

Health

CHAPTER 144

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144.01 STATE BOARD OF HEALTH. The state board of health shall consist of nine members, learned in sanitary science, who shall be appointed by the governor for such periods that the terms of three members will end on the first Monday of January in each year. Vacancies therein shall be filled by like appointment for the unexpired term and each member shall serve until his successor qualifies.

[R. L. s. 2127; 1925 c. 426 art. 9 s. 1] (53-33, 5336)

144.02 MEETINGS; OFFICERS; QUORUM. The state board of health shall hold an annual meeting at the capitol on the second Tuesday in January at which time it shall elect from its members a president. Regular meetings shall be held at the same place on the second Tuesdays in April, July, and October of each year. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint upon three days' notice to the members by mail. The board shall elect a secretary to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum and any meeting may be adjourned from time to time.

[R. L. s. 2128] (5337)

144.03 GENERAL DUTIES OF OFFICERS. The president shall preside at the meetings when present and in the absence or disability of the secretary shall perform all the duties imposed upon the latter by law and be paid therefor, but he may appoint a secretary pro tem to keep the minutes of the meeting. The secretary shall be the executive officer of the state board of health and in addition to keeping a record of its proceedings shall see that all lawful rules and orders of the board and all duties laid upon it by law, are enforced and performed, and that every law enacted in the interests of human health is obeyed. The president shall be the custodian of the official records and documents of the board.

[R. L. s. 2129] (5338)

144.04 SALARIES AND EXPENSES. The secretary of the state board of health shall receive a salary of \$2,500 per year and such additional sum as the board may deem necessary; also all expenses necessarily incurred by him in the performance of his duties. The members of the board shall receive no compensation as such, but the necessary expenses of their attendance upon its meetings shall be reimbursed. Subject to the provisions of Laws 1939, Chapter 441, the board may employ, and at pleasure dismiss, such agents, experts, and other assistants as it may deem necessary and fix their compensation, prescribe their duties, and allow their necessary expenses. All such salaries, compensation, and expenses shall be paid by the state upon vouchers approved by at least two members of the board; but the total for any year shall not exceed the appropriations of the year therefor.

[R. L. s. 2150] (5378)

144.05 GENERAL DUTIES OF BOARD; REPORTS. The state board of health shall exercise general supervision over all health officers and boards, take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value and advise all state officials and boards in hygienic and medical matters, especially those involved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions. It shall report its doings and discoveries to the legislature at each regular session thereof, with such information and recommendations as it shall deem useful.

[R. L. s. 2130] (5339)

144.06 STATE BOARD OF HEALTH TO PROVIDE INSTRUCTION. The state board of health, hereinafter referred to as the board, is hereby authorized to provide instruction and advice to expectant mothers during pregnancy and confinement and to mothers and their infants after childbirth; and to employ such persons as may be necessary to carry out the requirements of sections 144.06 and 144.07. Such instruction, advice, and care shall be given only to applicants residing within the state. No woman receiving aid under sections 144.06, 144.07, and 144.09 shall for this reason be affected thereby in any civil or political rights, nor shall her identity be disclosed except upon written order of the board.

[1921 c. 392 ss. 1, 2, 3] (5340, 5341, 5342)

144.07 POWERS OF BOARD. The board may:

- (1) Make all reasonable rules and regulations necessary to carry into effect the provisions of sections 144.06, 144.07, and 144.09, and may amend, alter, or repeal such rules or regulations;
- (2) Accept private gifts for the purpose of carrying out the provisions of those sections;
- (3) Cooperate with agencies, whether city, state, federal, or private, which carry on work for maternal and infant hygiene; and
- (4) Make investigations and recommendations for the purpose of improving maternity care.

The board shall include in its report to the legislature a statement of the operation of those sections.

[1921 c. 392 s. 4] (5343)

144.08 POWERS AND DUTIES; HOTEL INSPECTORS AND AGENTS; INSPECTIONS AND REPORTS. The department of health shall have and exercise all of the authority and perform all the duties imposed upon and vested in the state hotel inspector. With the advice and consent of the department of administration, the department of health shall appoint and fix the compensation of a hotel inspector and such other inspectors and agents as may be required for the efficient conduct of the duties hereby imposed. These inspectors, by order of the department of administration, may be required to inspect any or all food products subject to inspection by the department of agriculture, dairy, and food and to investigate and report to such department violations of the pure food laws and the regulations of the department of agriculture, dairy, and food pertaining thereto. The reports of these inspectors to the department of agriculture, dairy, and food shall have the force and effect of reports made or required to be made by the inspectors of such department.

[1925 c. 426 art. 9 s. 2] (53-34)

144.09 TO COOPERATE WITH FEDERAL AUTHORITIES. The state of Minnesota, through its legislative authority:

(1) Accepts the provisions of any act of congress providing for cooperation between the government of the United States and the several states in public protection of maternity and infancy;

(2) Empowers and directs the board to cooperate with the federal children's bureau to carry out the purposes of such acts; and

(3) Appoints the state treasurer as custodian of all moneys given to the state by the United States under the authority of such acts and such money shall be paid out in the manner provided by such acts for the purposes therein specified.

