4) of the statutes are amended to read:

141.015 (3) In case the board or council fails to appoint a board of health the county health commission or committee shall perform the health services in such village or city.

(4) Unless the manner of appointment is otherwise provided for by ordinance, the board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board and its executive officer and take the oath of office. If a vacancy in the position of health officer occurs, the board of health shall immediately fill the position. The board shall immediately report to the county health commission or committee and the department the names, post-office addresses and occupations of the officers thereof, and any changes therein. The health officer shall receive an annual salary to be fixed by the city council or the village board and shall be reimbursed for actual and necessary

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expenses. If the appointee is not a physician, the board of health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

SECTION 17. 141.06 of the statutes is repealed.

SECTION 18. 141.07 of the statutes is amended to read:

141.07 Dental clinics. Any county may establish and maintain a dental clinic or clinics to be operated under rules adopted by the county health committee or commission named under s. ~~141.06~~ 141.01. Monthly reports shall be made by the director of the clinic or clinics under s. 141.045 (3) on blanks prescribed by the department. Any such clinic is subject to ch. 150.

SECTION 19. 141.10 (1) and (4) of the statutes are amended to read:

141.10 (1) AUTHORITY. County boards of supervisors or city councils may authorize their respective county health committee, commission or county or city board of health to establish programs of home nursing care, including rehabilitative nursing services, to employ additional nurses as provided in s. 141.045, and to collect fees for such services to ill or disabled persons. The county health committee, commission or board of health authorized to establish a program of home nursing care shall develop a plan of operation in consultation with a representative of the department and the county medical society. The representatives of the department and county medical society shall be invited to provide advice and guidance on the operation of the program. Home nursing care shall be provided under the direction of a licensed physician of the patient's choice.

(4) CHARGES. Persons receiving such home nursing care shall not be charged fees in excess of the scheduled costs, and shall be charged according to their ability to pay full or part costs as determined by the policy of the county health committee, commission or board of health. No person shall be denied necessary services, within the limits of available personnel, because of inability to pay the cost of such service. The county board or city council shall determine the procedure for collecting and depositing fees and auditing receipts.

SECTION 20. 143.01 of the statutes is repealed and recreated to read:

143.01 Definitions In this chapter:

(1) "Local health officer" means a health officer designated under s. 140.09, 141.01 (9), 141.015, 141.02 or 141.04 or a qualified public health professional designated under s. 141.01 (1m), (3) (a) or (9m).

(2) "Municipality" means any city, village or town.

SECTION 21. 143.02 (1) to (5) of the statutes are amended to read:

143.02 (1) The department may establish ~~such~~ systems of disease surveillance and inspection ~~as it deems necessary~~ to ascertain the presence of any communicable disease~~, and any member or authorized agent or inspector of said~~. Any agent of the department may, with a special inspection warrant issued under s. 66.122, enter any building, vessel~~, railway car~~ or ~~other public vehicle~~ conveyance to inspect the same and remove therefrom any person affected by ~~such~~ a communicable disease~~, and for this purpose~~. For this purpose, the agent may require the person in charge of ~~any~~ the vessel or ~~public vehicle~~ conveyance, other than a railway car, to stop the same at any place~~,~~ and may require the conductor of any railway train to stop ~~his~~ the train at any station or upon any sidetrack, for such time as may be necessary.

(2) In an emergency, the department may provide those sick with ~~such~~ a communicable disease with medical aid and temporary hospital accommodation ~~and with nurses and attendants~~.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places ~~when deemed necessary~~ to control outbreaks and epidemics.

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(4) The department may adopt and enforce rules or issue orders for guarding against the introduction of any ~~such~~ communicable disease into the state, for the control and suppression ~~thereof within it~~ of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by ~~such~~ a communicable disease~~, for the preparation, transportation or burial of corpses, for the speedy and private interment of the bodies of persons who have died from communicable disease,~~ and for the sanitary care of jails, ~~asylums, schoolhouses~~ state prisons, mental health institutions, schools, hotels and ~~all other~~ public buildings and connected premises ~~connected therewith~~. Any rule or order may be made applicable to the whole or any specified part of the state, or to any vessel~~, railway car~~ or other ~~public vehicle~~ conveyance. Rules of general application shall be ~~published as provided in~~ adopted under ch. 227~~; but rules or orders~~. Orders may be made for any city, village or ~~town~~ county by service ~~thereof~~ upon the local health officer. Rules or orders ~~hereunder shall~~ adopted or issued under this subsection supersede conflicting local rules or ordinances.

(5) ~~All public officers and employes shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of institutions, buildings, vessels and vehicles within this section, shall cooperate with the department in carrying out its provisions, and if such cooperation be refused or withheld~~ If any public officer or employe or any person in charge of any building, vessel, conveyance, jail, state prison, mental health institution or school fails to comply with a rule or order adopted or issued under sub. (4), the department may appoint an agent to execute its rules ~~and regulations by agents of its own appointment, and expenses incurred in so doing~~ or orders. Expenses which an agent incurs shall be paid by the ~~county, city, town or village, except they are incurred for the prevention and control of Asiatic cholera and the state has created a fund for that purpose~~ unit of government that employs the person or of which the public officer is a member. If the building, vessel, conveyance, mental health institution or school is privately owned the state shall pay the expenses incurred.

SECTION 22. 143.02 (6) of the statutes is repealed and recreated to read:

143.02 (6) The department may authorize and implement all emergency measures necessary to control communicable diseases.

SECTION 23. 143.03 of the statutes is amended to read:

143.03 (title) **Duties of local health officers.** (1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances~~,~~ and make a full report to ~~his board~~ the appropriate governing body and also to the department~~; he shall at all times~~. The local health officer shall promptly take ~~such~~ all measures ~~for the prevention, suppression and control of any such disease as he deems needful and proper subject to the approval of his board~~ necessary to prevent, suppress and control communicable diseases, and shall report to ~~his board~~ the appropriate governing body the progress of ~~such~~ the communicable diseases and the measures used against them, ~~with such frequency~~ as needed to keep the ~~board~~ appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer ~~shall~~ may inspect ~~the schoolhouses~~ schools and other public buildings within his ~~district, with sufficient frequency~~ or her jurisdiction as needed to determine whether ~~such~~ the buildings are kept in a sanitary condition.

(2) Local ~~boards of~~ health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics~~, and under direction of the department, shall furnish antitoxin free to indigent persons suffering from communicable disease~~ and shall advise the department of measures taken.

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(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person ~~shall~~ may interfere with the ~~examination~~ investigation under this chapter of any place or its occupants by local health ~~officials~~ officers or their assistants~~, nor with any notice posted under this chapter~~.

SECTION 24. 143.04 (1) of the statutes is amended to read:

143.04 (1) ~~A physician~~ Any person licensed under ch. 441 or 448 knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having ~~such~~ a communicable disease, has died, shall report the ~~same~~ appearance of the communicable disease or the death to the local health officer~~, commissioner, or board. In the case of a person having poliomyelitis, the physician shall in addition to the report made to the health officer, send a report immediately to the department, giving the name, address, age and description of disability of such person~~. The local health officer shall report this information to the department or shall direct the licensee to report to the department. Any licensee directed to report shall submit this information to the department.

SECTION 25. 143.04 (2) of the statutes is repealed and recreated to read:

143.04 (2) Each laboratory shall report as prescribed by the department those specimen results that the department finds necessary for the surveillance, control, diagnosis and prevention of communicable diseases.

SECTION 26. 143.04 (3) to (9) of the statutes are amended to read:

143.04 (3) Anyone having knowledge or reason to believe that any person has a communicable disease shall report the facts to ~~a~~ the local health ~~official~~ officer.

(4) Reports under subs. (1) and (2) shall state so far as known the name, sex, age and ~~the~~ residence of the ~~sick~~ person, the communicable disease and ~~such~~ other facts ~~as~~ the department or local ~~board of~~ health officer requires. ~~Blanks~~ Report forms may be furnished by the department ~~or local board of health~~ and distributed by the local health officer.

(5) All reports shall be made within 24 hours, unless otherwise specified by the department, either by telephone, telegraph, mail or by ~~leaving~~ deposit at the office ~~or residence~~ of the local health officer.

(6) ~~The~~ Any local health ~~officials~~ officer, upon receiving a report, shall cause a permanent record of the report to be made and upon demand of the department transmit the original or a copy to the department, together with ~~such~~ other ~~particulars as~~ information the department requires.

(7) When an outbreak or epidemic occurs, the local health ~~officials~~ officer shall immediately report to the department, and shall at all times keep the department informed ~~upon~~ of the prevalence of the communicable diseases in the ~~municipality~~ locality in ~~such~~ the manner and with ~~such~~ the facts ~~as~~ the department requires.

(8) A list of communicable diseases shall be displayed ~~in a prominent place~~ in each physician's office or clinic and in each health care institution ~~for the treatment of the sick~~, school and correctional facility. The list shall be printed ~~on a card~~ and furnished without ~~cost~~ charge by the department.

(9) ~~In diagnosing communicable diseases in patients accepted for treatment, physicians~~ Any person licensed under ch. 441 or 448 shall use ordinary skill ~~and bacteriological examinations where the same would be of material value in disclosing such disease~~ in

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determining the presence of communicable diseases. If there is a dispute regarding ~~diagnosis, if a bacteriological examination~~ disease determination, if the disease may have potential public health significance or if more extensive laboratory tests will aid, the local health officer shall order ~~it~~ the tests made by the state laboratory of hygiene or by a laboratory certified under s. 143.15.

SECTION 27. 143.04 (10) of the statutes is repealed.

SECTION 28. 143.04 (11) of the statutes is amended to read:

143.04 (11) ~~When~~ If a violation ~~hereof~~ of this section is reported to ~~him~~ a district attorney by a local health officer or by the department, the district attorney shall forthwith prosecute the proper action, and upon request of the department, the attorney general shall assist.

SECTION 29. 143.05 (title) and (1) of the statutes are amended to read:

143.05 (title) **Isolation and quarantine.** (1) The department or the local health officer acting on behalf of the department may require isolation of the patient, quarantine of contacts, ~~placarding of premises,~~ concurrent and terminal disinfection, or ~~such~~ modified forms of these procedures as may be necessary and which are determined by the department by rule.

SECTION 30. 143.05 (2) of the statutes is repealed.

SECTION 31. 143.05 (3) to (6) of the statutes are amended to read:

143.05 (3) ~~When a~~ If a local health officer ~~shall suspect or be~~ suspects or is informed of the existence of any communicable disease, ~~he~~ the officer shall at once investigate and make or cause such examinations to be made as are necessary. The ~~diagnosis (report)~~ diagnostic report of a physician, ~~or~~ the notification or confirmatory ~~consent~~ report of a parent or caretaker of the patient, or a reasonable belief in the existence of ~~such~~ a communicable disease ~~shall be sufficient evidence and having any of these~~ requires the health officer ~~shall~~ immediately to quarantine, ~~placard,~~ isolate ~~or~~, require restrictions or take other communicable disease control measures in ~~such~~ the manner ~~and~~, upon ~~such~~ the persons and for ~~such~~ the time ~~as~~ the department provides in its rules. If ~~he be~~ the local health officer is not a physician ~~his local board of health or appointive body~~, he or she shall employ one to aid ~~him~~ the local health officer as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The local health officer ~~shall be responsible for the prompt placing and removal of signs,~~ shall investigate evasion of the laws and rules ~~upon~~ concerning communicable disease and shall ~~so~~ act ~~as~~ to protect the public.

(4) ~~If the disease be designated by the department as a placardable one, the local health officer shall immediately placard the infected place by posting conspicuously thereon a card.~~ If deemed necessary by the department ~~designates the disease as communicable~~ or a local health officer for a particular communicable disease, all persons except the local health officer, ~~or~~ his or her representative, attending physicians and nurses ~~and clergymen and~~, members of the clergy, the members of the immediate family and any other person having a special written permit from the local health officer are forbidden to be in direct contact with the patient.

(5) The local ~~board of~~ health officer shall employ as many persons as are necessary to execute ~~its~~ his or her orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. ~~Such~~ These persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of communicable diseases, or the orders~~,~~ and rules ~~and regulations~~ of the department or any ~~board of~~ local health officer.

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(6) (a) When the local health officer deems it necessary that ~~such afflicted~~ a person be quarantined or otherwise restricted in a separate place, ~~he~~ the officer shall remove ~~him~~ the person, if it can be done without danger to ~~his~~ the person's health, to ~~such~~ this place~~, and the expense of such removal shall be paid by the municipality~~.

(b) When a person confined in a jail, ~~county asylum or county home~~ state prison, mental health institute or other public place of detention has a disease which the local health officer or the director of health at the institution deems dangerous to the health of other ~~inmates~~ residents or the neighborhood, the local health officer or the director of health at the institution shall ~~by his~~ order in writing~~, direct~~ the removal of ~~such~~ the person to ~~some~~ a hospital or other place of safety, there to be provided for and securely kept. ~~If he recover he~~ Upon recovery the person shall be returned; and if ~~he~~ the person was committed by a court or under process the removal order or a copy shall be returned by the local health officer~~, with his doings thereon~~ to the committing court officer.

SECTION 32. 143.05 (7) to (9) of the statutes are repealed.

