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Chapter 431

1971 REPLACEMENT PART

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STATE BOARD OF HEALTH

431.010 State Board of Health; appointment; term; confirmation; vacancy. (1) There hereby is established the State Board of Health.

(2) The board shall consist of 15 members appointed by the Governor, subject to the confirmation of the Senate as provided in ORS 171.560 and 171.570.

(3) Each member shall serve for a term of four years and no member shall serve for more than eight consecutive years.

(4) Any vacancy on the board may be filled by the Governor by appointment for the balance of the unexpired term.

(5) Appointments subject to Senate confirmation that are made in the interim between legislative sessions are subject to approval by the Committee on Executive Appointments under ORS 171.560.

(6) The Public Health Officer shall serve as secretary of the board but is not entitled to vote.

[Amended by 1967 c.461 §1; 1969 c.695 §7; 1971 c.650 §5]

431.020 Qualifications of members. (1) Five of the members of the State Board of Health shall be physicians, licensed by the State Board of Medical Examiners, one of whom shall be a district or county health officer.

(2) One member shall be a person licensed to practice dentistry in this state.

(3) One member shall be a registered pharmacist.

(4) One member shall be a registered nurse.

(5) One member shall be a registered sanitarian.

(6) One member shall be a licensed optometrist.

(7) One member shall be the chairman of the Comprehensive Health Planning Authority.

(8) Two members shall be selected from among the professions licensed under ORS 678.510 to 678.610, ORS chapters 682, 684, 685, 686, 687 and 688 and from among administrators of general hospitals licensed under ORS chapter 441.

(9) Two members who are not eligible for appointment under subsections (1) to (8) of this section shall represent the public.

[Amended by 1967 c.461 §2; 1971 c.650 §6]

431.025 Functions of State Board of Health. (1) As limited by the provisions of subsection (4) of ORS 184.830, the State Board of Health shall be the policy making agency of this state under the public health laws of this state, as defined in subsection (6) of ORS 431.150, and shall in accordance with the provisions of ORS chapter 183 make rules necessary or appropriate, in its judgment, to protect the health and well-being of this state and its residents, including rules concerning the control of all communicable diseases and the care, treatment and quarantine of persons infected therewith.

(2) The Health Division shall, in accordance with the provisions of ORS chapter 183, adopt rules necessary and convenient, in its judgment, for the implementation, administration and enforcement of the policies and rules adopted by the State Board of Health under subsection (1) of this section.

[1971 c.650 §11]

431.030 [Repealed by 1971 c.650 §51]

431.040 Compensation and expenses of members of board. The members of the State Board of Health are entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1969 c.314 §39; 1971 c.650 §7]

431.045 Public Health Officer; appointment; duties to include being Deputy Administrator of Health Division. (1) The Director of Human Resources, after consulting with the State Board of Health, shall appoint a physician licensed by the Board of Medical Examiners for the State of Oregon as the Public Health Officer. The Public Health Officer shall be certified by the American Board of Preventive Medicine.

(2) The Public Health Officer shall serve as Deputy Administrator of the Health Division and be responsible to the Administrator of the Health Division for the medical and paramedical aspects of the health programs.

(3) The Public Health Officer shall be in the unclassified service, and his salary shall be set by the Director of Human Resources unless otherwise provided by law.

[1971 c.650 §2]

431.050 [Amended by 1967 c.461 §3; repealed by 1971 c.650 §51]

431.055 [1967 c.363 §2; repealed by 1971 c.650 §51]

431.060 [Repealed by 1971 c.650 §51]

431.065 Custody of records of Board of Health. (1) The State Health Officer may designate an employe or employes to be custodian of the books, papers, documents and

other records within any of the administrative divisions or sections of the State Board of Health, and persons so designated shall have the duties and powers of custodians of public records as prescribed by law.

(2) Such designation shall be in writing and notice thereof shall be filed in the offices of the Secretary of State and the State Health Officer, and in the division or section to which the authorization applies.

(3) Authority conferred upon employes of the State Board of Health under this section is in addition to that conferred upon the State Health Officer by statute. The State Health Officer shall be responsible for the acts of designees under this section.
[1971 c.37 §2]

431.070 [1961 c.723 §1; 1969 c.314 §40; repealed by 1971 c.650 §51]

ENFORCEMENT OF HEALTH LAWS AND REGULATIONS

431.110 General powers of Health Division. The Health Division shall:

(1) Have direct supervision of all matters relating to the preservation of life and health of the people of the state.

