

Public Health Law

Mandatory and Discretionary Requirements for Counties

Presented by

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65-101. Health supervision; investigation of causes of disease, sickness and death; sanitation inspections; prevention of spread of disease; outreach services; rules and regulations; injunction.

- The secretary of health and environment shall exercise general supervision of the health of the people of the state and may:
 - Require reports from persons relating to the health of the people of the state;
 - Investigate the causes of disease;
 - Advise other offices and agencies of government;
 - Make sanitary inspection and survey;
 - Take action to prevent the introduction of infectious or contagious disease;
 - Provide public health outreach services to the people of the state.

65-201. County, city-county and multicounty units; local health officers; appointment, tenure, removal; laws applicable.

- County commissioners act as county boards of health.
 - Each board shall appoint licensed person to serve in advisory capacity and as local health officer.
 - Health units with a population of 100,000+ may appoint a program administrator as local health officer as consultant to direct on program, medical, and professional matters.
 - The board in any county with a population of less than 15,000 may contract with any local hospital within the county to supply services.

65-202. Same; oath and bond of local health officers; duties and compensation; employment of additional personnel; removal from office; criminal penalties.

- The local health officer in each county shall keep an accurate record of all transactions of his or her office.
- Such officer shall upon the opening of the fall term of school, make or have made a sanitary inspection of each school building and grounds.
- Such officer shall investigate each case of specified infectious, contagious, or communicable diseases in his or her county, as the joint board or the secretary of health and environment may require.
- Such officer shall receive reasonable compensation from the county treasury and hire necessary additional personnel.
- If said duties are not performed, such officer may be removed from office.

19-212. Powers of board of commissioners.

- The board of county commissioners of each county shall have the power, at any meeting:

Eleventh. To contract for the protection and promotion of the public health and welfare.

Thirteenth. To perform such other duties as are or may be prescribed by law.

12-3301. Definitions.

(a) Rules

(b) Municipality

(c) Code

- rules which have been prepared by a federal, state, or municipal agency, which may include building code, plumbing code, electrical wiring code, gas piping code, health and sanitation code, products for consumption code, or any subject which is a proper legislative matter.

(d) Published

12-3302. City adoption of codes by reference in ordinance.

The provisions of any code may be incorporated in a city ordinance by reference, in accordance with the procedure and subject to the limitations provided by K.S.A. 12-3009 through 12-3012.

65-122. Schools and child care facilities; non-admissions and exclusions; readmissions, when.

- No person with a dangerous infectious or contagious disease shall be admitted into any public, parochial, or private school or licensed child care facility by the responsibility of the parent, guardian, principle or person in charge of the facility.
- If it is determined such person does not have infection or disease after quarantine and examination, the local health officer shall submit a certification for readmission to school or child care facility.

72-6263. Same; duties of public health departments and officers; fees, exception to payment.

- The county health department shall provide, to the extent that funds make available, vaccines and inoculations required by this act to such pupils who have not been exempted on religious or medical grounds.
- Inoculations may be provided on a sliding fee scale for administrative charges with the exception that no child may be denied inoculations for inability to pay an administrative fee. The local health officer shall counsel and advise school boards concerning the administration of this act.

Source or Prior Law:

[72-5210](#)

65-118. Reporting to local health authority as to infectious or contagious diseases; persons reporting; immunity from liability; confidentiality of information; disclosure.

- Certain medical personnel and other persons shall be required to report immediately to the county or joint board of health or the local health officer if a person is suffering or has died from a reportable disease, along with additional required information on that individual.
- All information is confidential and shall not be disclosed, upon subpoena or otherwise, with certain exceptions.

65-119. Duties and powers of local health officers; contagious diseases; confidentiality of information; disclosure, when.

- Any county or joint board of health or local health officer having knowledge of any infectious or contagious disease shall immediately supervise such case or cases during their continuance and shall communicate all information to the secretary of health and environment.
- Local health officers may prohibit public gatherings when necessary for the control of any and all infectious or contagious disease.

65-129b. Infections or contagious diseases; authority of local health officer or secretary; evaluation or treatment orders, isolation or quarantine orders; enforcement.

The local health officer or secretary:

- May issue an order for exposed individual to seek evaluation;
- May issue an order for individuals or a group to be quarantined;
- May order quarantine to individuals refusing medical examination or vaccination.
- May order any law enforcement within the state to assist in execution of any order.

65-129c. Same; orders for isolation or quarantine; form and content; notice; hearing in district court; application and effect; procedure; orders for relief; emergency rules of procedure.

- If an order for quarantine is issued, it shall be issued to the individual. Such order is subject to appeal in district court.

28-1-13. Rabies control; isolation of mammals causing exposure to rabies for observation and examination; quarantine of mammals exposed to rabies.