SECTION 33. 143.05 (10) of the statutes is renumbered 143.05 (10) (a) and amended to read:

143.05 (10) (a) Expenses for necessary ~~nurses,~~ medical ~~attention~~ care, food and other articles needed for the ~~comfort~~ care of the ~~afflicted~~ infected person~~,~~ shall be charged against ~~him~~ the person or whoever is liable for ~~his~~ the person's support. ~~Indigent cases shall be cared for at municipal expense or by the county where the county system for the poor has been adopted. In any county having a population of 500,000 or more, said county shall provide hospitalization and shall charge the cost thereof against the afflicted person or whoever is liable for his support, but the cost of indigent cases shall be charged to and paid for by the municipality in which the communicable disease is suspected or diagnosed as such. If he is a legal resident of another municipality of this state, the expense of care shall be paid by such municipality, or by the county where the county system for the care of the poor has been adopted, when a sworn statement of such expense is sent to the proper officers within 30 days after quarantine.~~

SECTION 34. 143.05 (10) (b) of the statutes is created to read:

143.05 (10) (b) The county or municipality in which a person with a communicable disease resides is liable for the following costs accruing under this section, unless the costs are payable through 3rd-party liability or through any benefit system:

1. The expense of employing guards under sub. (5).

2. The expense of maintaining quarantine and enforcing isolation of the quarantined area.

3. The expense of conducting examinations and tests for disease carriers made under the direction of the local health officer.

4. The expense of care provided under par. (a) to any dependent person, as defined in s. 49.01 (4).

SECTION 35. 143.05 (11) of the statutes is repealed.

SECTION 36. 143.06 (1) of the statutes is repealed and recreated to read:

143.06 (1) Tuberculosis is a communicable disease and is subject to the reporting requirements specified in s. 143.04. Any laboratory that performs a test for tuberculosis shall report all positive results to the local health officer and to the department.

SECTION 37. 143.06 (2) and (3) of the statutes are repealed.

SECTION 38. 143.06 (4) of the statutes is repealed and recreated to read:

143.06 (4) Any court of record may commit a person infected with tuberculosis to a place that will provide proper care and prevent spread of the disease if the disease is diagnosed by a medical, laboratory or X-ray examination and if the person fails to comply with this chapter or with rules of the department concerning tuberculosis. If the local

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health officer or any resident of the municipality in which an alleged violation of this subsection occurs petitions the court and states the facts of the alleged violation, the court shall summon the person infected with tuberculosis to appear in court on a date at least 48 hours after service of the summons. The court may order the person discharged. If the administrative officer of the institution has good cause to believe that a person who is committed may leave without a court order, the officer may restrain the person from leaving. The administrative officer may segregate any person who is committed, as needed.

SECTION 39. 143.06 (5) of the statutes is amended to read:

143.06 (5) Upon ~~complaint~~ report of any ~~responsible~~ person, the local ~~board of~~ health officer shall at once investigate and ~~if it finds conditions dangerous to health it shall~~ make and enforce the necessary orders.

SECTION 40. 143.06 (8) of the statutes is repealed.

SECTION 41. 143.07 (title) of the statutes is amended to read:

143.07 (title) **Sexually transmitted disease.**

SECTION 42. 143.07 (1) of the statutes is renumbered 143.07 (1m) and amended to read:

143.07 (1m) Any person ~~afflicted with venereal~~ infected with a sexually transmitted disease in a communicable form is ~~declared to be~~ a menace to the public health. A physician called to attend a person ~~afflicted~~ infected with any form of ~~venereal~~ sexually transmitted disease, as specified by the department by rule, shall report the ~~same~~ disease to the local health officer and to the department in the manner directed by the department ~~to the department~~ in writing on ~~blanks~~ forms furnished by the department. A physician may treat a minor ~~afflicted with venereal~~ infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of ~~such~~ the minor's parents or guardian. The physician shall incur no civil liability solely by reason of the lack of consent of ~~such~~ the minor's parents or guardian.

SECTION 43. 143.07 (1) of the statutes is created to read:

143.07 (1) In this section, "sexually transmitted disease" means syphilis, gonorrhea and other diseases the department includes by rule.

SECTION 44. 143.07 (2) of the statutes is amended to read:

143.07 (2) An officer of the department or a local health officer having knowledge of any ~~known~~ reported or reasonably suspected case of ~~such a menace~~ a sexually transmitted disease for which no appropriate treatment is being administered ~~under the supervision of a physician authorized to prescribe drugs~~ shall ~~forthwith~~ investigate or cause ~~such~~ the case to be investigated ~~by such means~~ as ~~are~~ necessary. ~~Whenever~~ If, following a request of an officer of the department or a local health officer, a person reasonably suspected ~~case of such menace~~ of being infected with a sexually transmitted disease refuses or neglects examination by a physician ~~licensed to prescribe drugs~~ or treatment, an officer of the department or a local health officer may proceed to have ~~such~~ the person committed ~~in conformity with~~ under sub. (5), to an institution or system of care for examination, treatment or observation. ~~A local health officer who is a physician may be authorized to make such investigation and take such commitment procedures in any specific case when directed to do so by the department.~~

SECTION 45. 143.07 (3) of the statutes is repealed.

SECTION 46. 143.07 (4) of the statutes is amended to read:

143.07 (4) ~~When~~ If a person ~~so afflicted~~ infected with a sexually transmitted disease ceases or refuses ~~taking~~ treatment before reaching what in the physician's opinion is the noncommunicable stage, the physician shall ~~forthwith~~ notify the department~~, giving the~~

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~~name, age, sex and conjugal condition of the person afflicted and the disease~~. The department shall without delay take ~~such~~ the necessary steps ~~as shall be necessary~~ to have ~~said~~ the person committed for treatment or observation under sub. (5), or shall notify the local health officer to take these steps.

SECTION 47. 143.07 (5) of the statutes is repealed and recreated to read:

143.07 (5) Any court of record may commit a person infected with a sexually transmitted disease to any institution or may require the person to undergo a system of care for examination, treatment or observation if the person ceases or refuses examination, treatment or observation under the supervision of a physician. The court shall summon the person to appear on a date at least 48 hours after service if an officer of the department or a local health officer petitions the court and states the facts authorizing commitment. If the person fails to appear or fails to accept commitment without reasonable cause, the court may cite the person for contempt. The court may issue a warrant and may direct the sheriff, any constable or any police officer of the county immediately to arrest the person and bring the person to court if the court finds that a summons will be ineffectual. The court shall hear the matter of commitment summarily. Commitment under this subsection continues until the disease is no longer communicable or until other provisions are made for treatment that satisfy the department. The certificate of the petitioning officer is prima facie evidence that the disease is no longer communicable or that satisfactory provisions for treatment have been made.

SECTION 48. 143.07 (7) of the statutes is amended to read:

143.07 (7) Reports, examinations and inspections and all records ~~thereof made under this section shall be~~ concerning sexually transmitted diseases are confidential and not open to public inspection, and ~~no part thereof~~ shall not be divulged except as may be necessary for the preservation of the public health~~. When~~ or in the course of commitment proceedings under sub. (5). If a physician has reported a case of ~~venereal~~ sexually transmitted disease to the department~~, in compliance with~~ under sub. (4), ~~all questions~~ information regarding the presence of the disease and ~~the date from which the~~ treatment ~~was neglected shall not be regarded as~~ is not privileged ~~information~~ when the patient or physician is called upon to testify to the facts before any court of record.

SECTION 49. 143.07 (8) of the statutes is repealed.

SECTION 50. 143.07 (9) and (10) of the statutes are amended to read:

143.07 (9) The department shall prepare for free distribution upon request to ~~citizens of the~~ state~~, printed~~ residents, information and instructions concerning ~~venereal~~ sexually transmitted diseases.

(10) The state laboratory of hygiene ~~and branch and cooperative laboratories shall make microscopical examinations~~ shall examine specimens for the diagnosis of ~~gonorrhea, and the necessary examinations of blood, cerebrospinal fluid or secretions for the diagnosis of syphilis,~~ sexually transmitted diseases for any physician or local health officer in the state, and shall report the positive results of ~~such~~ the examinations to the local health officer and to the department ~~with the name of the physician to whom reported~~. All laboratories ~~making blood~~ performing tests for ~~syphilis or examinations for gonorrhea~~ sexually transmitted diseases shall report all positive ~~tests~~ results to the local health officer and to the department, with the name of the physician to whom reported.

SECTION 51. 143.07 (11) of the statutes is repealed and recreated to read:

143.07 (11) In each county with an incidence of gonorrhea or syphilis exceeding the statewide average per person, a program to diagnose and treat sexually transmitted diseases at no cost to the patient is required. The county board of supervisors is responsible for ensuring that such a program exists, but is only required to establish its own program if no other public or private program is operating. The department shall compile statistics indicating the incidence of gonorrhea and syphilis per person on a statewide basis.

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SECTION 51m. 143.07 (12) and (13) of the statutes are repealed.

SECTION 52. 143.075 of the statutes is repealed.

SECTION 53. 143.08 of the statutes is amended to read:

143.08 Handling foods. ~~It shall be unlawful for any person, firm or corporation operating any hotel, cafe, restaurant, dining car or other~~ No person in charge of any public eating place~~, or operating any bakery, meat market, dairy~~ or other establishment where food products to be consumed by others are handled~~,~~ may knowingly ~~to~~ employ ~~or keep in their employ~~ any person handling food products who has a ~~communicable~~ disease ~~or any venereal disease~~ in a ~~communicable~~ form~~. Whenever~~ that is communicable by food handling. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods ~~who~~ or is suspected of having a ~~venereal~~ disease in ~~the communicable~~ a form that is communicable by food handling shall submit to an examination by ~~such~~ the officer or by ~~some~~ a physician designated by ~~such~~ the officer. The expense of ~~such~~ the examination, if any, shall be paid by the person examined ~~if found to have such disease~~. Any person knowingly ~~affected~~ infected with a ~~communicable~~ disease ~~or any venereal disease~~ in a ~~communicable~~ form that is communicable by food handling who handles food products to be consumed by others and any persons knowingly employing or permitting such a person to handle food products to be consumed by others shall be punished as provided by s. ~~143.09~~ 143.11.

SECTION 54. 143.085 and 143.09 of the statutes are repealed.

SECTION 55. 143.10 of the statutes is amended to read:

143.10 Communicable diseases; suspected cases; protection of public. ~~Any person who knows that he is afflicted with smallpox, diphtheria, scarlet fever or other dangerous communicable disease, who shall~~ No person who is knowingly infected with a communicable disease may wilfully ~~enter any public place or public conveyance, or shall, in any way, wilfully~~ violate the recommendations of the local health officer or subject others to danger of contracting ~~his~~ the disease ~~and any person who shall~~. No person may knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is ~~afflicted~~ infected or is suspected of being ~~afflicted~~ infected with ~~any such~~ a communicable disease~~,~~ into any ~~such~~ public place or conveyance~~, or in any way knowingly and wilfully subject,~~ where the infected person would expose ~~or aid in exposing~~ any other person to danger of contracting ~~any such~~ the disease~~, shall be punished by imprisonment in the county jail not more than 100 days nor less than 20 days, or by fine not exceeding $100 nor less than $50, or by both such fine and imprisonment~~.

SECTION 56. 143.11 of the statutes is amended to read:

143.11 Violation of law relating to health. Any person who wilfully violates ~~any law~~ or obstructs or hinders the execution of any state, county or municipal law, ordinance, order or rule issued under this chapter and relating to the public health, for which ~~violation~~ no other penalty is prescribed, ~~or any order or regulation of the department or of any board of health or town sanitary district commission, lawfully made and duly published,~~ shall be imprisoned not more than ~~3 months~~ 30 days or fined not to exceed ~~$100~~ $500 or both.

SECTION 57. 143.12 (title) of the statutes is amended to read:

143.12 (title) **Communicable diseases; schools; duties of teachers, parents, officers.**

SECTION 58. 143.12 (1) of the statutes is repealed and recreated to read:

143.12 (1) If a teacher, school nurse or principal of any school or day care center knows or suspects that a communicable disease is present in the school or center, he or she shall at once notify the local health officer.

SECTION 59. 143.12 (2) to (5) of the statutes are repealed.

SECTION 60. 143.12 (6) of the statutes is amended to read:

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143.12 (6) ~~All teachers shall~~ Any teacher, school nurse or principal may send home pupils who are ~~habitually dirty, noisome or lousy, and~~ suspected of having a communicable disease or any other disease the department specifies by rule. Any teacher, school nurse or principal who sends a pupil home shall immediately ~~give written notice to the school board or the superintendent of schools and to~~ notify the parents of ~~such pupils~~ the pupil of ~~such~~ the action and the reasons ~~therefor~~ for the action. A teacher who sends a pupil home shall also notify the principal of the action and the reasons for the action.

SECTION 61. 143.12 (7) of the statutes is repealed.

SECTION 62. 143.13 of the statutes is repealed.

SECTION 63. 143.14 (title) of the statutes is amended to read:

143.14 (title) **Typhoid carriers; commitment; nonresidents.**

SECTION 64. 143.14 (1) of the statutes is renumbered 143.14 and amended to read:

143.14 Any person declared by the department to be a typhoid carrier as determined by ~~epidemiological~~ epidemiologic or laboratory tests ~~shall be deemed~~ is a menace to the public health. ~~Whenever a typhoid carrier is unable or unwilling to~~ and shall conduct himself or herself in the manner required by the department ~~he may be made to appear before the judge of any county of which he is a resident or which he inhabits. Complaint shall be made by an officer of the department~~. Upon proof of violation of the requirements of the department ~~such carrier~~, the person may be committed by the court to any institution where proper care and maintenance can be provided. The period of commitment shall continue until the department, through its proper officer or the committing court, shall consent to discharge. Expense of maintenance during commitment shall be borne by the person ~~so~~ committed, or if ~~he~~ the person is without sufficient funds, by the county from which he or she was committed unless the expense is payable through 3rd-party liability or through any benefit system.