(2) Keep the vital statistics of the state.

(3) Make sanitary surveys and investigations and inquiries respecting the causes and prevention of diseases, especially of epidemics.

(4) Investigate, conduct hearings and issue findings in connection with annexations proposed by cities as provided in ORS 222.850 to 222.915.

(5) Have full power in the control of all communicable diseases.

(6) Have authority to send a representative of the division to any part of the state when deemed necessary.

(7) From time to time, publish and distribute to the public in such form as the division determines, such information as in its judgment may be useful in carrying on the work or purposes for which the division was established.
[Amended by 1955 c.105 §1; 1967 c.624 §18; 1971 c.650 §9]

431.120 Duties of Health Division. The Health Division shall:

(1) Enforce policies and rules adopted by the State Board of Health.

(2) Keep a record of the transactions of the board.

(3) Have the custody of all books, papers, documents and other property belonging to the board, which may be deposited in the division's office.

(4) Give such instructions as may be necessary, and forward them to the various health officers throughout the state.
[Amended by 1971 c.650 §10]

431.130 Rules and regulations. (1) The State Board of Health shall, in accordance with the provisions of ORS chapter 183, make such rules and regulations as, in its judgment, are necessary for carrying out ORS 146.030 to 146.060, 146.420 to 146.470, 146.560 to 146.590, subsection (2) of 276.990, ORS 357.955, 418.405 to 418.455, 418.505, 418.515 to 418.530, 418.855, 431.010 to 431.040, 431.060, 431.110 to 431.150, 431.160 to 431.180, 431.310, 431.330 to 431.350, 431.410, 431.420 to 431.460, 433.005, 433.010, 433.105 to 433.155, 433.205 to 433.220, 433.230, 433.255 to 433.270, 433.340 to 433.390, 433.705, 433.715, subsection (6) of ORS 433.990, ORS 434.260, 434.270, 437.010, 437.020, subsection (2) of 437.040, ORS 437.140, 437.410 to 437.500, 449.105, 449.125 to 449.135, 449.150, 449.210 to 449.250, 449.325, 482.141, 654.105 and 690.200, including rules and regulations concerning the control of venereal diseases and the care, treatment and quarantine of persons infected therewith.

(2) The State Board of Health may enforce the rules and regulations for the control of any of the communicable diseases by quarantining or by the adoption of such other reasonable measures as seem best for limiting the spread of communicable diseases and for the preservation of the public health.
[Amended by 1959 c.629 §5; 1959 c. 684 §2; 1961 c.725 §10; 1963 c.32 §1; 1965 c.362 §3; 1969 c.14 §2; 1969 c.641 §16; 1971 c.195 §1; 1971 c.413 §13; 1971 c.763 §13]

431.140 Effect of rules and regulations. (1) All rules and regulations made pursuant to ORS 431.130 and under ORS 446.600 and 446.660 shall be binding upon all county and municipal health officers and other persons affected by the statutes listed in ORS 431.130 and by ORS 446.510 to 446.660 and shall have the force and effect of law.

(2) All executive officers, including police officers, sheriffs, constables and all county officers and employes of the state, shall enforce such regulations subject to the authority of the State Health Officer.
[Amended by 1959 c.314 §21]

431.150 Enforcement of health laws generally. (1) The local health officers hereby are charged with the strict and thorough enforcement of the public health laws of this state in their districts, under the supervision and direction of the Health Division. They shall make an immediate report to the division of any violation of such laws coming to their notice by observation, or upon the complaint of any person, or otherwise.

(2) The Health Division hereby is charged with the thorough and efficient execution of the public health laws of this state in every part of the state, and with supervisory powers over all health officers, to the end that all the requirements are complied with.

(3) The Health Division may investigate cases of irregularity or violation of law. All health officers shall aid the division, upon request, in such investigation.

(4) When deemed necessary, the Health Division shall report cases of violation of the public health laws of this state to the district attorney of the proper county with the statement of the facts and circumstances. When any such case of violation is reported to them by the division, all district attorneys or officials acting in said capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law.