[1921 c. 392 s. 5] (5344)

144.10 FEDERAL AID FOR MATERNAL AND CHILD WELFARE SERVICE; CUSTODIAN OF FUND; PLAN OF OPERATION; LOCAL APPROPRIATIONS. The state treasurer is hereby appointed as the custodian of all moneys received, or which may hereafter be received, by the state by reason of any federal aid granted for maternal and child welfare service and for public health services, which moneys shall be expended in accordance with the purposes expressed in the acts of congress granting such aid and solely in accordance with plans to be prepared by the state board. The plans so to be prepared by the board for maternal and child health service shall be approved by the United States children's bureau; and the plans of the board for public health service shall be approved by the United States public health service. Such plans shall include the training of personnel for both state and local health work and conform with all the requirements governing federal aid for these purposes. Such plans shall be designed to secure for the state the maximum amount of federal aid which is possible to be secured on the basis of the available state, county, and local appropriations for such purposes. The board shall make reports, which shall be in such form and contain such information as may be required by the United States children's bureau or the United States public health service, as the case may be; and comply with all the provisions, rules, and regulations which may be prescribed by these federal authorities in order to secure the correction and verification of such reports.

[Ex. 1936 c. 70 s. 1] (5391-1)

144.11 RULES AND REGULATIONS. The board may make such reasonable rules and regulations as may be necessary to carry into effect the provisions of section 144.10 and alter, amend, suspend, or repeal any of such rules and regulations.

[Ex. 1936 c. 70 s. 2] (5391-2)

144.12 REGULATIONS OF BOARD. The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except in so far as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

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(1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;

(2) The business of scavenging and the disposal of sewage;

(3) The location of mortuaries and cemeteries and the removal and burial of the dead;

(4) The management of lying-in houses and boarding places for infants and the treatment of infants therein;

(5) The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use;

(6) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places for gain;

(7) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom; provided, that neither the board nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;

(8) The prevention of infant blindness and infection of the eyes of the newly born by the designation of a prophylactic to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant;

(9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated; any person thus required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

(10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;

(11) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

(12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps and other industrial camps; and

(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations.

[*R. L. s. 2131; 1917 c. 345 s. 1; 1923 c. 227 s. 1*] (5345)

144.13 NOTICE OF REGULATIONS PUBLISHED. Three weeks' published notice of such regulations, if of general application throughout the state, shall be given at the seat of government; if of local application only, as near such locality as practicable. Special rules applicable to particular cases shall be sufficiently noticed when posted in a conspicuous place upon or near the premises affected. Fines collected for violations of regulations adopted by the board shall be paid into the state treasury; and of local boards and officers, into the county treasury.

[*R. L. s. 2132*] (5346)

144.14 QUARANTINE OF INTERSTATE CARRIERS. When necessary the board may establish and enforce a system of quarantine against the introduction into the state of any plague or other communicable disease by common carriers doing business across its borders. Its members, officers, and agents may board any conveyance used by such carriers to inspect the same and, if such conveyance be found infected, may detain the same and isolate and quarantine any or all persons found thereon, with their luggage, until all danger of communication of disease therefrom is removed.

[R. L. s. 2133] (5347)

144.15-144.28 [Repealed by 1945 c. 512 s. 37]

VITAL STATISTICS ACT

144.151 DEFINITIONS FOR SECTIONS 144.151 TO 144.204. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 144.151 to 144.204, shall be given meanings ascribed to them.

Subd. 2. "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, and data incidental thereto.

Subd. 3. "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

Subd. 4. "Stillbirth" means a birth after 20 weeks of gestation which is not a live birth.

Subd. 5. "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

Subd. 6. "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

[1945 c. 512 s. 1]

144.152 BOARD SHALL ESTABLISH DIVISION; INSTALL SYSTEM; MAKE RULES.- The state board of health shall:

Subdivision 1. Establish a division of vital statistics with suitable offices properly equipped for the preservation of its official records;

Subd. 2. Install a statewide system of vital statistics;

Subd. 3. Make and may amend necessary regulations, according to Minnesota Statutes 1941, Section 144.12, give instructions and prescribe and furnish at the expense of the state forms for collecting, transcribing, compiling and preserving vital statistics provided that the book of record for the local registrar shall be paid for by the city, village, or town comprising the registration district; and

Subd. 4. Enforce sections 144.151 to 144.204 and the regulations made pursuant thereto.

[1945 c. 512 s. 2]

144.153 REGULATIONS; EFFECTIVE DATE. The regulations of the board, upon the approval of the attorney general, shall take effect 30 days after publication and filing with the secretary of state.

[1945 c. 512 s. 3]

144.154 PRIMARY REGISTRATION DISTRICTS. Each town, village and city shall, for the purposes of sections 144.151 to 144.204, constitute a primary registration district, provided the state registrar may establish registration districts comprised of one or more unorganized towns and appoint registrars for them, and with the consent of the respective town boards or municipal councils, combine two or more primary registration districts and appoint registrars for them.

[1945 c. 512 s. 4]

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144.155 STATE REGISTRAR; COMPENSATION. The board shall appoint a qualified state registrar of vital statistics whose compensation shall be fixed under such provisions as may be provided by other provisions of the statutes.

[1945 c. 512 s. 5]

144.156 SUPERVISION; ENFORCEMENT; EMPLOYEES. The state registrar, under the supervision of the board, shall have charge of the division of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce sections 144.151 to 144.204 and the regulations of the board and have supervisory power over local registrars. He shall submit to the board reports of the administration of such sections. He may appoint and, at his pleasure, remove one or more employees of the board as deputy state registrars who shall render such aid as he may require of them.

[1945 c. 512 s. 6]

144.157 LOCAL REGISTRAR; DEPUTIES; REPORT; ENFORCEMENT. The town and village clerk, and in cities the health officer, shall be the local registrar. A local registrar with the approval of the state registrar may appoint and remove deputies. All local registrars shall immediately report to the state registrar violations of sections 144.151 to 144.204 or the regulations of the board, and under the supervision of the state registrar shall cause all the provisions of such sections and regulations of the board to be enforced. Any local registrar who neglects or refuses to perform the duties imposed upon him by such sections shall be superseded by another to be appointed by the state registrar in his place.