SECTION 65. 143.14 (2) to (4) of the statutes are repealed.

SECTION 66. 143.15 (7) of the statutes is amended to read:

143.15 (7) The department shall promulgate rules establishing a fee schedule to offset the cost of the certification of laboratories and the collection of fees. ~~The fees established for each specialty area shall be graduated.~~

SECTION 69. 990.01 (5am) of the statutes is created to read:

990.01 (5am) COMMUNICABLE DISEASE. "Communicable disease" means any disease that the department of health and social services determines, by rule, to be communicable in fact.

SECTION 70. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(18) EXECUTIVE PROGRAMS.

A Statute Sections	B References Deleted	C References Inserted
14.011 (intro.)	143.07 (8)	none

(20) HEALTH AND SOCIAL SERVICES.

A Statute Sections	B References Deleted	C References Inserted
15.191 (intro.)	143.07 (5)	none

Change Requested:

143.02 Powers of department. (1) The department may establish such systems of inspection as it deems necessary to ascertain the presence of communicable disease, and a ~~s~~ member or authorized agent or inspector of ~~said~~ the department may enter any building, vessel, railway car or other public ~~vehicle~~ conveyance to inspect the same and remove therefrom any person affected by such a disease; and for this purpose may require the person in charge of any vessel or public ~~vehicle~~ conveyance, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop ~~his~~ the train at any station or upon any sidetrack, for such time as may be necessary.

(2) In emergency, the department may provide those sick with ~~such~~ a communicable disease with medical aid and temporary hospital accommodation and with nurses and attendants.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places when deemed necessary to control outbreaks and epidemics.

(4) The department may adopt and enforce rules for guarding against the introduction of ~~any-such~~ communicable disease into the state, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such a communicable disease, ~~for-the-preparation,-transportation-or-burial-of corpses,-for-the-speedy-and-private-interment-of-the-bodies-of-persons-who have-died-from-communicable-disease,~~ for the sanitary care of ~~jails,-asylums,~~ ~~schoolhouses,~~ correctional facilities, mental health institutions, schools, hotels and all other public buildings and premises connected therewith. Any rule may be made applicable to the whole or any specified part of the state, or to any vessel, railway car or other public ~~vehicle~~ conveyance. Rules of general application shall be published as provided in ch. 227; but rules or orders may be made for any city, village or ~~town~~ county by service thereof upon the local health ~~officer~~ official. Rules or orders hereunder shall supersede conflicting local rules or ordinances.

(5) All public officers and employes shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of institutions, buildings, vessels and ~~vehicles~~ conveyances within this section, shall cooperate with the department in carrying out its provisions, and if such cooperation be refused or withheld the department may execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing shall be paid by the county, city, town or village~~,-except-they-are-incurred-for-the-prevention and-control-of-Asiatic-cholera-and-the-state-has-created-a-fund-for-that-purpose.~~

~~(6)-Any-person-who-shall-fail-to-obey-the-rules-and-regulations-hereunder, or-who-shall-wilfully-obstruct-or-hinder-the-execution-thereof,-for-each-offense shall-be-fined-not-less-than-$25-nor-more-than-$500,-or-imprisoned-not-more-than 6-months,-or-both.~~

Explanatory Note:

The revisions suggested in this section are basically technical changes designed to bring the statutes into concordance with current public health epidemiologic thought and terminiology.

Any references to gender have been revised. The revision of s.143.02(3) is intended to prevent epidemics by taking prompt action upon the appearance of communicable disease outbreaks. The revision of s.143.02(4) is intended to be consistent with ch. 221, Laws of 1979. The words "jails, asylums, schoolhouses" are no longer used and their current counterparts have been substituted. We find no evidence of a fund created or needed for the prevention and control of Asiatic cholera as referenced under s.143.02(5) and recommend deletion of the reference. The repeal of the penalty under s.143.02(6) reflects a move toward making the penalties for violation of various subsections consistent throughout the chapter. The general penalty for violation of public health laws as contained in this chapter is presented under s.143.11.

Opposition/Support Anticipated:

No opposition is anticipated since the suggested revisions are technical in nature and are intended to update the chapter.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.03 Duties of local officers health officials. (1) Every local health officer official, upon the appearance of any communicable disease in his or her territory shall immediately investigate all the circumstances, make a full report to his the board and also to the department; he the local health official shall at all times promptly take such measures as are necessary and proper for the prevention, suppression and control of any such communicable disease as he deems needful and proper, subject to the approval of his the board, and shall report to his the board the progress of such diseases and the measures used against them, with such frequency as to keep the board fully informed, or at such intervals as the secretary may direct. The local health officer official shall inspect the schoolhouses schools and other public buildings within his district or her jurisdiction, with sufficient frequency to determine whether such buildings are kept in a sanitary condition.

(2) Local boards of health officials may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks and epidemics; and under direction of the department, shall furnish antitoxin free to indigent persons suffering from communicable disease advise the department of all measures taken.

Explanatory Note:

The revisions suggested in this section are basically technical changes designed to bring the statutes into concordance with current public health epidemiologic thought and terminology. Any references to gender have been revised. Since the department no longer specifically furnishes antitoxin to indigent persons, s.143.03(2) was amended to provide general authority to the local boards of health.

Opposition/Support Anticipated:

There may be opposition to s.143.03(1) on the part of local public health nurses. Under the anticipated amendment of s.141.01(9) the duties of the local health official are to be delegated to a public health nurse under certain circumstances. The nurses may object to having the duty to inspect schools and other public buildings. Since the rest of the revisions are basically technical in nature, little additional opposition is anticipated. General support is expected from health and public health officials for finally providing them with the authority to utilize in their current responsibilities.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.04 Reports of cases. (1) A physician or health professional knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having such a communicable disease, has died, shall make a report the same to the local health officer, commissioner, or board official and to the department. In the case of a person having poliomyelitis, the physician shall in addition to the report made to the health officer, send a report immediately to the department, giving the name, address, age and description of disability of such person.

(4) Reports under subsections (1) and (2) shall state so far as known the name, sex, age and the residence of the sick person, the disease and such other facts as the department or local board of health official requires. Blanks Report forms may be furnished by the department or local board of health and distributed by the local health officer official.

(5) All reports shall be made within 24 hours, unless otherwise specified by the department, either by telephone, telegraph, mail or by leaving at the office or residence of the local health officer official.

(7) When an outbreak or epidemic occurs, the local health officials shall immediately report to the department, and shall at all times keep the department informed upon the prevalence of the communicable diseases in the municipality locality in such manner and with such facts as the department requires.

(8) A list of communicable diseases shall be displayed in a prominent place in each physician's office or clinic and in each health care institution for the treatment of the sick. The list shall be printed on a card and furnished without cost charge by the department.

(9) In diagnosing communicable diseases in patients accepted for treatment, physicians and other practitioners shall use ordinary skill and bacteriological examinations bacteriologic, virologic, mycologic, serologic, or any other pertinent laboratory tests where the same would be of material value in disclosing such which would aid in diagnosing the disease. If there is a dispute regarding diagnosis or if the diagnosis is or may be of potential public health significance, if a bacteriological examination more extensive bacteriologic, virologic, mycologic, serologic, or other pertinent laboratory tests will aid, the local health officer official shall order it them made by the state laboratory of hygiene or an appropriately certified laboratory under s.143.15.

(10) A physician violating sub. (9) and any person violating subs. (1) to (5) shall be fined not less than $5 $25 nor more than $100 $500, or imprisoned in the county jail not less than 5 nor more than 90 30 days, or both, and or subjected to a forfeiture to the school fund of not less than $5 nor more than $25 for each day shall constitute a separate violation. Upon a 2nd or subsequent conviction of a physician, the medical examining board may suspend his the physician's license for one year.

(11) When violation hereof is reported to him the district attorney by a local health officer official or by the department, the district attorney shall forthwith prosecute the proper action, and upon request of the department, the attorney general shall assist.

Explanatory Note:

Most of the revisions suggested in this section are technical changes designed to bring the statutes into concordance with current public health epidemiologic thought and terminology. Any references to gender have been revised. Under s.143.04(1) the physician may designate some other person to report any notifiable diseases. This amendment would specifically identify the reporting duty of non-physician clinicians (Physicians Assistants, Nurse Practitioners, Nurse Clinicians). Because of the changing patterns of disease incidence it is impractical to single out poliomyelitis as the only disease that must be reported to both the local health official and the department. Amending the section as suggested provides the department with flexibility to respond to the changes in disease incidence patterns. Flexibility is also important regarding what information is to be included in the report. Different diseases require different information for adequate follow-up and control. Certain diseases require prompt investigation and action and must be reported as soon as possible by telephone. Section 143.04(4) is amended to reflect current practice. To provide uniformity, the department designs and furnishes the reporting forms. It is anticipated that reporting and follow-up practices would improve if the local health officials were involved in the distribution of the forms. The local officials are in a better position to encourage reporting of communicable diseases. The amendment of 143.04(5) provides flexibility in reporting procedures. The department is given the authority to specify when diseases are to be reported. Not all diseases need to be reported within 24 hours. For surveillance purposes, some diseases only require a weekly tally of cases. Section 143.04(8) is amended to recognize additional health care facilities likely to encounter communicable diseases. It is felt that the enumeration of various diagnostic laboratory tests in s.143.04(9) stresses the importance of the tests in making early accurate diagnoses. Effective public health control measures could be implemented early, thus preventing unnecessary overutilization of health care services. The revision of the penalties for violation under s.143.04(10) is recommended to make the penalties consistent throughout the chapter. The general penalty for violation of laws contained in this chapter is presented under s.143.11.

Opposition/Support Anticipated:

Physicians may object to the advocated use of non-physician clinicians for reporting diseases since this was, traditionally, the physician's designated function. Physicians should not view this amendment as infringement on their authority, but rather as a way to relieve them of the task of reporting, if they so choose. Support is anticipated from non-physician clinicians regarding this amendment. The remaining revisions are basically technical and serve the purpose of updating the section and are not expected to be controversial. Clearly responsibility to report disease is given to anyone with knowledge of a communicable disease. These changes recognize the evolution of the clinical expertise of various health professional groups and the increased likelihood that these non-physician clinicians would be an initial contact in the health care system.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.05 Isolation, quarantine;-placarding (1) The department or the local health official acting on behalf of the department may require isolation of the patient, quarantine of contacts, placarding-of-premises; concurrent and terminal disinfection, or such modified forms of these procedures as may be necessary and which are determined by the department by rule.

(2) Local boards-of health officials with the consent of the department may establish quarantine within their territory, and for cities within 5 miles of the limits.

(3) When a local health officer official shall suspect or be informed of the existence of any communicable disease, he the official shall at once investigate and make or cause such examinations to be made as are necessary. The diagnosis (report) of a physician, or the notification or confirmatory consent report of a parent or caretaker of the patient, or a reasonable belief in the existence of such disease shall be sufficient evidence and having any of these the local health officer official shall immediately quarantine, placard, isolate or, require restrictions or implement any other disease control measures in such manner and upon such persons and for such time as the department provides in its rules. If he-be the local health official is not a physician his-local-board-of-health-or-appointive-body he or she shall employ one to aid him the local health official as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The local health officer-shall-be-responsible-for-the-prompt-placing-and-removal-of-signs; official shall investigate evasion of the laws and rules upon concerning communicable disease and shall so act as to protect the public.

(4) If-the-disease-be-designated-by-the-department-as-a-placardable-one, the-local-health-officer-shall-immediately-placard-the-infected-place-by-posting conspicuously-thereon-a-card. If the-department-designates-the-disease-as communicable deemed necessary by the department or a local health official for a particular communicable disease, all persons except the local health officer offical, or his or her representative, attending physicians, and nurses, and clergymen members of the clergy, and-the members of the immediate family and any other person having a special written permit from the local health officer official are forbidden to be in direct contact with the patient.

(5) The local board-of health official shall employ as many persons as are necessary to execute its orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of communicable diseases, or the orders, rules and regulations of the department or any board-of health official.

(6) (a) When the local health officer official deems it necessary that such-afflicted a person be quarantined or otherwise restricted in a separate place, he the official shall remove him the person, if it can be done without danger to his the person's health, to such place, and the expense of such removal shall be paid by the municipality county.

(b) When a person confined in a jail;-county-asylum-or-county-home correctional facility, mental health institute or other public place of detention has a disease which the local health officer official or the

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director of institutional health deems dangerous to the health of the other inmates residents or the neighborhood the health officer official or the director of institutional health shall by his order in writing, direct the removal of such the person to some a hospital or other place of safety, there to be provided for and securely kept. If he recover he Upon recovery the person shall be returned; and if he the person was committed by a court or under process the removal order or a copy shall be returned by the health officer official, with his or her doings thereon to the committing court officer.

(7) The expense of maintaining quarantine, including examinations and tests for disease carriers made by or with the consent of the local health officer official, and the enforcement of isolation on the premises, shall be paid for by the city, incorporated village or town upon the order of the local board of health or if none exists upon the order of the local health officer official unless the expense is payable through 3rd party liability or any federal, state, county, municipal, or private benefit systems.

(8) The health officer shall cause to be disinfected, by methods approved by the department, rooms, clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one.

(9) If property is destroyed by order of municipal officials the local governing body, to stamp out or prevent the spread of communicable disease the governing body may, upon certificate of the local health officer official that the destruction was necessary and of the amount and value, pay for it to the extent of one hundred dollars $100 for property owned or in the possession of a single family, and not to exceed the value certified.