(5) Upon request of the Health Division, the Attorney General shall likewise assist in the enforcement of the public health laws of this state.

(6) As used in this section, "public health laws of this state" means ORS chapter 146, ORS 357.955, 418.410, 418.510, 418.855, ORS chapters 433, 434, 437, ORS 449.105, 449.125 to 449.135, 449.150, 449.210 to 449.250, 449.325 and ORS chapter 654.

[Amended by 1959 c.314 §22; 1971 c.650 §12]

431.155 Restraining violation of public health laws. (1) Whenever it appears to the Health Division that any person is engaged or about to engage in any acts or practices which constitute a violation of any statute administered by the division, or any rule, regulation or order issued thereunder, the division may institute proceedings in the circuit courts to enforce obedience thereto by injunction, or by other processes, mandatory or otherwise, restraining such person, or its officers, agents, employes and representatives from further violation of such statute, rule, regulation or order, and enjoining upon them obedience thereto.

(2) The provisions of this section are in addition to and not in substitution of any other enforcement provisions contained in any statute administered by the Health Division.

[1967 c.94 §2; 1971 c.650 §13]

431.160 Jurisdiction and commencement of prosecutions. (1) Justice courts and municipal courts sitting as justice courts shall have concurrent jurisdiction with the circuit courts of all prosecutions arising under the statutes listed in ORS 431.130 or under ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990.

(2) The district attorney, county attorney or Attorney General may institute prosecutions for violation of any statute listed in ORS 431.130 or of ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990 by information, by indictment or by complaint verified before any magistrate.

[Amended by 1959 c.314 §23]

431.170 Enforcing rules and regulations when local officers are delinquent. (1) The State Health Officer shall take direct charge of any county or city whenever any county or city official neglects or refuses to enforce the rules and regulations of the statutes listed in ORS 431.130 or of ORS 446.510 to 446.660 or the peace officers of a county or city refuse to or are unable to enforce those rules and regulations when directed to do so.

(2) The State Health Officer may call to his aid such assistance as is necessary for the enforcement of the rules and regulations, the expense of which shall be borne by the county or city making the use of this procedure necessary, to be paid out of the respective county or city treasury upon vouchers properly certified by the State Health Officer.

[Amended by 1959 c.314 §24]

431.180 Interference with individual's selection of physician or treatment or with religious practice prohibited. Nothing in the statutes listed in ORS 431.130 and nothing in ORS 434.010 to 434.190 or 437.030 shall be construed to empower or authorize the State Board of Health or its representatives, or any county board of health or its representatives, or any city board of health or its representatives, to interfere in any manner with the individual's right to select the physician or mode of treatment of his choice, nor interfere with the practice of any person whose religion treats or administers to the

sick or suffering by purely spiritual means. However, sanitary laws, rules and regulations must be complied with.

FINANCIAL ADMINISTRATION; SURPLUS PROPERTY; FEDERAL AID

431.210 State Board of Health Account. (1) There hereby is established in the General Fund the State Board of Health Account, classified separately as to federal and other moneys.

(2) All fines, fees, penalties, federal apportionments or contributions and other moneys received by the Health Division in connection with its responsibilities under the public health laws of this state shall be turned over to the State Treasurer not later than the 10th day of the calendar month next succeeding their receipt by the division and shall be credited to the State Board of Health Account.

(3) All moneys credited to the State Board of Health Account hereby are appropriated and made available for the payment of expenses of the Health Division in administering the public health laws of this state.

(4) As used in this section "public health laws of this state" includes the statutes listed in subsection (6) of ORS 431.150, all laws relating to licensing and regulation of health facilities and relating to health planning.

[Amended by 1971 c.650 §14]

431.220 Record of moneys in State Board of Health Account. The State Health Officer shall keep a record of all moneys deposited in the State Board of Health Account. This record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual departmental activity or program against which each withdrawal is charged.

431.230 Emergency or revolving fund. (1) The State Health Officer, with the approval of the State Board of Health, may request in writing the Secretary of State to, and when so requested, the Secretary of State shall, draw a warrant on the State Board of Health Account in favor of the State Health Officer in a sum not exceeding $5,000, which sum shall be used by the State Health Officer as an emergency or revolving fund.