The board, upon the recommendation of the state registrar, may appoint and remove sub-registrars to receive certificates of death and issue burial permits in any designated territory. They shall be subject to the supervision of the state registrar.

[1945 c. 512 s. 7]

144.158 BOARD TO PROVIDE ASSISTANCE. The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed in conformance with the provisions of the state civil service law.

[1945 c. 512 s. 8]

144.159 FILING OF BIRTH CERTIFICATE. Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents.

Provided that the birth certificate of an illegitimate child shall be filed by the attending physician, midwife, parent, or other, directly with the state registrar.

[1945 c. 512 s. 9]

144.161 DELAYED OR ALTERED CERTIFICATES. If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare, record, and file the certificate. In such cases the board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by such a supplementary report shall not be considered "delayed" or "altered."

[1945 c. 512 s. 10]

144.162 CONTENTS OF CERTIFICATES. Subdivision 1. Whoever first assumes the custody of a child of unknown parentage shall immediately report to the local registrar who shall immediately make and file a certificate stating: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

Subd. 2. The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

Subd. 3. The report shall constitute the certificate of birth.

Subd. 4. If the child is identified and a regular certificate of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

[1945 c. 512 s. 11]

144.163 CERTIFICATE OF DEATH OR STILLBIRTH. A certificate of every death or stillbirth shall be filed before interment or in any case within five days after the occurrence is known with the local registrar of the district in which the death or stillbirth occurred or with a sub-registrar; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found, or a sub-registrar, within 24 hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

[1945 c. 512 s. 12]

144.164 DEATH CERTIFICATES. Subdivision 1. **Time of filing.** The funeral director or other person taking charge for preparation of a dead human body for interment or other disposal shall file with the local registrar of the district in which the death or stillbirth occurred or the body was found, or with a sub-registrar, a certificate of death or stillbirth before interment or in any case within five days after the occurrence.

Subd. 2. **Statement as to autopsy; statement of physician.** In preparing a certificate of death or stillbirth the person in charge of such preparation shall obtain and enter on the certificate the personal data required by the board and a statement as to whether or not an autopsy was performed on such body from the persons best qualified to supply them and which persons shall sign the certificate as the informants. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife, or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Subd. 3. **Procedure prior to burial.** Thereupon the funeral director or person in charge for such preparation shall notify the appropriate local registrar if death occurred without medical attendance, or in case he is unable to secure such certification by the physician last in attendance. In such event the local registrar shall inform the local health officer and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, cremation, transportation or other disposition of the body. When there is no medical health officer for such registration district, the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

[1945 c. 512 s. 13]

144.165 DELAYED CERTIFICATION. If the cause of death cannot be determined before interment or other disposition of the body, or in any case within five days, the certification or its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which the death occurred, or the sub-registrar, written notice of the reason for the delay in order that a permit for the disposition of the body may be issued.

[1945 c. 512 s. 14]

144.166 FORM AND USE OF CERTIFICATE. The form of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States Bureau of the Census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of section 144.175.

[1945 c. 512 s. 15]

144.167 PRIMA FACIE EVIDENCE. Certificates filed within six months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

[1945 c. 512 s. 16]

144.168 CERTIFICATES FURNISHED TO PUBLIC. Subdivision 1. Subject to the requirements of sections 144.172, 144.174, and 144.175, the state registrar, any

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clerk of district court, or any local registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

Subd. 2. Copies of the contents of any certificate on file in the division of vital statistics or in the office of any clerk of district court or on file with any local registrar, or any part of any such certificate, certified by the state registrar, a clerk of the district court, or a local registrar, as the case may be, shall be considered for all purposes the same as the original, subject to the requirements of sections 144.172, 144.174 and 144.175.

[1945 c. 512 s. 17]

144.169 FEES; DEPOSITED WITH STATE TREASURER. Subdivision 1. The applicant shall pay a fee of \$1.00 for each certified copy of a birth or death record. Provided that a fee shall not be charged for any certified copy needed in connection with service in the armed forces or the Merchant Marine of the United States or in the presentation of claims to the United States Veterans Administration or the official veterans administration of any state or territory of the United States.

Subd. 2. When the salary of the officer issuing a certified copy under sections 144.151 to 144.204 consists in whole or in part of fees authorized by law, such officer shall be paid the legal fee therefor by the governmental subdivision of which he is an officer, and the governing body thereof is authorized and directed to order such payment made from the general revenue funds thereof.

Subd. 3. The state registrar shall keep an account of all fees received and turn the same over to the state treasurer according to law.

[1945 c. 512 ss. 18, 19]

144.171 DELAYED CERTIFICATE; PROOF. A birth certificate of a person born in this state or a death certificate of a person who died in this state may be filed or amended after the time herein prescribed upon submitting such proof as shall be required by the board.

[1945 c. 512 s. 20]

144.172 DELAYED OR ALTERED CERTIFICATES. Subdivision 1. Certificates accepted subsequent to six months after the time prescribed for filing and certificates which have been altered after being filed with the state registrar shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered."

Subd. 2. All alterations made on birth and death records shall be in red ink.

Subd. 3. A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate.

Subd. 4. Such evidence shall be preserved in such manner as the board may prescribe.

[1945 c. 512 s. 21]

144.173 BEFORE DISTRICT COURT. Subdivision 1. **Petition; hearing; evidence.** Any person born or residing in this state may also petition the district court of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitled him to such an order. The court shall fix the time and place of hearing the petition. At least ten days before the hearing, notice thereof shall be mailed to the county attorney of the county and to the state division of vital statistics and shall be published once in a newspaper of general circulation in the county. Proof of the mailing and publication shall be filed at the hearing. The oral testimony shall be transcribed and together with the other proofs shall be filed in the proceeding.