(10) Expenses for necessary nurses, medical attention care, food and other articles needed for the comfort of the afflicted person, shall be charged against him the person or whoever whomever is liable for his the person's support. Indigent cases shall be cared for at municipal expense or by the county where the county system for the poor has been adopted. In any county having a population of 500,000 or more, said the county shall provide hospitalization and shall charge the cost thereof against the afflicted person or whoever whomever is liable for his the person's support, but the cost of indigent cases shall be charged to and paid for by the municipality in which the communicable disease is suspected or diagnosed as such. If he the person is a legal resident of another municipality of this state, the expense of care shall be paid by such municipality, or by the county where the county system for the care of the poor has been adopted, when a sworn statement of such the expense is sent to the proper officers within 30 days after quarantine.

(11) Anyone without authority interfering with any placard or sign hereunder, or violating this section, shall be fined not less than five nor more than one hundred dollars, or imprisoned not less than 5 nor more than 90 days.

Explanatory Note:

Many of the revisions suggested in s.143.05 are technical changes designed to bring the statues into compliance with current public health epidemiologic thinking and terminology. Any references to gender have been revised.

The practice of placarding is no longer necessary for the control of communicable disease. It is an antiquated procedure which should have been stricken from the statutes and administrative code years ago. References to placarding throughout the section have been deleted. S.143.05(1) is amended to give the local health official the authority to institute the necessary control measures for communicable diseases under the direction of the department. It is impractical for the department to have the sole responsibility for requiring control measures. This change recognizes and encourages the current cooperative joint relationship of the local health officials and the Division of Health. The authority of the local health official to implement control measures is also designated in the amendment of s.143.05(3). The strict control measures described in s.143.05(4) are not necessary for all communicable diseases. The amendment would provide flexibility to the department and the local health officials in the designation of specific diseases and types of cases requiring such measures. The references to "jail, county asylum or county home" are amended to use the current terminology for these facilities. The director of institutional health is given the authority to remove residents from these facilities when necessary for the control of communicable diseases. It is anticipated that the provision of two sources of authority will enable action to be taken promptly. It is suggested that s.143.05(8) be repealed. It is neither appropriate nor necessary to include detailed disinfection procedures in the statutes. The general authority of the local health official for disinfection is provided under s.143.05(1). The specific disinfection measures are more appropriately contained in the Wisconsin Administrative Code, Chapter H 45, Communicable Diseases. The penalties for violation under s.143.05(11) are repealed and the generally applicable penalty is stated under s.143.11.

Opposition/Support Anticipated:

No opposition to the basic language and technical changes is anticipated.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.06 Tuberculosis (1) Every physician or person~~,-or-owner,-agent,-manager, principal-or-superintendent~~ in charge of an a school or health care institution, ~~hotel-or-boarding-or-lodging-house,~~ shall cause to be reported to the local ~~board-of~~ health official in writing, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time. The report shall be confidential to the extent that the name or address of the patient shall not be published by any newspaper, or publication of general or special circulation.

~~(2)-Every-person-sick-with-tuberculosis,-or-in-attendance,-and-the-authorities-of-such-places,-shall-observe-and-enforce-the-rules-and-regulations-of the-health-board-for-preventing-spread.~~

~~(3)-No-person-with-tuberculosis-of-the-lungs-or-larynx,-or-any-other disease-whose-infecting-agent-is-contained-in-the-sputum-or-other-secretions shall-deposit-his-sputum,-or-other-infectious-secretion,-in-such-a-place-as to-cause-offense-or-danger.--He-shall-provide-himself-with-a-receptacle-in which-to-deposit-his-sputum,-or-other-infectious-secretion,-and-the-contents of-said-receptacle-shall-be-burned-or-thoroughly-disinfected.~~

(4) If any person afflicted with tuberculosis, diagnosis of which is made by a medical examination, laboratory or X-ray examination or as shown by the examinations made in the state laboratory of hygiene, ~~in-any-branch-and-co-operative laboratory-or~~ in any municipal laboratory ~~accredited~~ certified by the department, or in any federal governmental laboratory or in any other appropriately certified laboratory, fails to comply with this section, or the tuberculosis rules of the department, the person may be committed to a ~~county-tuberculosis-hospital-or~~ other place or institution where proper care will be provided and where the necessary precautions will be taken, by any judge of a court of record upon proof that such person has so offended. Such person shall, upon verified petition setting forth the facts by any health officer official or any resident of the municipality where the alleged offense was committed be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. The court may make such order for payment for care and treatment as may be authorized by law. Such person may be discharged when the court thinks proper. If the superintendent has good cause to believe that any person so committed may leave the institution the superintendent may restrain the person from leaving. Whenever the superintendent deems it necessary the superintendent may segregate any person so committed. If any person so committed shall escape, the superintendent may take such lawful steps as the superintendent deems necessary to secure the person's return. ~~No-provision-of-this-subsection-shall-be-construed-as-in-any manner-restricting-or-limiting-the-rights-of-persons-as-declared-in-s.-448.03(2)(g).~~

(5) Upon ~~complaint~~ report of any responsible person the local ~~board-of~~ health official shall at once investigate and ~~if-it-finds-conditions-dangerous to-health-it-shall~~ make and enforce the necessary orders.

~~(8)-The-penalties-prescribed-in-s.143.05(11)-shall-apply-to-this-section.~~

Explanatory Note:

Many of the changes suggested in s.143.06 are technical changes designed to

bring the statutes into compliance with current public health epidemiologic thinking and terminology. Any references to gender have been revised. The repeal of s. 143.06(2) is suggested since it is unnecessary to say that persons must obey rules and regulations. The repeal of s.143.06(3) is requested because this subsection is inappropriate for inclusion in the statutes. The procedures regarding disposal of sputum are currently more appropriately specified in the Wisconsin Administrative Code subd. H46.02(2)(a)1. The repeal of s.143.06(8) eliminates duplication in the chapter. The general penalty for violation of public health laws is contained in s.143.11.

Opposition/Support Anticipated:

No opposition is anticipated.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Carl Schieffelbein, Tuberculosis Program, Bureau of Prevention, 266-8621.

Change Requested:

~~143.09 Penalty.--Violation of section 143.07, 143.08 or 143.085 shall be punished by a fine of not more than $500 or by imprisonment in the county jail for not more than one year, or both.~~

Explanatory Note:

It is unnecessary to state the penalty for violation of sections of ch. 143 several times. The generally applicable penalty is presented under s.143.11.

Opposition/Support Anticipated

No opposition is anticipated since this is solely a technical change.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.10 Communicable diseases; suspected cases; protection of public. Any No person ~~who knows that he is~~ knowingly afflicted with ~~smallpox, diphtheria, scarlet fever or other dangerous~~ a communicable disease ~~in a communicable form, who~~ shall wilfully enter any public place or public conveyance, or shall, in any way, wilfully subject others to danger of contracting ~~his~~ the disease and nor shall any person ~~who shall~~ knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is afflicted or is suspected of being afflicted with any ~~such~~ a communicable disease, into any ~~such~~ public place or conveyance, or in any way knowingly and wilfully subject, expose or aid in exposing any other person to danger of contracting ~~any such~~ the disease~~, shall be punished by imprisonment in the county jail not more than 100 days nor less than 20 days, or by fine not exceeding $100 nor less than $50, or by both such fine and imprisonment.~~

Explanatory Note:

The disease incidence patterns have changed substantially since this section was written. To enable this subsection to adapt to changing disease patterns it is more practical to use the generic term "communicable diseases". It is advisable to include the phrase "in a communicable form" for practicality's sake. The rest of the revisions are basically technical changes to correct sexist language and make the penalties for violation as stated under s.143.11 consistent throughout the chapter.

Opposition/Support Anticipated:

No opposition is anticipated since the revisions are basically technical and serve to incorporate flexibility into the statutes.

Contact Person:

Susan Stolz, Project Assistant, Bureau of Prevention, 266-6966.
Martin LaVenture, Epidemiologist, Bureau of Prevention, 267-9005.

Change Requested:

143.01 Communicable diseases. Such diseases as are in fact communicable, and so determined by the department by rule, shall be within the term "communicable disease", as used in the statutes.

143.02 Powers of department. (1) The department may establish such systems of inspection as it deems necessary to ascertain the presence of communicable disease, and any member or authorized agent or inspector of ~~said~~ the department may enter any building, vessel~~,railway car~~ or ~~other~~ public ~~vehicle~~ conveyance to inspect the same and remove therefrom any person affected by such a disease; and for this purpose may require the person in charge of any vessel or public ~~vehicle~~ conveyance, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop ~~his~~ the train at any station or upon any sidetrack, for such time as may be necessary.

(2) In emergency, the department may provide those sick with ~~such~~ a communicable disease with medical aid and temporary hospital accommodation ~~and with nurses and attendants~~.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places when deemed necessary to control outbreaks and epidemics.

(4) The department may adopt and enforce rules for guarding against the introduction of ~~any such~~ communicable disease into the state, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by ~~such~~ a communicable disease, ~~for the preparation, transportation or burial of corpses, for the speedy and private interment of the bodies of persons who have died from communicable disease;~~ and for the sanitary care of ~~jails, asylums, schoolhouses;~~ correctional facilities, mental health institutions, schools, hotels and all other public buildings and premises connected therewith. Any rule may be made applicable to the whole or any specified part of the state, or to any vessel~~,railway car~~ or ~~other~~ public ~~vehicle~~ conveyance. Rules of general application shall be published as provided in ch. 227; but rules or orders may be made for any city, village or ~~town~~ county by service thereof upon the local health officer. Rules or orders hereunder shall supersede conflicting local rules or ordinances.

(5) All public officers and employes shall respect and enforce the rules and regulations made hereunder, and they and persons in charge of correctional facilities, mental health institutions, schools, hotels and all other public buildings, vessels and ~~vehicles~~ conveyances within this section, shall cooperate with the department in carrying out its provisions, and if such cooperation be refused or withheld the department may execute its rules and regulations by agents of its own appointment, and expenses incurred in so doing shall be paid by the county, city, town or village~~, except they are incurred for the prevention and control of Asiatic cholera and the state has created a fund for that purpose.~~

~~(6) Any person who shall fail to obey the rules and regulations hereunder, or who shall wilfully obstruct or hinder the execution thereof, for each offense shall be fined not less than $25 nor more than $500, or imprisoned not more than 6 months, or both.~~

(7) The department shall have the power to authorize and implement all emergency measures necessary for the control of communicable diseases.

Explanatory Note:

The revisions suggested in this section are basically technical changes designed to bring the statutes into concordance with current public health epidemiologic thought and terminology. Any references to gender have been revised. The revision of s.143.02(3) is intended to prevent epidemics by taking prompt action upon the appearance of communicable disease outbreaks. The revision of s.143.02(4) is intended to be consistent with ch. 221, Laws of 1979. The words "jails, asylums, schoolhouses" are no longer used and their current counterparts have been substituted. We find no evidence of a fund created or needed for the prevention and control of Asiatic cholera as referenced under s.143.02(5) and recommend deletion of the reference. The repeal of the penalty under s.143.02(6) reflects a move toward making the penalties for violation of various subsections consistent throughout the chapter. The general penalty for violation of public health laws as contained in this chapter is presented under s.143.11.

Change Requested:

143.03 Definition and duties of local health officers. (1) For the purposes of Ch. 143 the health officer shall be the person so designated under the provisions of s. 141.01(9).

(~~1~~ 2) Every local health officer, upon the appearance of any communicable disease in his or her territory shall immediately investigate all the circumstances, make a full report to ~~his~~ the ~~board~~ appropriate governing body and also to the department; ~~he~~ the local health officer shall at all times promptly take such measures as are necessary and proper for the prevention, suppression and control of ~~any such~~ communicable disease ~~as he deems needful and proper~~, subject to the approval of ~~his~~ the ~~board~~ appropriate governing body, and shall report to ~~his~~ the ~~board~~ appropriate governing body the progress of such diseases and the measures used against them, with such frequency as to keep the ~~board~~ appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer ~~shall~~ may inspect the ~~schoolhouses~~ schools and other public buildings within his ~~district~~ or her jurisdiction, with sufficient frequency to determine whether such buildings are kept in a sanitary condition.

(~~2~~ 3) Local ~~boards of~~ health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks and epidemics; and ~~under direction of the department; shall furnish antitoxin free to indigent persons suffering from communicable disease~~ advise the department of all measures taken.

(~~3~~ 4) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the municipality.

(~~4~~ 5) No person shall interfere with the examination under this chapter of any place or its occupants by health officials or their assistants, nor with any notice posted under this chapter.

Explanatory Note:

The revisions suggested in this section are basically technical changes designed to bring the statutes into concordance with current public health epidemiologic thought and terminology. Any references to gender have been revised. Since the department no longer specifically furnishes antitoxin to indigent persons, s.143.03(2) was amended to provide general authority to the local health officers.

~~(11) Anyone without authority interfering with any placard or sign hereunder, or violating this section, shall be fined not less than five nor more than one hundred dollars, or imprisoned not less than 5 nor more than 90 days.~~

Explanatory Note:

Many of the revisions suggested in s.143.05 are technical changes designed to bring the statues into compliance with current public health epidemiologic thinking and terminology. Any references to gender have been revised. The practice of placarding is no longer necessary for the control of communicable disease. It is an antiquated procedure which should have been stricken from the statutes and administrative code years ago. References to placarding throughout the section have been deleted. S.143.05(1) is amended to give the local health officer the authority to institute the necessary control measures for communicable diseases under the direction of the department. It is impractical for the department to have the sole responsibility for requiring control measures. This change recognizes and encourages the current cooperative joint relationship of the local health officers and the Division of Health. The authority of the local health officer to implement control measures is also designated in the amendment of s.143.05(3). The strict control measures described in s.143.05(4) are not necessary for all communicable diseases. The amendment would provide flexibility to the department and the local health officers in the designation of specific diseases and types of cases requiring such measures. The references to "jail, county asylum or county home" are amended to use the current terminology for these facilities. The director of institutional health is given the authority to remove residents from these facilities when necessary for the control of communicable diseases. It is anticipated that the provision of two sources of authority will enable action to be taken promptly. It is suggested that s.143.05(8) be repealed. It is neither appropriate nor necessary to include detailed disinfection procedures in the statutes. The general authority of the local health officer for disinfection is provided under s.143.05(1). The specific disinfection measures are more appropriately contained in the Wisconsin Administrative Code, Chapter H 45, Communicable Diseases. The penalties for violation under s.143.05(11) are repealed and the generally applicable penalty is stated under s.143.11.