Health officers determine isolation of animals as follows:

- An owned or wanted dog, cat, or ferret: The local health care officer will determine whether isolation will occur in-home, in a veterinary hospital, or a state pound or shelter. If the animal is determined not to be suffering from rabies by the health officer or the health officer's designee, the mammal shall be released upon payment of boarding fees.
- Horses, cattle, and sheep management shall be determined by the health officer or designee.

28-1-13., continued.

- Mammals not known to assist in rabies transmission need not be sacrificed unless deemed necessary based on the judgement of the local health officer or local health officer designee.
- For mammals residing in zoological parks, but not known to transmit rabies, isolation shall be in accordance with the judgment of the local health officer or local health officer designee.

28-1-13., continued.

- Quarantine shall be as follows:
 - Owned but not vaccinated dogs, cats, and ferrets shall be quarantined six months at a location determined by the health officer.
 - Wanted dogs, cats, ferrets, horses, cattle, and sheep with vaccination shall be re-vaccinated and observed for 45 days.
 - Wanted horses, cattle, and sheep not vaccinated shall be sacrificed immediately or quarantined for six months under conditions satisfactory to local health officer or the designee, who will also determine if release is appropriate.
 - Other mammals that have been vaccinated and revaccinated must be quarantined under conditions satisfactory to the local health officer or designee.

65-159. Abatement of nuisances; failure to remove, penalties.

- The secretary of health and environment and the county or joint boards of health shall have the power and authority to examine into all nuisances, sources of filth and causes of sickness.
 - If found to exist, the secretary or county or joint boards shall have the power to order, in writing, the owner or occupant thereof at his or her own expense to remove the nuisance, source of filth, or cause of sickness.
 - Should the owner or occupant not comply, a fine of \$10 to \$100 will be imposed, and each day of non-compliance thereafter shall be considered a separate offense.

65-160. Same; duty of county attorney.

It shall be the duty of the county attorney of each county to prosecute any person who shall violate the provisions of this chapter.

28-5-4 Public health nuisances.

The following conditions and practices are declared to be public nuisances hazardous to public health. Local boards of health are directed to order their abatement:

- Any privy or other place used to deposit human excreta with animal access, emitting a foul odor, or with the possibility to contaminate water supply.
- Collections of swill, scraps, fish, shells, bone, compost, excrement, or decomposing offal which may attract flies, mosquitos, or rodents.
- Any domestic animal pen which may pollute water supply or attracts flies, mosquitos, or rodents.

28-5-9 Variance.

- In counties with no locally adopted sanitary code, a variance from requirements of K.A.R. 28-5-2 through K.A.R. 28-5-7 may be granted by the Kansas department of health and environment, by written request.
- In counties with adopted sanitary codes containing a variance clause, the local administrative agency has the authority to grant variances from requirements of the local code.
- Before construction of any facility for receipt of sewage, an application for variance shall be filed and approved.

65-116a. Definitions.

As used in K.S.A. 65-116a through K.S.A. 2014 Supp. 65-129f, and amendments thereto:

(b) "Health officer" means the secretary of health and environment or the secretary's designee and all local health officers.

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(f) "Tuberculosis" means a latent infection or active disease caused by the bacterium, mycobacterium tuberculosis.

65-116b. Tuberculosis suspects; order by health officer; scope of examination; care and treatment.

- When the health officer has grounds to believe a person has tuberculosis and refuses medical examination, the health officer shall issue an order either orally or in writing, to undergo an examination by a physician qualified in chest diseases or a clinic or medical care facility.
- If it is determined such person has tuberculosis, it is the individual's duty to seek medical assistance in a qualified facility or as an outpatient, if deemed suitable by the health officer.

65-116c. Precautions to prevent spread of infection, when; investigations.

- Whenever it has been determined that any person has active or communicable tuberculosis, it shall be the duty of the officer to instruct such person as to the precaution necessary to protect the household or community. While the duty lies on the individual, the health officer will ensure precautions are followed.

65-116d. Failure to do required acts; proceedings by county attorney.

- The health officer shall file a written notice with the county or district attorney when an individual:
 - Fails to seek medical examination as ordered by health officer.
 - Refuses to follow precautions to protect the household or community.

65-204. County health funds; health buildings; garbage and trash disposal; tax levies, use of proceeds; increase in levy; protest; election.

- The board of county commissioners of any county of the state may levy a tax upon all taxable tangible property and proceeds thereof shall be placed into a separate fund designated as "the county health fund". The fund is used to defray the cost of:
 - Carrying out health laws, rules, and regulations;
 - Paying the salary of the local health officer;
 - Any contract with communities consisting of less than 15,000 individuals;
 - Employment of additional personnel.