Subd. 2. **Court order.** If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and the names of his parents, and any other facts deemed relevant by the court.

Subd. 3. **Certified copy.** A certified copy of the order of the court may be filed in the office of the register of deeds of the county and shall be filed in the office of the state division of vital statistics.

Subd. 4. **Admissible as proof.** The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents

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and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in section 144.167.

[1945 c. 512 s. 22]

144.174 PROBATIVE VALUE. The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

[1945 c. 512 s. 23]

144.175 ACCESS TO RECORDS. Subdivision 1. **Open to inspection.** The birth and death records and files of the division of vital statistics, the local registrars and clerks of the district court are open to inspection, subject to the provisions of sections 144.151 to 144.204 and regulations of the board; but it is unlawful for any officer or employee of the state or any local registrar or clerk of district court to disclose data contained in vital statistical records except as authorized by such sections or by the board.

Subd. 2. **Procedure in case of illegitimacy.** Disclosure of illegitimacy of birth or of information from which it can be ascertained may be made only upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the state board of health shall be opened to inspection by the director of social welfare, and it shall not be necessary for said director to obtain an order of the court in order to inspect records of illegitimate children or to secure certified copies thereof.

Subd. 3. **Rule as to right of inspection.** No state registrar or local registrar or clerk of the district court shall permit inspection of the records or issue a certified copy of a certificate or part thereof unless it is in compliance with the district court order, or he is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject to review by the board or a court under the limitations of this section.

Subd. 4. **Purposes of research.** The board may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

Subd. 5. **Direction to local registrars.** Subject to the provisions of this section the board may direct local registrars to make a return upon the filing of birth, death, and stillbirth certificates with them of certain data shown thereon to federal, state, or municipal agencies. Payment by such agencies for such services may be made through the state registrar to local registrars as the board shall direct.

[1945 c. 512 s. 24]

144.176 ADOPTION. In cases of adoption the state registrar upon receipt of a certified copy of an order or decree of adoption shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened only upon order of the court or, if otherwise found necessary, by the state registrar. Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.

[1945 c. 512 s. 25]

144.177 LEGITIMATION; PROOF. In cases of legitimation the state registrar upon receipt of proof thereof shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court or if the state registrar finds it necessary.

[1945 c. 512 s. 26]

144.178 INSTITUTIONS. Persons in charge of institutions for care or correction or for treatment of disease, injury, or childbirth shall record and report all statistical data required by sections 144.151 to 144.204 relating to their inmates or patients under regulations of the board.

[1945 c. 512 s. 27]

144.181 BURIAL PERMIT; REMOVAL OF BODY FROM DISTRICT. When a death or stillbirth occurs or a dead body is found, the body shall not be disposed of or permanently removed from the registration district until a permit has been

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issued by the local registrar of the place of death or a sub-registrar or, if necessary to avoid delay, by the state registrar.

The sexton or other person acting as such shall not permit the interment or cremation of a dead human body until a burial permit issued under the provisions of sections 144.151 to 144.204 has been filed with him. He shall keep a record of all interments and cremations stating the name of deceased, place of death, date of burial or cremation, and name and address of the attending funeral director.

[1945 c. 512 s. 28]

144.182 DEATH OUTSIDE THE STATE; PERMIT. When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal, or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state such permit shall be presented to the local registrar of the district where disposal is to be made who shall keep a record thereof and thereupon issue his permit for such disposal.

[1945 c. 512 s. 29]

144.183 REGULATIONS MANDATORY. No permit under section 144.181 shall be issued until a certificate of death or stillbirth as far as it can be completed under the circumstances of the case has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

[1945 c. 512 s. 30]

144.191 DUTIES OF REGISTRAR. Subdivision 1. **Endorsement on certificate; record; transmit to clerk.** The local registrar shall endorse on each certificate of birth or death filed with him the number of his district, the number of the certificate in consecutive numbers beginning with number one for the first birth or the first death of each calendar year, the date when filed with him, his post office address, and subscribe the same. He shall record such certificates in a suitable record book and, except in cities of the first class shall, forthwith transmit to the clerk of district court of the county in which such birth or death occurred all original certificates of births and deaths received by him.

Subd. 2. **Fees.** Each local registrar shall be paid the sum of 50 cents for each complete birth, death or stillbirth certificate transmitted by him to the clerk of district court. In case no birth, death or stillbirth was registered during any calendar month the local registrar shall so report to the clerk of district court and be paid the sum of 50 cents for the report, but no fee shall be paid for a "no report" card if a report of a birth or death for that month is received later. "No report" cards received by the clerk of district court shall be dated and signed, recorded by him in an appropriate record, and immediately transmitted to the state registrar.

Subd. 3. **Auditor to pay clerk.** Upon certification by the clerk of district court at the end of each calendar year, the fees of local registrars for the registration and transmittal of birth and death records and reports of no birth or death shall be paid by the county auditor of the proper county out of the general revenue fund of the county.

Subd. 4. **In cities having 100,000 inhabitants.** Local registrars of cities of 100,000 or more population shall transmit all birth, death, and stillbirth certificates direct to the state registrar.

Subd. 5. **Removal of local registrar; new appointment.** Any local registrar who neglects or fails to discharge his duties as provided by sections 144.151 to 144.204 may, after notice and opportunity to be heard, be removed from office by the state registrar, and thereupon the state registrar may appoint another for the unexpired part of his term. If any local registrar or clerk of district court fails to file or transmit birth, death, or stillbirth certificates according to such sections, the state registrar shall obtain them by other means at the expense of the registration district or county concerned.