Change Requested:

143.06 Tuberculosis. (1) Every physician or person, or owner, agent, manager, principal or superintendent of an institution, hotel or boarding or lodging house, shall cause to be reported to the local board of health in writing, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time. The report shall be confidential to the extent that the name or address of the patient shall not be published by any newspaper, or publication of general or special circulation. Tuberculosis is defined as a communicable disease and as such shall be reported in the manner directed by s. 143.04. All laboratories performing tests for tuberculosis shall report all positive test results to the department.

(2) Every person sick with tuberculosis, or in attendance, and the authorities of such places, shall observe and enforce the rules and regulations of the health board for preventing spread.

(3) No person with tuberculosis of the lungs or larynx, or any other disease whose infecting agent is contained in the sputum or other secretions shall deposit his sputum, or other infectious secretion, in such a place as to cause offense or danger. He shall provide himself with a receptacle in which to deposit his sputum, or other infectious secretion, and the contents of said receptacle shall be burned or thoroughly disinfected.

(4) If any person afflicted with tuberculosis, diagnosis of which is made by a medical examination, laboratory or X-ray examination or as shown by the examinations made in the state laboratory of hygiene, in any branch and co-operative laboratory or in any municipal laboratory accredited certified by the department, or in any federal governmental laboratory or in any other appropriately certified laboratory, fails to comply with this section chapter or the tuberculosis rules of the department, the person may be committed to a county tuberculosis hospital or other place or institution where proper care will be provided and where the necessary precautions will be taken, by any judge of a court of record upon proof that such person has so offended. Such person shall, upon verified petition setting forth the facts by any health officer or any resident of the municipality where the alleged offense was committed be summoned by such judge to appear at the time and place stated in the summons, which time shall not be less than 48 hours after service. The court may make such order for payment for care and treatment as may be authorized by law. Such person may be discharged when the court thinks proper. If the superintendent administrative officer has good cause to believe that any person so committed may leave the institution the superintendent he or she may restrain the person from leaving. Whenever the superintendent adminstrative officer deems it necessary the superintendent he or she may segregate any person so committed. If any person so committed shall escape, the superintendent administrative officer may take such lawful steps as the superintendent he or she deems necessary to secure the person's return. No provision of this subsection shall be construed as in any manner restricting or limiting the rights of persons as declared in s. 448.03(2)(g).

(5) Upon complaint report of any responsible person the local board of health officer shall at once investigate and if it finds conditions dangerous to health it shall make and enforce the necessary orders.

(7) For the purpose of this section persons in charge of common carriers shall have police powers.

~~(8) The penalties prescribed in s. 143.05(11) shall apply to this section.~~

Explanatory Note:

Many of the changes suggested in s.143.06 are technical changes designed to bring the statutes into compliance with current public health epidemiologic thinking and terminology. Any references to gender have been revised. The repeal of s. 143.06(2) is suggested since it is unnecessary to say that persons must obey rules and regulations. The repeal of s.143.06(3) is requested because this subsection is inappropriate for inclusion in the statutes. The procedures regarding disposal of sputum are currently more appropriately specified in the Wisconsin Administrative Code subd. H46.02(2)(a)1. The repeal of s.143.06(8) eliminates duplication in the chapter. The general penalty for violation of public health laws is contained in s.143.11. Tuberculosis is addressed separately from the general control of communicable diseases due to the necessity of the department to maintain the power of commitment.

1981 STATE OF WISCONSIN LRB-2640/5
DL:tm

1981 ASSEMBLY BILL 711

August 26, 1981 – Introduced by COMMITTEE ON HEALTH AND HUMAN SERVICES, by request of Wisconsin Council of Public Health Administrators and Association of Directors of Full Service Health Departments. Referred to Committee on Health and Human Services.

AN ACT to repeal 141.01 (1) (a), 141.06, 143.04 (10), 143.05 (2), (7) to (9) and (11), 143.06 (2), (3) and (8), 143.07 (3), (8), and ~~(11) to~~ (12) and (13), 143.075, 143.085, 143.09, 143.12 (2) to (5) and (7), 143.13 and 143.14 (2) to (4), ~~765.06 and 765.30 (1) (a) and (c) and (2) (b)~~; to renumber and amend 143.05 (10), 143.07 (1) and 143.14 (1); to amend 46.23 (5)(a), 50.83, 93.07 (10), 95.10 (4), 95.20, 95.22 (1), 95.50 (2), ~~140.05 (19) (a),~~ 140.09 (16), 141.01 (1) (intro.), (3), (6) and (8), 141.015 (3) and (4), 141.07, 141.10 (1) and (4), 143.02 (1) to (5), 143.03, 143.04 (1), (3) to (9) and (11), 143.05 (title), (1) and (3) to (6), 143.06 (5), 143.07 (title), (2), (4), (7), (9) and (10), 143.08, 143.10, 143.11, 143.12 (title) and (6), 143.14 (title), 143.15 (7) and 765.06 (1) (a) and (d) and (2); to repeal and recreate 141.01 (7) and (9), 141.01, 143.02 (6), 143.04 (2), 143.06 (1) and (4), 143.07 (5) and (11) and 143.12 (1); and to create 141.01 (1m) and (10), 143.05 (10) (b), 143.07 (1) and 990.01 (5am) of the statutes, relating to revising the laws concerning local health agencies and communicable diseases and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes relating to local health agencies and communicable diseases:

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1. Under present law, county health commissions, county health committees, city or village boards of health, town health boards, local health officers and local public health nurses may all exist at once in a single county, with overlapping responsibilities. This bill repeals the authority to create town health boards. The bill requires counties, with certain exceptions, to create either county health commissions or committees. Any county with a county health department, whose entire area is covered by local boards of health or whose population is 500,000 or more is not required to create a county health commission or committee.

2. Present law requires each county health commission to employ a director and specifies certain duties of the director. This bill removes the requirement that a director be employed, substituting a requirement that the commission designate a qualified health professional to act as the local health officer, a public health nurse to conduct general countywide nursing programs and a qualified health professional to conduct certain sanitation and public health programs. Under this bill, the commission assumes the functions of the director and is authorized, but not required, to conduct sanitary inspections of schools and public buildings and perform sanitary surveys.

If a county creates a county health committee, the committee may appoint qualified health professionals or public health nurses, who are given the same powers and duties as a county health commission.

The bill requires any county that must create a county health commission or committee to make an appropriation to fund the operation of the commission or committee. Under present law, the county board is only required to make an appropriation to fund the operation of a committee.

3. The bill updates antiquated statutes concerning communicable diseases. For example, the bill deletes reference to a state fund for the control of Asiatic cholera, because no fund exists.

4. Present law requires physicians to inform the local health officer of the presence of communicable diseases in their patients. This bill extends the requirement to nurses, podiatrists and physical therapists and requires either the local health officer or the licensee to report to the department of health and social services. The bill requires laboratories to report the results of certain tests for disease to the department. The bill allows the department to specify the time period by which reports must be submitted.

5. Present law requires physicians to use bacteriological examinations as needed to diagnose communicable diseases. This bill requires nurses and physicians, podiatrists and physical therapists to use ordinary skill in diagnosing communicable diseases.

6. Present law allows the department to placard places where communicable diseases are present. This bill removes this authority. Present law allows the department to isolate any person infected with a communicable disease. This bill extends this authority to local health officers.

7. Present law requires the local board of health to maintain quarantines by employing guards. The bill shifts this duty to the local health officer. The local health officer can presently remove a person infected with a communicable disease from an institution to protect the health of other residents and place the person in a hospital; this bill authorizes the director of health at the institution also to remove the person.

8. Present law limits the liability of a municipality that destroys private property to eradicate a communicable disease to $100 per family. This bill removes that limitation on liability. The bill specifies that

the county or municipality in which an infected person resides is liable for the costs of quarantining and conducting examinations and tests and for the cost of caring for a dependent person who is infected with a communicable disease, unless some other form of 3rd-party liability or benefit system, such as public or private insurance, is available.

9. The bill changes the penalty for violating statutory requirements concerning quarantine. Present law imposes a fine of from $5 to $100 dollars or a term of imprisonment from 5 to 90 days. This bill allows imposition of a fine of up to $500 or a term of imprisonment for up to 30 days or both.

10. The bill expands the statutes that regulate control of venereal disease by allowing control of any sexually transmitted disease. The bill specifies that syphilis, gonorrhea and other diseases the department names by rule are considered sexually transmitted diseases. The bill allows local health officers to investigate the presence of a sexually transmitted disease and to begin commitment proceedings against any person infected with a sexually transmitted disease who refuses or neglects to be examined or treated. Under present law, only a local health officer who is a physician can conduct these investigations and begin commitment proceedings. The bill repeals a requirement that physicians who treat a person with a sexually transmitted disease inform the person of the danger of transmitting the disease and advise against marriage.

Present law allows a court to commit a person infected with a sexually transmitted disease to a public institution. This bill allows commitment to any institution and also allows a court to require the person to undergo a specified system of care for examination, treatment or observation. The bill allows confidential records relating to sexually transmitted diseases to be available at commitment hearings.

The bill repeals a requirement that people applying for marriage licenses be examined for venereal disease. The bill repeals the requirement that any person wishing to marry receive a physician's certificate indicating the person is free of venereal disease.

11. The bill repeals a statute forbidding persons in charge of public places from displaying materials about venereal disease unless the department finds the materials unobjectionable. The bill repeals an enabling act authorizing cities and counties to require that persons convicted of moral turpitude be examined for venereal disease. The bill repeals a statute that prohibits advertising concerning the treatment of sexual and venereal diseases.

12. The bill reduces the penalty for knowingly employing a person who handles food and who has a disease that is communicated by food handling. The bill reduces the term of imprisonment for this act from one year to 30 days.

Present law penalizes a person who is infected with a communicable disease and who wilfully exposes others to the disease by entering a public place or conveyance. Present law also penalizes any other person who assists the infected person or advises the infected person to enter a public place or conveyance. The existing penalty is a fine of from $50 to $100 or imprisonment from 20 to 100 days or both. This bill substitutes a penalty of up to a $500 fine or 30 days' imprisonment or both.

13. Present law requires persons who handle food and work for a traveling show, such as a circus, but do not reside in the municipality where the show is playing to hold a medical certificate which is not more than 6 months' old stating that the person is free of communicable diseases. The bill repeals this requirement.

14. The bill repeals a requirement that the local health officer notify schools and libraries of the names of families where communicable diseases appear. The bill repeals a requirement that library books in a house where a communicable disease is present be thoroughly disinfected or burned.

The bill repeals a provision forbidding parents from sending children with communicable diseases to school. The bill also repeals a provision requiring schools to be disinfected before the beginning of each school year and after any outbreak of a contagious disease. Present law requires the municipality in which the school is located to pay the cost of disinfection.

The bill allows both teachers and principals to send home pupils who may have a communicable disease or any other disease the department specifies by rules. Present law authorizes teachers to send home only habitually dirty, noisome or lousy pupils.

15. The bill repeals specific statutory powers concerning smallpox. Under present law, a local board of health must prohibit unvaccinated pupils from attending school for at least 2 weeks if a smallpox outbreak occurs and must provide free smallpox vaccinations to resident school children.

16. The bill repeals a provision allowing the department to institute procedures that would require any county to pay any person with smallpox up to $30 per month to compensate for the loss of earnings when the person is prevented from working.

17. The bill removes a requirement that the department's fee schedule for the certification of laboratories be graduated. Certified laboratories conduct tests for the detection of communicable diseases.