(2) The emergency or revolving fund shall be deposited with the State Treasurer, and shall be at the disposal of the State Health Officer. It may be used to pay advances for salaries, travel expenses or any other proper claim against, or expense of, the State Board of Health.

(3) All claims for reimbursement of advances paid from the emergency fund shall be approved by the State Board of Health and audited by the Secretary of State. When such claims are so approved and audited, warrants covering them shall be drawn in favor of the State Health Officer and charged against the appropriate fund or account, and shall be used to reimburse the emergency or revolving fund.

431.240 [Repealed by 1955 c.147 §1]

431.250 Federal grants to be handled by Department of Human Resources; disbursement; planning. (1) The Department of Human Resources hereby is designated as the state agency to apply to and receive from the Federal Government or any agency thereof such grants for promoting public health and the prevention of disease, including grants for cancer control and industrial hygiene programs, as may be available to this state or any of its political subdivisions or agencies. However, funds may not be applied for or disbursed which deal with health services provided by any of the professions subject to ORS 431.130, 433.340 to 433.390 and subsection (6) of ORS 431.990 without the concurrence of the State Board of Health.

(2) For the purposes of subsection (1) of this section, the department shall:

(a) Disburse or supervise the disbursement of all funds made available at any time by the Federal Government or this state for those purposes.

(b) Adopt, carry out and administer plans for those purposes. Plans so adopted shall be made state-wide in application in so far as reasonably feasible, possible or permissible, and shall be so devised as to meet the approval of the Federal Government or any of its agencies, not inconsistent with the laws of the state.

[Amended by 1961 c.706 §20a; 1967 c.343 §1; 1971 c.650 §15]

STATE LABORATORY

431.310 Bacteriological examinations by state laboratory. For the better protection of the public health the laboratory of the State Board of Health shall make such bacteriological examinations of water, milk, blood, secretions and tissues required by any

state, county or city institution, or officer, or for any regularly licensed physician in accordance with the rules and regulations of the board.

431.320 [Repealed by 1967 c.146 §1 (431.330, 431.335, 431.340, 431.345 and 431.350 enacted in lieu of 431.320)]

LICENSING OF HEALTH FACILITIES

431.325 Authority of Health Division in licensing health facilities; advisory boards. (1) The Health Division is the authority responsible for licensing of health facilities in this state. The Administrator of the Health Division may appoint advisory boards, the members of which shall be skilled by training or experience in the areas of their responsibilities and who shall serve at his pleasure, who shall assist and advise him in carrying out his responsibilities and those of the division in the licensing, approval or supervision of clinical laboratories, hospitals, nursing homes, homes for the aged, group care homes, mobile home and tourist facilities, farm labor camps or swimming facilities, or in the performance of any other duties of the administrator or the division, as the administrator may in his discretion deem appropriate.

(2) Members of such boards shall be entitled to compensation and expenses as provided in ORS 292.495.

(3) The State Board of Health shall establish general or specific standards of health and sanitation applicable to health facilities, and the Health Division shall implement and require compliance with such standards.
[1971 c.650 §17]

CONFERENCE OF LOCAL HEALTH OFFICERS

431.330 Conference of Local Health Officers; officers of conference. (1) The Conference of Local Health Officers is created. The conference shall consist of all local health officers appointed pursuant to ORS 431.418 or pursuant to a statute or ordinance of a city.

(2) The Conference of Local Health Officers shall select annually one of its members as chairman, another as vice chairman and another as secretary with such powers and duties necessary to the performance of the functions of such offices as the conference shall determine. The chairman, after consultation with the State Health Officer, shall appoint five members of the conference as the executive committee. The executive committee with the chairman shall advise the State Board of Health and the State Health Officer in the administration of ORS 431.330 to 431.350.
[1967 c.146 §2 (enacted in lieu of 431.320)]

431.335 Meetings of conference; notice; expenses of local health officers and officers of conference. (1) The Conference of Local Health Officers shall meet at least annually at a place, day and hour determined by the executive committee and the State Health Officer. The conference may meet specially at such other times as the State Health Officer or the executive committee considers necessary.