[1945 c. 512 s. 31]

144.201 CLERK OF COURT. Subdivision 1. **Notify parents; correct certificate.** The clerk of district court, upon receipt of birth certificates from any local registrar, shall date and sign such certificate, shall immediately notify either parent of the child of the exact spelling of names certified to, date, age of parents, and date of birth, and compare the correctness of the certificate with the facts as stated.

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If found incorrect or incomplete, he shall correct such certificate in a manner acceptable to the state registrar.

Subd. 2. **County birth record.** Upon being satisfied that the certificate is correct, the clerk of district court shall prepare an exact duplicate of the original certificate and record in a suitable book, in form approved by the state registrar and furnished at the expense of the county, which shall be designated the county birth record, the following facts as they appear on each certificate:

1. Name of child;
2. Place of birth;
3. Date of birth;
4. Sex;
5. Color of child;
6. Name of father;
7. Color of father;
8. Age of father;
9. Maiden name of mother;
10. Age of mother;
11. Color of mother;
12. Birthplace of father;
13. Birthplace of mother;
14. Number of children of mother;
15. Single, twin or other of plural birth;
16. Date of filing;

which shall constitute a legal birth record, and a certified copy of facts contained in such record shall be evidence in any court to the extent of the original certificate. The clerk of district court shall index such record in a suitable manner at the expense of the county.

[1945 c. 512 s. 32]

144.202 DUTIES OF CLERK. The clerk of district court, upon receipt of death certificates from any local registrar, shall date and sign such certificate, shall ascertain from available documents or from persons who know the correct spelling of name, date of birth, age, residence, and date of death, the correctness of such facts on the certificate. If found incomplete or in error, he shall correct the certificate in a manner acceptable to the state registrar. When the clerk of district court is satisfied with the spelling of name, date of birth, age, date of death, place of death, and place of residence are correct, he shall prepare an exact duplicate of the original certificate and record in a suitable book, in form approved by the state registrar, the following facts as they appear on the certificate:

1. Name of deceased, and name of spouse, if any;
2. Sex;
3. Color of deceased;
4. Conjugal condition;
5. Date of birth;
6. Date of death;
7. Birthplace of deceased;
8. Name of father;
9. Maiden name of mother;
10. Residence of deceased, town, village or city, and county;
11. Date of filing.

The clerk of district court shall index such record in a suitable manner at the expense of the county. Such record shall constitute a legal death record, and a certified copy of the facts contained in such record shall be evidence in any court to the extent of the original certificate.

The clerk of district court shall file and index all duplicate certificates prepared by him of births and deaths.

[1945 c. 512 s. 33]

144.203 TRANSMISSION. Subdivision 1. **Transmit to state registrar.** On or before the tenth day of each month the clerk of district court shall transmit to the state registrar all original birth and death certificates received by him for births and deaths which occurred during the previous month, and certify the number of birth and death certificates received from each local registrar. The clerk of district court shall, on or before the tenth of each month, prepare a certified transcript of

birth and death certificates received by him for births and deaths occurring during the previous month on which the place of residence of the mother and that of the decedent is shown to be in another county of the state and immediately transmit such certified transcript to the clerk of district court of the county shown on the original birth and death certificates to be the place of residence of the mother or the decedent except where a city of the first class shall be such residence.

Subd. 2. **Cities of the first class; fees.** Registrars of cities of the first class shall transmit to the clerks of district court of the counties in Minnesota stated to be the residence of the mother of a child or of a decedent, a transcript of such certificate. Such county stated to be the residence shall pay to the local registrar of a city of the first class a fee of 50 cents, payment to be made monthly.

Subd. 3. **Clerk's fees.** The county auditor, upon certification to him by the clerk of district court of the number of birth and death certificates and transcripts received during the preceding month, shall issue his warrant in the sum of \$1.00 to said clerk of district court for each certificate and transcript received, checked, recorded, and indexed, except those certificates on which the residence of the mother of a child or that of the decedent is shown to be in another county of the state, which sum shall be full compensation for all services rendered as provided herein.

[1945 c. 512 s. 34]

144.204 CITATION. Sections 144.151 to 144.204 may be cited as the "Uniform Vital Statistics Act."

[1945 c. 512 s. 36]

144.29 HEALTH RECORDS; CHILDREN OF SCHOOL AGE. It shall be the duty of every school nurse, school physician, school attendance officer, superintendent of schools, principal, teacher, and of the persons charged with the duty of compiling and keeping the school census records, to cause a permanent public health record to be kept for each child of school age. Such record shall be kept in such form that it may be transferred with the child to any school which the child shall attend within the state and transferred to the board when the child ceases to attend school. It shall contain a record of such health matters as shall be prescribed by the board, and of all mental and physical defects and handicaps which might permanently cripple or handicap the child. Nothing in sections 144.29 to 144.32 shall be construed to require any child whose parent or guardian objects in writing thereto to undergo a physical or medical examination or treatment. A copy shall be forwarded to the proper department of any state to which the child shall remove.

[1929 c. 277 s. 1] (5356-1)

144.30 COPIES OF RECORDS EVIDENCE IN JUVENILE COURT. When any child shall be brought into juvenile court the court shall request, and the custodian of the record shall furnish, a complete certified copy of such record to the court, which copy shall be received as evidence in the case; and no decision or disposition of the pending matter shall be finally made until such record, if existing, shall be considered.

[1929 c. 277 s. 2] (5356-2)

144.31 CHILDREN'S BUREAU TO RECEIVE REPORTS. It shall be the duty of the commissioner of education to cause a report to be made periodically to the children's bureau of the state of all diseases and defects that are of a continuous nature or that might result in a permanent handicap to the child, which have not been heretofore reported. He shall also furnish to the state board of health such information from the records as that board shall desire.