For further information, see the state and local fiscal estimate which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 1m. 50.83 of the statutes is amended to read:

50.83 PERSONS WITH COMMUNICABLE DISEASE NOT TO BE GUEST; PENALTY. No person is entitled to accommodation at a hotel who has a communicable disease ~~(as determined pursuant to s. 143.01)~~. No person who has had any such disease shall be entitled to such accommodation until all danger of spreading contagion therefrom is past. This section does not authorize compulsory removal of or refusal of shelter to any such person who is receiving accommodation at any hotel, if removal would specially endanger his life or health. Any person who knowingly and wilfully solicits or

1 receives accommodation in violation of this section shall be punished by a
2 fine not exceeding $100 or by imprisonment not exceeding 6 months
3 SECTION 2. 93.07 (10) of the statutes is amended to read:
4 93.07 (10) ANIMAL HEALTH; QUARANTINE. To protect the health of
5 domestic animals of the state; to determine and employ the most efficient
6 and practical means for the prevention, suppression, control and
7 eradication of communicable diseases among domestic animals, and for these
8 purposes it may establish, maintain, enforce and regulate such quarantine
9 and such other measures relating to the importation, movement and care of
10 animals and their products, the disinfection of suspected localities and
11 articles, and the disposition of animals, as the department may deem
12 necessary. The definition of "communicable disease" in s. 990.01 (5am)
13 does not apply to this subsection.
14 SECTION 3. 95.10 (4) of the statutes is amended to read:
15 95.10 (4) No indemnity shall be paid to the owner of any swine
16 condemned or destroyed because of any infectious or communicable disease
17 if such swine were located, at any time, on any premises receiving public
18 or commercial garbage. No person shall fail or refuse to conform with the
19 department order specifying the manner of disposal of such infected swine.
20 The definition of "communicable disease" in s. 990.01 (5am) does not apply
21 to this subsection.
22 SECTION 4. 95.20 of the statutes is amended to read:
23 95.20 EMBARGO ON ANIMALS FROM INFECTED DISTRICTS. When there is
24 reason to believe that there is danger of the introduction into this state
25 of any communicable disease prevailing among domestic animals outside this
26 state or of its spread in this state, the department shall investigate the
27 existing conditions, and if it concludes that danger exists to the
28 livestock interests of this state therefrom, it may prohibit the

1 importation of animals of the diseased kind from the infected district
2 into this state, or the removal of them from one part of the state to
3 another, under such regulations as the department may establish. The
4 definition of "communicable disease" in s. 990.01 (5am) does not apply to
5 this section.
6 SECTION 5. 95.22 (1) of the statutes is amended to read:
7 95.22 (1) Each veterinarian shall immediately report to the
8 department the existence among animals of any communicable disease coming
9 to his knowledge. The report shall be in writing and shall include a
10 description of the diseased animal, the name and address of the owner or
11 person in charge of the animal, if known, and the location of the animal.
12 The definition of "communicable disease" in s. 990.01 (5am) does not apply
13 to this subsection.
14 SECTION 6. 95.50 (2) of the statutes is amended to read:
15 95.50 (2) No person shall transport, haul or drag or permit to be
16 transported, hauled or dragged along any public highway in this state the
17 carcass of any animal suspected of having died from anthrax, blackleg,
18 foot and mouth disease, sleeping sickness or glanders or any other disease
19 which the department may designate as highly dangerous. All such
20 carcasses shall be burned or be buried at least 6 feet below the surface
21 of the ground and shall be completely covered so as to prevent their being
22 reached by wild animals or dogs. Whenever it is necessary to transport
23 any such carcass across any public highway for burial, it shall be
24 transported in such manner as not to contaminate any part of the public
25 highway. The carcasses of animals dying from other communicable diseases
26 may be transported to and disposed of under such regulations as are
27 prescribed by the department. The definition of "communicable disease" in
28 s. 990.01 (5am) does not apply to this subsection.

6A AAS

SECTION 7. 140.05 (19) (a) of the statutes is amended to read:

140.05 (19) (a) In this subsection "local health department" means any board of health organized or health officer appointed under ~~as~~ s. 140.09, ~~141.01 (9),~~ 141.015, 141.02 and or 141.04; or any county health commission or committee organized under s. 141.01~~; and any county health committee organized under s. 141.06.~~

SECTION 8. 140.09 (16) of the statutes is amended to read:

140.09 (16) COUNTY NURSES. When a county health department is established county nurses shall be transferred to the jurisdiction of the county health department and county health committees or commissions shall cease functioning.

SECTION 9. 141.01 (1) (intro.) of the statutes is amended to read:

141.01 (1) (intro.) Unless a county has a county health department organized under s. 140.09 or the entire area of a county has local boards of health under s. 141.015, 141.02 or 141.04, or the county has a population of 500,000 or more, the county board may provide for a county ~~health commission which.~~ If the county board does not provide for a county health commission, it shall create a county health committee under sub. (9). The commission shall:

SECTION 10. 141.01 (1) (a) of the statutes is repealed.

SECTION 11. 141.01 (3) and (6) of the statutes are amended to read:

141.01 (3) (a) Unless the manner of appointment is otherwise provided for by ordinance, the commission shall elect a ~~chairman and a clerk, and employ a health director; and~~ chairperson and shall designate a qualified public health professional, as specified by the department by rule, to fulfill the requirements of a local health officer under ch. 143 and a public health nurse to conduct general public health nursing programs under the direction of the commission and in cooperation with the

department. The commission shall also designate a qualified public health professional, as specified by the department by rule, for the purposes of environmental sanitation and other public health ograms not specifically designated by statute as functions of the public health nurse. The commission may employ one or more sanitarians under s. 140.45 (3).---~~The director--shall--receive--an-annual-salary-to-be-f d-by-the-county-board and-shall-receive-his-actual-and-necessary-expenses.---If-the-appointee--is not--a-physician,-the-commission-shall-arrange-for-and-provide-in-addition such-services-of-a-physician-as-may-be-necessary-on-either-a-part-time--or a--full-time--basis~~ and shall coordinate the activities of any sanitarian employed by the county board. The commission is not required to designate different persons to perform these functions. The commission may arrange for the provision of services of a physician as necessary and may provide reasonable compensation therefor.

(b) The commission shall be supplied with ~~record-books,-quarantine cards-and-other~~ materials needed to carry out its functions. Unless such materials are provided by the department, their costs shall be paid for by the county.

(6) The ~~director-shall~~ commission:

(a) ~~Make~~ May make an annual sanitary survey and maintain continuous sanitary supervision over ~~his~~ the territory.

(b) ~~Make~~ May make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance thereof.

(c) ~~Promote~~ Shall promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

(d) ~~Take~~ Shall take steps necessary to secure prompt and full reports~~,-by-physicians~~ of communicable diseases~~,~~ and prompt and full registration of births and deaths.

(e) ~~Enforce~~ Shall enforce the health laws and the rules of the department.

(f) ~~Keep-and-deliver-to-his-successor~~ Shall keep a record of all ~~his~~ official acts.

(g) ~~The--director-and-the-clerk-shall~~ Shall report to the department as required. ~~They-shall-also-submit-the-report-of-their--transactions--to the-department.~~

SECTION 12. 141.01 (7) of the statutes is repealed and recreated to read:

141.01 (7) The commission has the powers vested in local boards of health under ss. 141.015, 141.02 and 141.04.

SECTION 13. 141.01 (8) of the statutes is amended to read:

141.01 (8) No services shall be performed by the ~~county-health~~ commission for any political subdivision in a county which does not contribute toward the support of the ~~county-health~~ commission.

~~SECTION 14. 141.01 (9) of the statutes is repealed and recreated to read:~~

(9m) SA1

9A SA1

141.01 ~~(9)~~ A county health committee created under this section shall consist of 5 or more members appointed by the chairperson of the county board, at least 3 of whom shall be county supervisors. The committee may employ one or more persons designated under sub. (3) (a), who shall have the powers and duties specified for a commission in subs. (1) and (3) to (7).

SECTION 15. 141.01 (10) of the statutes is created to read:

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141.01 (10) The county board shall make an appropriation to fund the operation of any commission or committee created under this section.

SECTION 16. 141.015 (3) and (4) of the statutes are amended to read:

141.015 (3) In case the board or council fails to appoint a board of health the county health commission or committee shall perform the health services in such village or city.

(4) Unless the manner of appointment is otherwise provided for by ordinance, the board of health shall elect a chairman, a clerk and a health officer who shall be a member of the board and its executive officer and take the oath of office. If a vacancy in the position of health officer occurs, the board of health shall immediately fill the position. The board shall immediately report to the county health commission or committee and the department the names, post-office addresses and occupations of the officers thereof, and any changes therein. The health officer shall receive an annual salary to be fixed by the city council or the village board and shall be reimbursed for actual and necessary expenses. If the appointee is not a physician, the board of health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor.

SECTION 17. 141.06 of the statutes is repealed.

SECTION 18. 141.07 of the statutes is amended to read:

141.07 DENTAL CLINICS. Any county may establish and maintain a dental clinic or clinics to be operated under rules adopted by the county health committee or commission named under s. ~~141.06~~ 141.01. Monthly reports shall be made by the director of the clinic or clinics under s. 11.045 (3) on blanks prescribed by the department. Any such clinic is subject to ch. 150.

SECTION 19. 141.10 (1) and (4) of the statutes are amended to read:

141.10 (1) AUTHORITY. County boards of supervisors or city councils may authorize their respective county health committee, commission or county or city board of health to establish programs of home nursing care, including rehabilitative nursing services, to employ additional nurses as provided in s. 141.045, and to collect fees for such services to ill or disabled persons. The county health committee, commission or board of health authorized to establish a program of home nursing care shall develop a plan of operation in consultation with a representative of the department and the county medical society. The representatives of the department and county medical society shall be invited to provide advice and guidance on the operation of the program. Home nursing care shall be provided under the direction of a licensed physician of the patient's choice.

(4) CHARGES. Persons receiving such home nursing care shall not be charged fees in excess of the scheduled costs, and shall be charged according to their ability to pay full or part costs as determined by the policy of the county health committee, commission or board of health. No person shall be denied necessary services, within the limits of available personnel, because of inability to pay the cost of such service. The county board or city council shall determine the procedure for collecting and depositing fees and auditing receipts.

SECTION 20. 143.01 of the statutes is repealed and recreated to read: 141.01(9), SA1

143.01 DEFINITIONS In this chapter:

(1) "Local health officer" means a health officer designated under s. 140.09, 141.015, 141.02 or 141.04 or a qualified public health professional designated under s. 141.01 (3) (a) or ~~(9)~~. (9m) SA1 (1m), AA2

(2) "Municipality" means any city, village or town.

SECTION 21. 143.02 (1) to (5) of the statutes are amended to read:

143.02 (1) The department may establish ~~such~~ systems of disease surveillance and inspection ~~as--it--deems--necessary~~ to ascertain the presence of any communicable disease~~;-and-any-member-or-authorized-agent or-inspector-of-said~~. Any agent of the department may, with a special inspection warrant issued under s. 66.122, enter any building, vessel~~;~~ ~~railway-car~~ or ~~other-public-vehicle~~ conveyance to inspect the same and remove therefrom any person affected by ~~such~~ a communicable disease~~;-and for-this-purpose~~. For this purpose, the agent may require the person in charge of ~~any~~ the vessel or ~~public--vehicle~~ conveyance, other than a railway car, to stop the same at any place~~;~~ and may require the conductor of any railway train to stop ~~his~~ the train at any station or upon any sidetrack, for such time as may be necessary.

(2) In an emergency, the department may provide those sick with ~~such~~ a communicable disease with medical aid and temporary hospital accommodation ~~and-with-nurses-and-attendants~~.

(3) The department may close schools and forbid public gatherings in schools, churches, and other places ~~when--deemed--necessary~~ to control outbreaks and epidemics.

(4) The department may adopt and enforce rules or issue orders for guarding against the introduction of any ~~such~~ communicable disease into the state, for the control and suppression ~~thereof--within--it~~ of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by ~~such~~ a communicable disease~~;-for-the-preparation;--transportation--or--burial--of corpses;-for-the-speedy-and-private-interment-of-the-bodies-of-persons-who have-died-from-communicable-disease;~~ and for the sanitary care of jails,

1 ~~asylums,--schoolhouses~~ state prisons, mental health institutions, schools,
2 hotels and ~~all other~~ public buildings and connected premises ~~connected~~
3 ~~therewith~~. Any rule or order may be made applicable to the whole or any
4 specified part of the state, or to any vessel~~,-railway-car~~ or other ~~public~~
5 ~~vehicle~~ conveyance. Rules of general application shall be ~~published as~~
6 ~~provided in~~ adopted under ch. 227~~,-but-rules-or--orders~~. Orders may be
7 made for any city, village or ~~town~~ county by service ~~thereof~~ upon the
8 local health officer. Rules or orders ~~hereunder shall~~ adopted or issued
9 under this subsection supersede conflicting local rules or ordinances.
10 (5) ~~All--public--officers-and-employes-shall-respect-and-enforce-the~~
11 ~~rules-and-regulations-made-hereunder,-and-they-and-persons--in--charge--of~~
12 ~~institutions,--buildings,--vessels-and-vehicles-within-this-section,-shall~~
13 ~~cooperate-with-the-department-in-carrying-out-its-provisions,-and-if--such~~
14 ~~cooperation-be-refused-or-withheld~~ If any public officer or employe or any
15 person in charge of any building, vessel, conveyance, jail, state prison,
16 mental health institution or school fails to comply with a rule or order
17 adopted or issued under sub. (4), the department may appoint an agent to
18 execute its rules ~~and-regulations-by-agents-of-its-own-appointment,-and~~
19 ~~expenses-incurred-in-so-doing~~ or orders. Expenses which an agent incurs
20 shall be paid by the ~~county,--city,--town-or-village,-except-they-are~~
21 ~~incurred-for-the-prevention-and-control-of-Asiatic-cholera-and--the--state~~
22 ~~has--created--a--fund-for-that-purpose~~ unit of government that employs the
23 person or of which the public officer is a member. If the building,
24 vessel, conveyance, mental health institution or school is privately owned
25 the state shall pay the expenses incurred.
26 SECTION 22. 143.02 (6) of the statutes is repealed and recreated to
27 read:

143.02 (6) The department may authorize and implement all emergency measures necessary to control communicable diseases.

SECTION 23. 143.03 of the statutes is amended to read:

143.03 (title) DUTIES OF LOCAL HEALTH OFFICERS. (1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances; and make a full report to ~~his board~~ the appropriate governing body and also to the department; ~~he shall at all times~~. The local health officer shall promptly take ~~such~~ all measures ~~for the prevention, suppression and control of any such disease as he deems needful and proper subject to the approval of his board~~ necessary to prevent, suppress and control communicable diseases, and shall report to ~~his board~~ the appropriate governing body the progress of ~~such~~ the communicable diseases and the measures used against them, ~~with such frequency~~ as needed to keep the ~~board~~ appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer ~~shall~~ may inspect ~~the schoolhouses~~ schools and other public buildings within his ~~district; with sufficient frequency~~ or her jurisdiction as needed to determine whether ~~such~~ the buildings are kept in a sanitary condition.