(2) The State Health Officer shall cause at least 10 days' notice of each meeting date to be given to the members. The chairman or his authorized representative shall preside at all meetings of the conference.

(3) A local health officer shall receive from the local board which he represents from funds available under ORS 431.510, his actual and necessary travel and other expenses incurred in attendance at no more than two meetings of the conference per year. Additionally, subject to applicable law regulating travel and other expenses for state officers, a local health officer who is a member of the executive committee of the conference or who is the chairman shall receive from funds available to the State Board of Health, his actual and necessary travel and other expenses for attendance at no more than six meetings per year of the executive committee called by the State Health Officer.
[1967 c.146 §3 (enacted in lieu of 431.320)]

431.340 Recommendations of conference. The Conference of Local Health Officers may submit to the State Board of Health such recommendations on the rules and standards specified in ORS 431.345 and 431.350.
[1967 c.146 §6 (enacted in lieu of 431.320)]

431.345 Minimum standards for financial assistance to local boards of health. In order to establish criteria for local boards of health to qualify for such financial assistance as may be made available, the State Board

of Health, upon receipt of written approval from the Conference of Local Health Officers shall adopt minimum standards governing:

(1) Education and experience for professional and technical personnel employed in local health departments, such standards to be consistent with any applicable merit system.

(2) Organization, operation and extent of activities which are required or expected of local health departments to carry out their responsibilities in implementing the public health laws of this state and the rules and regulations of the State Board of Health.
[1967 c.146 §5 (enacted in lieu of 431.320)]

431.350 State board to adopt rules for ORS 431.330 to 431.350. Upon receipt of written approval from the Conference of Local Health Officers the State Board of Health shall adopt rules necessary for the administration of ORS 431.330 to 431.350.
[1967 c.146 §4 (enacted in lieu of 431.320)]

LOCAL BOARDS OF HEALTH

431.405 Purpose of ORS 431.405 to 431.510. It is the purpose of ORS 431.405 to 431.510 to encourage improvement and standardization of health departments in order to provide a more effective and more efficient public health service throughout the state.
[1961 c.610 §1]

431.410 Boards of health for counties and cities. The governing body of each county, and the governing body of each city, except where a regularly constituted board of health by statute or by ordinance of such city exists or may, by statute or ordinance, be created, shall constitute a board of health ex officio, for each county and city, respectively, of the state and may appoint a public health advisory board as provided in subsection (5) of ORS 431.412 to advise the governing body on matters of public health.
[Amended by 1953 c.189 §3; 1961 c.610 §2]

431.412 County board of health; formation; composition; advisory board. (1) The governing body of any county shall establish a county board of health, when authorized so to do by a majority of voters of the county at any general or special election, and may, if such authorization is made, establish a public health advisory board as provided in subsection (5) of this section.

(2) The county board of health shall consist of:

(a) One member of the county governing body selected by the body.

(b) One member of the administrative school board, the county school board or the intermediate education district board who resides in the county and is selected by the intermediate education district board and the mayor of the largest city of the county which has not withdrawn from participation under ORS 431.480.

(c) One physician who has been licensed to practice medicine in this state by the State Board of Medical Examiners.

(d) One dentist who has been licensed to practice dentistry in this state by the State Board of Dental Examiners.

(e) Two others.

(f) In counties in which a member of the State Board of Health is a resident, he shall be a member of the board while he is a resident of the county and a member of the State Board of Health.

(3) The members referred to in paragraphs (c) to (e) of subsection (2) of this section shall be appointed by the members serving under paragraphs (a) and (b) of subsection (2) of this section. The term of office of each of such appointed members shall be four years, the term of one to expire annually on February 1. The first appointments shall be for terms of one, two, three and four years, as designated by the appointing members of the board.

(4) Whenever a county board of health is created under this section, such board shall be in lieu of the board provided for in ORS 431.410.

(5) The governing body of the county may, as provided in subsection (1) of this section, appoint a public health advisory board for terms of four years, the terms to expire annually on February 1. The first appointments shall be for terms of one, two, three or four years as designated by the governing body. The advisory board shall meet regularly to advise the county board of health on matters of public health. The advisory board shall consist of:

(a) One registered nurse licensed by the Oregon State Board of Nursing who has had public health training or experience.

(b) One optometrist licensed by the Oregon State Board of Examiners in Optometry.