[1929 c. 277 s. 3] (5356-3)

144.32 FALSE STATEMENTS TO BE CAUSE FOR DISCHARGE. Any intentionally false statement in such certificate and any act or omission of a superintendent or superior officer to connive at or permit the same shall be deemed good cause for summary discharge of the person at fault regardless of any contract.

[1929 c. 277 s. 4] (5356-4)

144.33 HEALERS TO REPORT DEFECTIVE CHILDREN; AVAILABLE TO CHILDREN'S BUREAU. Every duly licensed person practicing the art of healing in any way and every person diagnosing human ailments within the state who shall attend or treat any child of pre-school age or of school age who is not attending school, and every such person who observes any such child in a family in which he attends or treats any person for any cause, shall report directly to the state department to which communicable diseases are required to be reported any defect, injury,

or disease of a continuous nature or which might permanently handicap the child, and which comes under his observation, provided such child is not under the age of one year. He shall also particularly indicate those cases in which the parents or guardian of the child have not the knowledge or means necessary to insure all necessary treatment of the child. If there be filed with the clerk or secretary of such department a certificate of a reputable physician of the community that a defect, injury, or disease of a child is incurable or is being cared for, further compliance with the provisions of section 144.33 with respect to such defect or handicap shall not be required.

Such reports shall be made available to the children's bureau and the children's bureau shall disseminate information designed to prevent the permanent crippling or handicapping of children.

The board shall formulate and furnish to such persons blanks on which such reports may be made.

[1929 c. 323 ss. 1, 2, 3] (5705-24, 5705-25, 5705-26)

144.34 INVESTIGATION AND CONTROL OF OCCUPATIONAL DISEASES.

Any physician having under his professional care any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, silica dust, carbon monoxide gas, wood alcohol, or mercury, or their compounds, or from anthrax or from compressed-air illness or any other disease contracted as a result of the nature of the employment of such person shall within five days mail to the department of health a report stating the name, address, and occupation of such patient, the name, address, and business of his employer, the nature of the disease, and such other information as may reasonably be required by the department. The department shall prepare and furnish the physicians of this state suitable blanks for the reports herein required. No report made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the workmen's compensation act against any employer of such diseased person. The department of health is authorized to investigate and to make recommendations for the elimination or prevention of occupational diseases which have been reported to it, or which shall be reported to it, in accordance with the provisions of this section. The department is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases. Information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the workmen's compensation act. Nothing herein contained shall be construed to interfere with or limit the powers of the department of labor and industry to make inspections of places of employment or issue orders for the protection of the health of the persons therein employed. When upon investigation the board reaches a conclusion that a condition exists which is dangerous to the life and health of the workers in any industry or factory or other industrial institutions it shall file a report thereon with the department of labor and industry.

[1939 c. 322] (4327-1)

144.35 POLLUTION OF WATER. No sewage or other matter that will impair the healthfulness of water shall be deposited where it will fall or drain into any pond or stream used as a source of water supply for domestic use. The board shall have general charge of all springs, wells, ponds, and streams so used and take all necessary and proper steps to preserve the same from such pollution as may endanger the public health. In case of violation of any of the provisions of this section, the board may, with or without a hearing, order any person to desist from causing such pollution and to comply with such direction of the board as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

[R. L. s. 2147] (5375)

144.36 APPEAL TO DISTRICT COURT. Within five days after service of the order, any person aggrieved thereby may appeal to the district court of the county in which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted, and determined in the same manner as provided in section 145.19. During the pendency of the appeal the pollution against which the order has been issued shall not be continued and, upon violation of such order, the appeal shall forthwith be dismissed.

[R. L. s. 2148] (5376)

144.37 OTHER REMEDIES PRESERVED. Nothing in sections 144.36 and 145.17 shall curtail the power of the courts to administer the usual legal and equitable remedies in cases of nuisances or of improper interference with private rights.

[R. L. s. 2149] (5377)

144.371 DEFINITIONS FOR SECTIONS 144.371 TO 144.379. Subdivision 1. The following words and phrases when used in sections 144.371 to 144.379, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subd. 2. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Subd. 3. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

Subd. 4. "Other wastes" mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances not sewage or industrial waste which may pollute or tend to pollute the waters of the state.

Subd. 5. "Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 6. "Sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Subd. 7. "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes.

Subd. 8. "Disposal system" means a system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.

Subd. 9. "Waters of the state" means all streams and lakes, including all rivers and lakes bordering on the state, marshes, watercourses, state, county, town or judicial drainage systems and other bodies of water, natural or artificial, public or private, of such character that the pollution thereof may create a nuisance or be either actually or potentially harmful or detrimental to the public health, safety or welfare, or to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

Subd. 10. "Person" means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

[1945 c. 395 s. 1]

144.372 WATER POLLUTION CONTROL. Subdivision 1. **Commission created; members; compensation.** There is hereby created a water pollution control commission, hereinafter referred to as the commission, which shall consist of the secretary and executive officer of the state board of health, the commissioner of conservation, the commissioner of agriculture, dairy and food, the secretary and executive officer of the state livestock sanitary board, and a member at large who shall be appointed by the governor and shall hold office for four years and until his successor shall have been appointed and qualified. The member at large shall receive no compensation for his services but he shall receive necessary and actual traveling and subsistence expenses for any meeting of the commission or for trips which he may make in connection with the work of the commission. The other members of the commission shall receive no additional compensation for their services as members of the commission, but shall receive their necessary and actual traveling and subsistence expenses while engaged in the business of the commission, which shall be paid from the appropriations to their several departments.