(2) Local ~~boards of~~ health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics; ~~and under direction of the department, shall furnish antitoxin free to indigent persons suffering from communicable disease~~ and shall advise the department of measures taken.

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person shall may interfere with the examination investigation under this chapter of any place or its occupants by local health officials officers or their assistants;--nor--with--any--notice-posted-under-this chapter.

SECTION 24. 143.04 (1) of the statutes is amended to read:

143.04 (1) A--physician Any person licensed under ch. 441 or 448 knowing or having reason to know that a person treated or visited by him or her has a communicable disease, or having such a communicable disease, has died, shall report the same appearance of the communicable disease or the death to the local health officer;-commissioner;-or-board;--In-the case-of-a-person-having-poliomyelitis;-the-physician-shall-in-addition--to the--report--made--to-the-health-officer;-send-a-report-immediately-to-the department;-giving-the-name;-address;-age-and-description-of-disability-of such--person. The local health officer shall report this information to the department or shall direct the licensee to report to the department. Any licensee directed to report shall submit this information to the department.

SECTION 25. 143.04 (2) of the statutes is repealed and recreated to read:

143.04 (2) Each laboratory shall report as prescribed by the department those specimen results that the department finds necessary for the surveillance, control, diagnosis and prevention of communicable diseases.

SECTION 26. 143.04 (3) to (9) of the statutes are amended to read:

143.04 (3) Anyone having knowledge or reason to believe that any person has a communicable disease shall report the facts to a the local health official officer.

1 (4) Reports under subs. (1) and (2) shall state so far as known the
2 name, sex, age and the residence of the sick person, the communicable
3 disease and such other facts as the department or local board of health
4 officer requires. Blanks Report forms may be furnished by the department
5 or local board of health and distributed by the local health officer.
6 (5) All reports shall be made within 24 hours, unless otherwise
7 specified by the department, either by telephone, telegraph, mail or by
8 leaving deposit at the office or residence of the local health officer.
9 (6) The Any local health officials officer, upon receiving a report,
10 shall cause a permanent record of the report to be made and upon demand of
11 the department transmit the original or a copy to the department, together
12 with such other particulars as information the department requires.
13 (7) When an outbreak or epidemic occurs, the local health officials
14 officer shall immediately report to the department, and shall at all times
15 keep the department informed upon of the prevalence of the communicable
16 diseases in the municipality locality in such the manner and with such the
17 facts as the department requires.
18 (8) A list of communicable diseases shall be displayed in a
19 prominent place in each physician's office or clinic and in each health
20 care institution for the treatment of the sick, school and correctional
21 facility. The list shall be printed on a card and furnished without cost
22 charge by the department.
23 (9) In diagnosing communicable diseases in patients accepted for
24 treatment, physicians Any person licensed under ch. 441 or 448 shall use
25 ordinary skill and bacteriological examinations where the same would be of
26 material value in disclosing such disease in determining the presence of
27 communicable diseases. If there is a dispute regarding diagnosis, if a
28 bacteriological examination disease determination, if the disease may have

1 potential public health significance or if more extensive laboratory tests
2 will aid, the local health officer shall order ~~it~~ the tests made by the
3 state laboratory of hygiene or by a laboratory certified under s. 143.15.
4 SECTION 27. 143.04 (10) of the statutes is repealed.
5 SECTION 28. 143.04 (11) of the statutes is amended to read:
6 143.04 (11) When If a violation ~~hereof~~ of this section is reported
7 to ~~him~~ a district attorney by a local health officer or by the department,
8 the district attorney shall forthwith prosecute the proper action, and
9 upon request of the department, the attorney general shall assist.
10 SECTION 29. 143.05 (title) and (1) of the statutes are amended to
11 read:
12 143.05 (title) ISOLATION AND QUARANTINE. (1) The department or the
13 local health officer acting on behalf of the department may require
14 isolation of the patient, quarantine of contacts, ~~placarding of premises;~~
15 concurrent and terminal disinfection, or ~~such~~ modified forms of these
16 procedures as may be necessary and which are determined by the department
17 by rule.
18 SECTION 30. 143.05 (2) of the statutes is repealed.
19 SECTION 31. 143.05 (3) to (6) of the statutes are amended to read:
20 143.05 (3) ~~When--a~~ If a local health officer ~~shall suspect or be~~
21 suspects or is informed of the existence of any communicable disease, ~~he~~
22 the officer shall at once investigate and make or cause such examinations
23 to be made as are necessary. The ~~diagnosis (report)~~ diagnostic report of
24 a physician, ~~or~~ the notification or confirmatory ~~consent~~ report of a
25 parent or caretaker of the patient, or a reasonable belief in the
26 existence of ~~such~~ a communicable disease ~~shall be sufficient evidence and~~
27 ~~having any of these~~ requires the health officer ~~shall~~ immediately to
28 quarantine, ~~placard;~~ isolate ~~or~~, require restrictions or take other

1 communicable disease control measures in such the manner and, upon such
2 the persons and for such the time as the department provides in its rules.
3 If he be the local health officer is not a physician his local board of
4 health or appointive body, he or she shall employ one to aid him the
5 local health officer as speedily as possible where there is reasonable
6 doubt or disagreement in diagnosis and where advice is needed. The local
7 health officer shall be responsible for the prompt placing and removal of
8 signs; shall investigate evasion of the laws and rules upon concerning
9 communicable disease and shall so act as to protect the public.
10 (4) If the disease be designated by the department as a placardable
11 one, the local health officer shall immediately placard the infected place
12 by posting conspicuously thereon a card. If deemed necessary by the
13 department designates the disease as communicable or a local health
14 officer for a particular communicable disease, all persons except the
15 local health officer, or his or her representative, attending physicians
16 and nurses and clergymen and, members of the clergy, the members of the
17 immediate family and any other person having a special written permit from
18 the local health officer are forbidden to be in direct contact with the
19 patient.
20 (5) The local board of health officer shall employ as many persons as
21 are necessary to execute its his or her orders and properly guard any
22 place if quarantine or other restrictions on communicable disease are
23 violated or intent to violate is manifested. Such These persons shall be
24 sworn in as quarantine guards, shall have police powers, and may use all
25 necessary means to enforce the state laws for the prevention and control
26 of communicable diseases, or the orders; and rules and regulations of the
27 department or any board of local health officer.

(b) (a) When the local health officer deems it necessary that **such afflicted** a person be quarantined or otherwise restricted in a separate place, **he** the officer shall remove **him** the person, if it can be done without danger to **his** the person's health, to **such** this place;--and--the **expense-of-such-removal-shall-be-paid-by-the-municipality**.

(b) When a person confined in a jail, **county-asylum-or-county-home** state prison, mental health institute or other public place of detention has a disease which the local health officer or the director of health at the institution deems dangerous to the health of other **inmates** residents or the neighborhood, the local health officer or the director of health at the institution shall **by-his** order in writing;-**direct** the removal of **such** the person to **some** a hospital or other place of safety, there to be provided for and securely kept. **If-he-recover-he** Upon recovery the person shall be returned; and if **he** the person was committed by a court or under process the removal order or a copy shall be returned by the local health officer;-**with-his-doings-thereon** to the committing court officer.

SECTION 32. 143.05 (7) to (9) of the statutes are repealed.

SECTION 33. 143.05 (10) of the statutes is renumbered 143.05 (10) (a) and amended to read:

143.05 (10) (a) Expenses for necessary **nurses;** medical **attention** care, food and other articles needed for the **comfort** care of the **afflicted** infected person; shall be charged against **him** the person or whoever is liable for **his** the person's support. **Indigent-cases-shall-be-cared-for-at municipal--expense--or--by-the-county-where-the-county-system-for-the-poor has-been-adopted---In-any-county-having-a-population-of-500,000--or--more; said--county--shall--provide--hospitalization--and--shall--charge-the-cost thereof-against-the-afflicted-person-or-whoever-is-liable-for-his-support; but--the--cost--of--indigent-cases-shall-be-charged-to-and-paid-for-by-the**

1 ~~municipality in which the communicable disease is suspected or diagnosed~~
2 ~~as such. If he is a legal resident of another municipality of this state,~~
3 ~~the expense of care shall be paid by such municipality, or by the county~~
4 ~~where the county system for the care of the poor has been adopted, when a~~
5 ~~sworn statement of such expense is sent to the proper officers within 30~~
6 ~~days after quarantine.~~
7 SECTION 34. 143.05 (10) (b) of the statutes is created to read:
8 143.05 (10) (b) The county or municipality in which a person with a
9 communicable disease resides is liable for the following costs accruing
10 under this section, unless the costs are payable through 3rd-party
11 liability or through any benefit system:
12 1. The expense of employing guards under sub. (5).
13 2. The expense of maintaining quarantine and enforcing isolation of
14 the quarantined area.
15 3. The expense of conducting examinations and tests for disease
16 carriers made under the direction of the local health officer.
17 4. The expense of care provided under par. (a) to any dependent
18 person, as defined in s. 49.01 (4).
19 SECTION 35. 143.05 (11) of the statutes is repealed.
20 SECTION 36. 143.06 (1) of the statutes is repealed and recreated to
21 read:
22 143.06 (1) Tuberculosis is a communicable disease and is subject to
23 the reporting requirements specified in s. 143.04. Any laboratory that
24 performs a test for tuberculosis shall report all positive results to the
25 local health officer and to the department.
26 SECTION 37. 143.06 (2) and (3) of the statutes are repealed.
27 SECTION 38. 143.06 (4) of the statutes is repealed and recreated to
28 read:

143.06 (4) Any court of record may commit a person infected with tuberculosis to a place that will provide proper care and prevent spread of the disease if the disease is diagnosed by a medical, laboratory or X-ray examination and if the person fails to comply with this chapter or with rules of the department concerning tuberculosis. If the local health officer or any resident of the municipality in which an alleged violation of this subsection occurs petitions the court and states the facts of the alleged violation, the court shall summon the person infected with tuberculosis to appear in court on a date at least 48 hours after service of the summons. The court may order the person discharged. If the administrative officer of the institution has good cause to believe that a person who is committed may leave without a court order, the officer may restrain the person from leaving. The administrative officer may segregate any person who is committed, as needed.

SECTION 39. 143.06 (5) of the statutes is amended to read:

143.06 (5) Upon ~~complaint~~ report of any ~~responsible~~ person, the local ~~board of~~ health officer shall at once investigate and ~~if--it--finds conditions--dangerous--to--health--it shall~~ make and enforce the necessary orders.

SECTION 40. 143.06 (8) of the statutes is repealed.

SECTION 41. 143.07 (title) of the statutes is amended to read:

143.07 (title) SEXUALLY TRANSMITTED DISEASE.

SECTION 42. 143.07 (1) of the statutes is renumbered 143.07 (1m) and amended to read:

143.07 (1m) Any person ~~afflicted--with--venereal~~ infected with a sexually transmitted disease in a communicable form is ~~declared--to--be~~ a menace to the public health. A physician called to attend a person ~~afflicted~~ infected with any form of ~~venereal~~ sexually transmitted disease,

as specified by the department by rule, shall report the same disease to the local health officer and to the department in the manner directed by the department to-the-department in writing on blanks forms furnished by the department. A physician may treat a minor afflicted--with--venereal infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of such the minor's parents or guardian. The physician shall incur no civil liability solely by reason of the lack of consent of such the minor's parents or guardian.

SECTION 43. 143.07 (1) of the statutes is created to read:

143.07 (1) In this section, "sexually transmitted disease" means syphilis, gonorrhea and other diseases the department includes by rule.