(c) One chiropractor licensed by the State Board of Chiropractic Examiners.

(d) One veterinarian licensed by the

Oregon State Veterinary Medical Examining Board.

(e) One sanitarian registered with the Department of Sanitarians of the State Board of Health.

(f) One other person who is well informed on public health matters.

[Formerly 431.470; 1963 c.544 §49]

431.414 District board of health; formation; composition; advisory board. (1) Two or more contiguous counties may combine for the purpose of forming a district health unit when the governing body of each of the counties concerned adopt resolutions signifying their intention to do so.

(2) The governing bodies of the counties forming the district may meet together, elect a chairman and transact business as a district board of health whenever a majority of the members of the governing bodies from each of the participating counties are present at any meeting.

(3) In lieu of the procedure in subsection (2) of this section, the governing bodies of the counties forming the district may, by a two-thirds vote of the members from each participating county, appoint a district board of health which shall consist of:

(a) One member from each participating county governing body selected by such body.

(b) One member from a school administrative unit within the district.

(c) One member from the administrative staff of a city within the district.

(d) Two physicians who have been licensed to practice medicine in this state by the State Board of Medical Examiners and who are residents of the district.

(e) One dentist who has been licensed to practice dentistry in this state by the State Board of Dental Examiners and who is a resident of the district.

(f) One layman who is a resident of the district and who is to be appointed by the members serving under paragraphs (a) to (e) of subsection (3) of this section.

(g) In a district in which a member of the State Board of Health is a resident, he shall be a member of the board while he is a resident of the district and a member of the State Board of Health.

(4) Whenever a district board of health is created under this section, such board shall be in lieu of the board provided for in ORS 431.410 or 431.412.

(5) The governing bodies of the counties making up the district may appoint a public health advisory board for terms of four years, the terms to expire annually on February 1. The first appointments shall be for terms of one, two, three or four years as designated by the governing body. The advisory board shall meet regularly to advise the district board of health on matters of public health. The advisory board shall consist of:

(a) One registered nurse licensed by the Oregon State Board of Nursing who has public health training or experience.

(b) One optometrist licensed by the Oregon State Board of Examiners in Optometry.

(c) One chiropractor licensed by the State Board of Chiropractic Examiners.

(d) One veterinarian licensed by the Oregon State Veterinary Medical Examining Board.

(e) One sanitarian registered with the Department of Sanitarians of the State Board of Health.

(f) One other person who is well informed on public health matters.

[Formerly 431.610]

431.415 Powers and duties of local health boards. (1) The district, county or city board of health is vested with all the powers and charged with all the duties that are vested in the State Board of Health in so far as they may be applicable to the conditions and situations within the area under the jurisdiction of the board.

(2) The district, county or city board of health shall adopt rules and regulations necessary to the performance of its duties but shall adopt no rule or regulation not in compliance with the rules and regulations of the State Board of Health.

[1961 c.610 §6]

431.416 Local departments of health; duties. The district, county or city department of health shall:

(1) Administer and enforce the rules and regulations of the board and of the State Board of Health and the health and sanitary laws of the state.

(2) Conduct activities necessary for the preservation of health or prevention of disease in the area under its jurisdiction.

[1961 c.610 §8]

431.418 Local public health officer: duties; term; salary. (1) Each district, county or city board of health shall appoint a public health officer who shall be licensed by the State Board of Medical Examiners and who shall be the health officer of the appointing board.

(2) The health officer shall:

(a) Serve as administrator for the district, county or city health board and shall, together with the staff appointed under paragraph (c) of this section, act as the district, county or city health department which he shall administer.

(b) Act as secretary and executive officer of the district, county or city board of health.

(c) Appoint with the approval of the appointing board, deputy health officers, public health nurses, sanitarians and such other staff as are necessary to the proper performance of his duties.

(d) Report to the board at appropriate intervals concerning the activities of the department and submit an annual budget for the approval of the county or city governing body. If the health officer is a district officer, he shall submit his budget to the governing bodies of the participating counties for approval.

(e) Act as official agent for enforcing state laws and rules and regulations of the State Board of Health including such sanitary inspection of hospitals and related institutions as may be requested by the State Board of Health.

(f) Perform such other duties as may be required by law.