Subd. 2. **Meetings; officers.** The commission shall hold quarterly regular meetings each calendar year at a time and place to be fixed by the commission. It shall

select at its first meeting following the passage and approval of Laws 1945, Chapter 395, two of its members to serve as chairman and vice-chairman, respectively, and at the first regular meeting in each calendar year thereafter which shall be held in January, it shall select two of its members to serve for the ensuing year as chairman and vice-chairman, respectively. The secretary and executive officer of the state board of health shall serve as secretary of the commission and shall have custody of its files and records except such as are required to be filed with the secretary of state or otherwise. Special meetings of the commission may be called by the chairman or by any two other members upon at least two days' written notice mailed to each other member of the commission or delivered at their respective offices. A majority of members of the commission shall constitute a quorum.

[1945 c. 395 s. 2]

144.373 POWERS AND DUTIES. Subdivision 1. The commission is hereby given and charged with the following powers and duties:

Subd. 2. To administer and enforce all laws relating to the pollution of any of the waters of the state;

Subd. 3. To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

Subd. 4. To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 144.371 to 144.379;

Subd. 5. To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under subdivision 4 of this section;

Subd. 6. To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

Subd. 7. To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

Subd. 8. To revoke or modify any permit issued under sections 144.371 to 144.379 whenever it is necessary, in the opinion of the commission, to prevent or abate pollution of any waters of the state;

Subd. 9. To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the commission and other matters within the scope of the powers granted to and imposed upon it by sections 144.371 to 144.379, provided that every rule or regulation affecting any other department or agency of the state, or any person other than a member or employee of the commission shall be filed with the secretary of state; and

Subd. 10. (1) To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 144.371 to 144.379, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

(2) In any such hearing or investigation, any member of the commission, or any employee or agent thereto authorized by the commission, may administer oaths, examine witnesses and issue, in the name of the commission, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing or investigation. Witnesses shall receive the same fees and mileage as in civil actions.

(3) In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides, shall have jurisdiction upon application of the commission or its authorized member, employee or agent to issue to such person an order requiring him to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[1945 c. 395 s. 3]

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144.374 DISPOSAL SYSTEMS. Subdivision 1. **Information.** Any person operating a disposal system, when requested by the commission, shall furnish to it any information which he may have which is relevant to the subject of sections 144.371 to 144.379.

Subd. 2. **Examination of records.** The commission or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda pertaining to the operation of a disposal system.

Subd. 3. **Access to premises.** Whenever it shall be necessary for the purposes of sections 144.371 to 144.379, the commission or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations.

[1945 c. 395 s. 4]

144.375 FINAL ORDER. Subdivision 1. **Notice; hearing.** No final order of the commission shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system operated by any person unless the commission or its authorized officer, member, or agent shall have held a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence thereat. Written notice specifying the time and place of the hearing shall be served by the commission upon all persons known by it to be directly affected by the final order, personally or by registered mail not less than ten days before the date of the hearing. A copy of the final order shall be served in the same manner upon all persons who entered an appearance at the hearing.

Subd. 2. **Emergency order.** Notwithstanding the provisions of subdivision 1 of this section, the commission, when it shall have first determined that an emergency exists respecting any matter affecting the public health, may make a final order without notice and without a hearing. A copy of such final order shall be served as provided in subdivision 1 of this section.

Subd. 3. **Appeal.** An appeal may be taken from any final order, rule, regulation, or other final decision of the commission by any person who is or may be adversely affected thereby, or by the attorney general in behalf of the state, to the district court of Ramsey county in the manner herein provided. Within 30 days after receipt of a copy of the order, rule, regulation, or decision, or after service of notice thereof by registered mail, but not in any case more than six months after the making and filing of the order, rule, regulation or decision, the appellant or his attorney shall serve a notice of appeal on the commission, through its secretary; provided, that during such 30 day period the court may, for good cause shown, extend such time for not exceeding an additional 60 days, but not beyond the expiration of such six months' period. The notice of appeal shall refer to the action of the commission appealed from, shall specify the grounds of the appeal, including points of both law and fact which are asserted or questioned by the appellant, and may contain any other allegations or denials of fact pertinent to the appeal. The notice shall state an address within the state at which service of notice and other papers in the matter may be made upon the appellant. The original notice of appeal, with proof of service, shall be filed by the appellant or his attorney with the clerk of the court within ten days after service of the notice, and thereupon the court shall have jurisdiction of the appeal.

Subd. 4. **Intervention by state.** The appellant and the commission shall in all cases be deemed the original parties to an appeal. The state, through the attorney general, or any other person affected may become a party by intervention as in a civil action, upon showing cause therefor. The attorney general shall represent the commission, if requested, upon all such appeals unless he appeals or intervenes in behalf of the state. No bond or deposit for costs shall be required of the state or the commission upon any such appeal or upon any subsequent appeal to the supreme court or other court proceedings pertaining to the matter.

Subd. 5. **Venue of appeal.** The venue of an appeal may be changed by order of the court upon written consent of the parties or for cause shown, after hearing upon notice to all parties, as in a civil action, to the district court of any county in which the order, rule, regulation, or decision appealed from would take effect.

Subd. 6. **Record on appeal.** Within 30 days after service and filing of the notice of appeal the commission, through its secretary, shall make, certify, and file with the clerk of the court having jurisdiction of the appeal a return comprising a copy of any application, petition, or other material paper whereon the action of the commission appealed from was based, a copy of the order, rule, regulation, or decision appealed from, a statement of any findings of fact or rulings or conclusions of law made by the commission in the matter, and such other statements, admissions, or denials upon questions of law or fact raised by the appeal as the commission may deem pertinent. Such 30 day period may be extended by the court for cause shown for not exceeding an additional 60 days. Within the time allowed for making and filing the return a copy thereof shall be mailed to or served upon the appellant or his attorney. The allegations of new matter in the return shall be deemed to be denied by the appellant unless expressly admitted, and no further pleadings shall be interposed. Otherwise the allegations of the notice of appeal and return shall have like effect as the pleadings in a civil action and shall be subject to like proceedings, so far as applicable.