SECTION 44. 143.07 (2) of the statutes is amended to read:

143.07 (2) An officer of the department or a local health officer having knowledge of any known reported or reasonably suspected case of such--a--menace a sexually transmitted disease for which no appropriate treatment is being administered under--the--supervision--of--a--physician authorized--to--prescribe--drugs shall forthwith investigate or cause such the case to be investigated by-such-means as are necessary. Whenever If, following a request of an officer of the department or a local health officer, a person reasonably suspected case--of--such--menace of being infected with a sexually transmitted disease refuses or neglects examination by a physician licensed-to-prescribe-drugs or treatment, an officer of the department or a local health officer may proceed to have such the person committed in--conformity--with under sub. (5); to an institution or system of care for examination, treatment or observation. A-local-health-officer-who-is-a-physician-may-be-authorized-to--make--such

1 ~~investigation--and--take--such--commitment-procedures-in-any-specific-case~~
2 ~~when-directed-to-do-so-by-the-department.~~
3 SECTION 45. 143.07 (3) of the statutes is repealed.
4 SECTION 46. 143.07 (4) of the statutes is amended to read:
5 143.07 (4) ~~When~~ If a person ~~so-afflicted~~ infected with a sexually
6 transmitted disease ceases or refuses ~~taking~~ treatment before reaching
7 what in the physician's opinion is the noncommunicable stage, the
8 physician shall ~~forthwith~~ notify the department~~,-giving-the-name,-age,-sex~~
9 ~~and--conjugal--condition--of -the--person--afflicted-and-the-disease~~. The
10 department shall without delay take ~~such~~ the necessary steps ~~as--shall--be~~
11 ~~necessary~~ to have ~~said~~ the person committed for treatment or observation
12 under sub. (5), or shall notify the local health officer to take these
13 steps.
14 SECTION 47. 143.07 (5) of the statutes is repealed and recreated to
15 read:
16 143.07 (5) Any court of record may commit a person infected with a
17 sexually transmitted disease to any institution or may require the person
18 to undergo a system of care for examination, treatment or observation if
19 the person ceases or refuses examination, treatment or observation under
20 the supervision of a physician. The court shall summon the person to
21 appear on a date at least 48 hours after service if an officer of the
22 department or a local health officer petitions the court and states the
23 facts authorizing commitment. If the person fails to appear or fails to
24 accept commitment without reasonable cause, the court may cite the person
25 for contempt. The court may issue a warrant and may direct the sheriff,
26 any constable or any police officer of the county immediately to arrest
27 the person and bring the person to court if the court finds that a summons
28 will be ineffectual. The court shall hear the matter of commitment

1 summarily. Commitment under this subsection continues until the disease
2 is no longer communicable or until other provisions are made for treatment
3 that satisfy the department. The certificate of the petitioning officer
4 is prima facie evidence that the disease is no longer communicable or that
5 satisfactory provisions for treatment have been made.
6 SECTION 48. 143.07 (7) of the statutes is amended to read:
7 143.07 (7) Reports, examinations and inspections and all records
8 ~~thereof made under this section shall be~~ concerning sexually transmitted
9 diseases are confidential and not open to public inspection, and ~~no part~~
10 ~~thereof~~ shall not be divulged except as may be necessary for the
11 preservation of the public health~~:--When~~ or in the course of commitment
12 proceedings under sub. (5). If a physician has reported a case of
13 ~~venereal~~ sexually transmitted disease to the department~~;--in compliance~~
14 ~~with~~ under sub. (4), ~~all questions~~ information regarding the presence of
15 the disease and ~~the date from which the~~ treatment ~~was neglected shall not~~
16 ~~be regarded as~~ is not privileged ~~information~~ when the patient or physician
17 is called upon to testify to the facts before any court of record.
18 SECTION 49. 143.07 (8) of the statutes is repealed.
19 SECTION 50. 143.07 (9) and (10) of the statutes are amended to read:
20 143.07 (9) The department shall prepare for free distribution upon
21 request to ~~citizens of the~~ state~~;--printed~~ residents, information and
22 instructions concerning ~~venereal~~ sexually transmitted diseases.
23 (10) The state laboratory of hygiene ~~and branch and cooperative~~
24 ~~laboratories shall make microscopical examinations~~ shall examine specimens
25 for the diagnosis of ~~gonorrhea; and the necessary examinations of blood;~~
26 ~~cerebrospinal fluid or secretions for the diagnosis of syphilis;~~ sexually
27 transmitted diseases for any physician or local health officer in the
28 state, and shall report the positive results of ~~such~~ the examinations to

the local health officer and to the department ~~with-the-name-of-the physician-to-whom-reported~~. All laboratories ~~making--blood~~ performing tests for ~~syphilis--or--examinations--for-gonorrhea~~ sexually transmitted diseases shall report all positive ~~tests~~ results to the local health officer and to the department, with the name of the physician to whom reported.

~~SECTION 51. 143.07 (11) to (13) of the statutes are repealed.~~

SECTION 52. 143.075 of the statutes is repealed.

SECTION 53. 143.08 of the statutes is amended to read:

143.08 HANDLING FOODS. ~~It-shall-be-unlawful-for-any-person,-firm-or corporation-operating-any-hotel,-cafe,-restaurant,-dining-car-or-other~~ No person in charge of any public eating place~~,-or-operating-any-bakery,-meat market,-dairy~~ or other establishment where food products to be consumed by others are handled~~,~~ may knowingly ~~to~~ employ ~~or-keep-in-their-employ~~ any person handling food products who has a ~~communicable~~ disease ~~or--any venereal-disease~~ in a ~~communicable~~ form~~:--Whenever~~ that is communicable by food handling. If required by the local health officer or any officer of the department for the purposes of an investigation, any person who is employed in the handling of foods ~~who~~ or is suspected of having a ~~venereal~~ disease in ~~the-communicable~~ a form that is communicable by food handling shall submit to an examination by ~~such~~ the officer or by ~~some~~ a physician designated by ~~such~~ the officer. The expense of ~~such~~ the examination, if any, shall be paid by the person examined ~~if-found-to-have--such--disease~~. Any person knowingly ~~affected~~ infected with a ~~communicable~~ disease ~~or-any venereal-disease~~ in a ~~communicable~~ form that is communicable by food handling who handles food products to be consumed by others and any persons knowingly employing or permitting such a person to handle food

products to be consumed by others shall be punished as provided by s. ~~143.09~~ 143.11.

SECTION 54. 143.085 and 143.09 of the statutes are repealed.

SECTION 55. 143.10 of the statutes is amended to read:

143.10 COMMUNICABLE DISEASES; SUSPECTED CASES; PROTECTION OF PUBLIC. ~~Any person who knows that he is afflicted with smallpox, diphtheria, scarlet fever or other dangerous communicable disease, who shall~~ No person who is knowingly infected with a communicable disease may wilfully ~~enter any public place or public conveyance, or shall, in any way, wilfully~~ violate the recommendations of the local health officer or subject others to danger of contracting ~~his~~ the disease ~~and any person who shall~~. No person may knowingly and wilfully take, aid in taking, advise or cause to be taken, a person who is ~~afflicted~~ infected or is suspected of being ~~afflicted~~ infected with ~~any such~~ a communicable disease, into any ~~such~~ public place or conveyance, ~~or in any way knowingly and wilfully subject,~~ where the infected person would expose ~~or aid in exposing~~ any other person to danger of contracting ~~any such~~ the disease, ~~shall be punished by imprisonment in the county jail not more than 100 days nor less than 20 days, or by fine not exceeding $100 nor less than $50, or by both such fine and imprisonment~~.

SECTION 56. 143.11 of the statutes is amended to read:

143.11 VIOLATION OF LAW RELATING TO HEALTH. Any person who wilfully violates ~~any law~~ or obstructs or hinders the execution of any state, county or municipal law, ordinance, order or rule issued under this chapter and relating to the public health, for which ~~violation~~ no other penalty is prescribed, ~~or any order or regulation of the department or of any board of health or town sanitary district commission, lawfully made~~

~~and--duly-published;~~ shall be imprisoned not more than ~~3-months~~ 30 days or fined not to exceed ~~$100~~ $500 or both.

SECTION 57. 143.12 (title) of the statutes is amended to read:

143.12 (title) COMMUNICABLE DISEASES; SCHOOLS; DUTIES OF TEACHERS, PARENTS, OFFICERS.

SECTION 58. 143.12 (1) of the statutes is repealed and recreated to read:

, school nurse AA1

143.12 (1) If a teacher or principal of any school or day care center knows or suspects that a communicable disease is present in the school or center, he or she shall at once notify the local health officer.

SECTION 59. 143.12 (2) to (5) of the statutes are repealed.

school nurse AA1

SECTION 60. 143.12 (6) of the statutes is amended to read:

143.12 (6) ~~All-teachers-shall~~ Any teacher or principal may send home pupils who are ~~habitually-dirty,-noisome-or-lousy,-and~~ suspected of having a communicable disease or any other disease the department specifies by rule. Any teacher or principal who sends a pupil home shall immediately ~~give--written--notice-to-the-school-board-or-the-superintendent-of-schools and-to~~ notify the parents of ~~such-pupils~~ the pupil of ~~such~~ the action and the reasons ~~therefor~~ for the action. A teacher who sends a pupil home shall also notify the principal of the action and the reasons for the action.

SECTION 61. 143.12 (7) of the statutes is repealed.

SECTION 62. 143.13 of the statutes is repealed.

SECTION 63. 143.14 (title) of the statutes is amended to read:

143.14 (title) TYPHOID CARRIERS; COMMITMENT; NONRESIDENTS.

SECTION 64. 143.14 (1) of the statutes is renumbered 143.14 and amended to read:

990.01 (5am) COMMUNICABLE DISEASE. "Communicable disease" means any disease that the department of health and social services determines, by rule, to be communicable in fact.

SECTION 70. PROGRAM RESPONSIBILITY CHANGES. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(18) EXECUTIVE PROGRAMS.

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	143.07 (8)	none

(20) HEALTH AND SOCIAL SERVICES.

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	143.07 (5)	none

~~(57) LABORATORY OF HYGIENE BOARD.~~

A	B	C
Statute Sections	References Deleted	References Inserted
15.911 (2)	765.06 (1)(b)	none

SECTION 71. CROSS-REFERENCE CHANGES. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
765.12 (1)	765.02, 765.05, 765.06, 765.08 and 765.09	765.02, 765.05, 765.08 and 765.09

(End)

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APP. 62

DF81-1

4.03 LRB ANALYSIS; GENERALLY

(3) **Purpose. (a)** The purpose of an analysis is to describe the substance and effect of a legislative proposal in a manner that adequately advises the legislature of the legal effect of the proposal. Legislators rely on the analysis of a bill, and courts consult analyses as aids in statutory construction.

4.10 REPEALING AND RECREATING STATUTES. Repealing and recreating makis it difficult to ascertain the nature and extend of changes in the law. However, there are three instances in which repealing and recreating, rather than amending, is appropriate:

(1) When there are so many changes that the text is almost unreadable because of extensive striking and underscoring.

(2) When the legislature intends to supersede a supreme court order.

(3) When an intervening change will affect a provision that has been affected by a delayed change. You may repeal and recreate the provision as of the date of the delayed change if that is necessary because of a conflict between the two treatments. See sec. 4.06 (6), *Drafting Manual*. Note that a repeal and recreation usually cancels the treatment of a statute by prior act of the same session or a prior session with a delayed effective date.

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JANUARY 2011 SPECIAL SESSION AB8

AUTHORITY OF STATE AGENCIES TO PROMULGATE RULES

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EXCERPTS OF TRANSCRIPT OF PROCEEDINGS

FROM WISCONSIN STATE LEGISLATURE

ASSEMBLY FLOOR DEBATE

MAY 17, 2011

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Transcribed by LINDA KUHLMAN

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1 REP. JIM OTT: -- speak
2 specifically about what the sentiment, what it
3 does. I would just like to respond to a couple of
4 points. Number one, as far as the Legislature
5 abdicating authority by passing this bill, again I
6 go back to the last session, just one committee
7 that I happened to be serving on, the Natural
8 Resources Committee. Twice the Department of
9 Natural Resources promulgated rules. They were
10 sent to our committee and no public hearing was
11 held on those rules.
12 I wrote a letter as the ranking
13 minority member on that committee requesting the
14 chairman give those rules a hearing. I never got
15 a response. That sounds an awful lot to me like
16 an agency is making the rules. I think we should
17 always hold a public hearing whenever an agency
18 promulgates a rule, particularly one that's going
19 to have some pretty far-reaching effects. So to
20 make it sound like the situation is perfect right
21 now without this bill, absolutely not.
22 Number 2, as far as the governor
23 having a say on the rules, I would assume what
24 happened last session -- again, in just this one
25 committee and those two instances, I would assume

1 that that was done with the approval of our former
2 governor and yet I don't know, because he didn't
3 have to publicly go on record saying that he
4 approved of what was happening or that he didn't
5 approve of what was happening.
6 Well, if he didn't approve of what
7 was happening, I guess he just allowed the agency
8 to promulgate the rule and, in other words, make
9 law and the Legislature didn't have any oversight
10 over those rules.
11 I go back to the previous session
12 as well when we wanted to hold a public hearing in
13 the Natural Resources Committee, and we did in
14 fact, and we wanted to send the rule back to the
15 agency and then the rule went to the Joint
16 Committee on Administrative Rules, I just sat on
17 it, and the rule became law.
18 In other words, again, the
19 Legislature not showing their oversight. I would
20 point out that in this bill, the Legislature does
21 have the last say, because we do have the last
22 shot at the rule through the Joint Committee of
23 the Review of Administrative Rules.
24 And finally, as far as the venue is
25 concerned, virtually every time you take something

1 to court the venue is in the county or in the
2 district where you live and --
3 THE SPEAKER: Gentleman, could you
4 please hold your remarks. Can the Sergeant Staff
5 please remove the three folks on my left side of
6 the gallery. We have a prohibition about holding
7 up signs, so they can go.
8 Gentleman from the 23rd.
9 REP OTT: Well, in conclusion,
10 Mr. Chairman, I would just say that if you have an
11 issue with an agency and you live in Marinette
12 County or Grant County, why should you have to
13 come all the way to Madison to deal with the issue
14 in court.
15 (End of first excerpt)
16 THE SPEAKER: Gentleman from the
17 35th.
18 REP. TOM TIFFANY: Thank you,
19 Mr. Speaker. I'll have to look at that -- to the
20 lady from the 57th, thank you. I would have to
21 look at that. The primary change that was made to
22 this is -- in the Senate was the changing the term
23 expressly to explicitly.
24 The courts have interpreted
25 expressly very broadly, and in order for our

1 legislation that comes out of this body to reflect
2 the intent that we want, it was important to
3 change the word to explicitly and that was the
4 primary change that was made to this bill in the
5 Senate.
6 (End of second excerpt)
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JANUARY 2011 SPECIAL SESSION AB8

AUTHORITY OF STATE AGENCIES TO PROMULGATE RULES

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C E R T I F I C A T E

I, LINDA KUHLMAN, hereby certify that as a duly-appointed shorthand reporter, I took in shorthand the proceedings from audio and video had in the above-entitled matter on May 17, 2011, and that the attached is a transcription of the proceedings from audio/video to the best of my ability.

Dated at Madison, Wisconsin this 23rd day of May, 2011.

Linda Kuhlman

Notary Public, State of Wisconsin