(3) The health officer shall serve until such time as he may be removed by the appointing board or by the State Board of Health under ORS 431.420. He shall engage in no occupation which conflicts with his official duties and shall devote full-time to his duties as health officer. However, if the health officer is appointed by a board created under ORS 431.410, the appointing board may require less than full time service. The health officer shall receive a salary fixed by the appointing board in conformance with appropriate merit rating and shall receive the actual expenses incurred in the performance of his duties.

[1961 c.610 §7]

431.420 Removal of health officers; causes; hearing. (1) The State Board of Health may remove at any time any district, county or city health officer for intemperance, failure to collect vital statistics, obey rules and regulations, keep records, make reports or answer letters of inquiry, or obey orders of the State Health Officer concerning the health of the people.

(2) The removal, however, shall not be made until five days' notice of the charges against such health officer have been mailed to him. The time and place for hearing such charges by the State Board of Health shall be in the county seat of the county or in the city or town of which the defendant is health officer or in the case of district health officer, in the city seat of the county in which the district health officer has his office and shall take place not later than one week after the time of mailing notice to such health officer.

(3) The defendant health officer may be represented by counsel and, after a hearing, as provided in this section, may be removed by the appointing power for any of the causes specified. Removal shall carry with it his appointment as district, county or city health officer. Moreover, a health officer removed under this section shall not be reappointed without the consent of the State Board of Health.

[Amended by 1961 c.610 §9]

431.430 Filling of vacancies. (1) In case of death, removal or resignation of any district, county or city health officer, the vacancy shall be immediately filled by the proper district, county or city board at the first meeting following the death, removal or resignation.

(2) In case of refusal or neglect by the district, county or city board to appoint a health officer for a period of 30 days following such vacancy, the State Health Officer shall make such appointment.

[Amended by 1961 c.610 §10]

431.440 Health officers have police powers. All district, county and city health officers shall possess the powers of constables or other peace officers in all matters pertaining to the public health.

[Amended by 1961 c.610 §11]

431.450 Location of office of secretary of health board. The office of the secretary of the county board of health shall be at the county seat of the county, or in the case of the district board, in the county seat of one of the counties of the district.

[Amended by 1961 c.610 §14]

431.460 Duties of secretary of health board; records; reports. (1) The secretaries of the district and county boards shall report such facts and statistics as may be required under instructions from and in accordance with blanks furnished by the State Board of Health.

(2) The secretaries of city boards of health shall make reports of such facts and

statistics as may be required under instructions and in accordance with the blanks furnished by the State Board of Health to the secretaries of the county boards of health or district board if county boards have been abolished under ORS 431.414 to which city boards of health are subordinate.

(3) All books and records kept by the secretary of the county or city board shall be the property of the county or city where such records are kept, and shall be retained at the offices of the department of health where such records can be consulted without fee.

(4) All books and records kept by the secretary of the district board shall be the property of the district and shall be retained at offices of the district board. Such records may be consulted without fee.
[Amended by 1961 c.610 §12]

431.470 [Amended by 1961 c.610 §3; renumbered 431.412]

431.480 District or county board to supersede city boards; expenditure of funds obtained from city or school district. (1) Whenever any county governing body establishes a county board of health under ORS 431.412 or two or more counties establish a district board of health under ORS 431.414 all city boards of health in such county shall be abolished, and such board of health shall have charge of all health activities in the county except that any city having a population of 100,000 as determined by the latest federal decennial census or more may elect to maintain a separate board of health under existing laws.

(2) Any city or school district in a county which established a board under ORS 431.412 or a district under ORS 431.414 may appropriate money to be expended for public health measures in such city or school district by the district or county board of health.
[Amended by 1961 c.610 §5]

431.490 [Repealed by 1961 c.610 §18]

431.500 [Amended by 1953 c.189 §3; repealed by 1961 c.610 §18]

431.510 Quarters and funds for local health boards. (1) The governing body of the county or city shall provide adequate quarters and facilities for the office and health work of the county or city board of health and shall appropriate sufficient funds for the administration of the board and the operation of the health department.

(2) Where a district board is established under ORS 431.414, the governing body of each participating county shall appropriate annually a sum which shall be specifically designated for the operation of the district board of health and the district department of health. All salaries and expenses of the board and the department shall be paid jointly by the counties concerned in such proportion as the governing bodies of the participating counties may agree.
[Amended by 1961 c.610 §13]

431.520 Disposal of records of local health boards. Public records, as defined in ORS 192.005, of district, county and city boards of health and community mental health clinics may be destroyed or otherwise disposed of in accordance with regulations prescribed by the State Archivist. However, no records shall be required to be maintained for more than seven years from the date of the last entry for purposes of preserving evidence for any action, suit or proceeding.
[1969 c.446 §2]

HEALTH PLANNING

431.605 Comprehensive Health Planning Authority; qualifications; term; officers; temporary members. (1) The Comprehensive Health Planning Authority is established in the Health Division. The authority shall consist of not more than 25 members appointed by the Governor, a majority of whom shall not be providers of health services. In addition, two members shall be physicians licensed by the Board of Medical Examiners for the State of Oregon, engaged in the practice of medicine, one of whom shall be a member of the State Board of Health; one member shall be a professional nurse licensed by the Oregon State Board of Nursing; one member shall be a hospital administrator; one member shall be a community, county or district health officer; one member shall be the Dean of the University of Oregon Medical School; one member shall be a licensed dentist; and one member shall be a licensed optometrist. In addition, other members of the authority shall be appointed to represent other health and health-related professions, groups or agencies in this state. The Administrator of the Health Division or his designee shall serve as secretary without vote.

(2) Members shall serve at the pleasure of the Governor for a term of four years.

However, initial appointments to the Comprehensive Health Planning Authority, and additional appointments increasing its membership, shall be for terms of one, two, three or four years, as the Governor may designate, so that the terms of approximately one-fourth of its members shall expire in each subsequent year.

(3) The members of the Comprehensive Health Planning Authority shall elect one of its members as chairman at its first meeting each year, or at its first meeting after a vacancy in the office of chairman occurs, to serve for the remainder of the year and until his successor is elected.

(4) The Administrator of the Health Division may appoint additional temporary members outside of the 25-member limitation, for specific purposes or specific periods, without voting rights, to assist the Comprehensive Health Planning Authority in carrying out its planning responsibilities.
[1971 c.650 §44]

431.610 [Amended by 1961 c.610 §4; renumbered 431.414]

431.615 Functions of authority. (1) The Comprehensive Health Planning Authority shall be responsible for long-range health planning for the state. The Public Health Officer and the Administrator of the Mental Health Division shall serve as advisors to the authority.

(2) The authority shall cooperate with area-wide health planning authorities, which shall identify the public health needs of their areas and recommend programs and projects to fulfill them. The Comprehensive Health Planning Authority shall serve as the area-wide health planning authority for any area in which one has not been organized.
[1971 c.650 §45]

431.620 [Repealed by 1961 c.610 §18]

431.625 Reports of Administrator. The Administrator of the Health Division shall identify health manpower requirements and inadequacies, if any, and advise on curriculum and program development for health occupations and professions in this state necessary to meet such requirements and correct any inadequacies. He may appoint advisory committees to assist him. He shall submit reports to the Legislative Assembly, the Comprehensive Health Planning Authority, appropriate institutions, the State Board of Higher Education, the State Board of Education, and the appropriate health licensing boards.
[1971 c.650 §46]

431.630 [Repealed by 1961 c.610 §18]

431.640 [Repealed by 1961 c.610 §18]

431.650 [Repealed by 1961 c.610 §18]

431.660 [Repealed by 1961 c.610 §18]

431.670 [Repealed by 1961 c.610 §18]

PENALTIES

431.990 Penalties. Violation of any of the statutes listed in ORS 431.130, except ORS 146.030 to 146.060, 146.420 to 146.470, 146.560 to 146.590 and 433.010, or any lawful rules or regulations of the State Board of Health, pursuant to the authority granted in those statutes, or failure to obey any lawful order issued by any state, district, county or city health officer is a misdemeanor and is punishable, upon conviction, by a fine of not more than $1,000 or by imprisonment for not more than a year, or both.
[Amended by 1959 c.629 §46; 1961 c.610 §15]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon, on December 1, 1971.

Robert W. Lundy
Legislative Counsel