Subd. 7. **Appeals as in civil actions.** The appeal shall be heard and determined by the court upon the issues raised by the notice of appeal and return according to the rules relating to the trial of civil actions, so far as applicable. The court of its own motion or on application of any party may, in its discretion, take additional evidence on any issue of fact or may try any or all such issues de novo, but no jury trial shall be had. If the court shall determine that the action of the commission appealed from is lawful and reasonable, and is warranted by the evidence in case an issue of fact is involved, the action shall be affirmed. Otherwise the court may vacate or suspend the action appealed from in whole or in part, as the case may require, and thereupon the matter shall be remanded to the commission for further action in conformity with the decision of the court.

Subd. 8. **Stay.** The taking effect of any action of the commission shall not be stayed by an appeal except by order of the court for cause shown by the appellant. The granting of a stay may be conditioned upon the furnishing by the appellant of such reasonable security for costs as the court may direct. A stay may be vacated on application of the commission or any other party after hearing upon notice to the appellant and to such other parties as the court may direct.

Subd. 9. **Order prima facie reasonable and valid.** In any appeal or other proceeding involving any order, rule, regulation, or other decision of the commission, the action of the commission shall be prima facie reasonable and valid, and it shall be presumed that all requirements of the law pertaining to the taking thereof have been complied with. All findings of fact made by the commission shall be prima facie evidence of the matters therein stated. The burden of proving the contrary of any provision of this subdivision shall rest upon the appellant or other party questioning the action of the commission.

Subd. 10. **Collateral attack.** If no appeal be taken from an order, rule, regulation, or other decision of the commission as herein provided, or if the action of the commission be affirmed on appeal the action of the commission in the matter shall be deemed conclusive, and the validity and reasonableness thereof shall not be questioned in any other action or proceeding, but this shall not preclude the authority of the commission to modify or rescind its actions.

[1945 c. 395 s. 5]

144.376 COOPERATION. Subdivision 1. **With other sovereign states.** The commission, so far as it is not inconsistent with its duties under the laws of this state, may assist and cooperate with any agency of another state, of the United States of America or of the Dominion of Canada or any province thereof in any matter relating to water pollution control.

Subd. 2. **Funds received from persons or agencies.** The commission may receive and accept money, property, or services from any person or from any agency described in subdivision 1 or from any other source for any water pollution control purpose within the scope of its functions under sections 144.371 to 144.379, and all moneys so received are hereby appropriated for such purposes in like manner and subject to like provisions of law as the corresponding appropriations of state funds.

[1945 c. 395 s. 6]

144.377 VIOLATIONS AND PROHIBITIONS. Subdivision 1. **Obtain permit.** It shall be unlawful for any person to construct, install or operate a disposal sys-

tem, or any part thereof, until plans therefor shall have been submitted to the commission unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 2. Systems now operating. The commission, upon application of the appropriate person, shall issue a permit for the continuance of every disposal system now operating pursuant to proper legal authority subject, however, to the right of the commission to modify or revoke such permit in the same manner as other permits.

Subd. 3. Permission for extension. It shall be unlawful for any person to make any change in, addition to or extension of any existing disposal system or part thereof that would materially alter the method or the effect of treating or disposing of the sewage, industrial waste or other wastes, or to operate such system, or part thereof as so changed, added to, or extended until plans therefor shall have been submitted to the commission unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 4. Injunction. Pollution of any waters in violation of any provisions of sections 144.371 to 144.379, or of any order or regulation adopted by the commission thereunder shall constitute a public nuisance, and may be enjoined and abated as such as provided by law.

Subd. 5. Preliminary notice in tort actions. Every person who claims damages from the holder of a permit issued under sections 144.371 to 144.379 for the operation of a disposal system or from any employee or agent of such permit holder for or on account of any loss or injury sustained by reason of the operation of such system in respect of the treatment or disposal of sewage, industrial waste, or other wastes therein, or by reason of the discharge of any effluent therefrom, shall cause to be presented to such permit holder and to the secretary of the commission within 30 days after the alleged loss or injury occurred a written notice, stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given, or if commenced within ten days thereafter or more than one year after the occurrence of the loss or injury.

Subd. 6. Penalty. Violation of any provision of sections 144.371 to 144.379 or of any regulation adopted by the commission thereunder shall be a misdemeanor.

[1945 c. 395 ss. 8, 9, 10]

144.378 INTERPRETATION. Sections 144.371 to 144.379 shall not be construed as repealing any of the provisions of law relating to the pollution of any waters of the state, but shall be held and construed as supplementing the same and in addition to the laws now in force, except as the same may be in direct conflict herewith.

[1945 c. 395 s. 7]

144.379 CITATION. Sections 144.371 to 144.379 may be cited as the State Water Pollution Control Act.

[1945 c. 395 s. 11]

144.38 POLLUTION OF WATERS. Subdivision 1. **Board to administer laws.** The board is hereby given and charged with the power and duty of administering and enforcing all laws relating to the pollution of any of the waters of this state, so far as such pollution affects the public health.

Subd. 2. Duty of board. The board shall make such investigations of water pollution and the plans for the construction of works affecting water pollution as may be required by the water pollution control commission. The board shall furnish to such commission such other service as the commission may need in the administration of the State Water Pollution Control Act, including the employment of a qualified and experienced sanitary engineer, who shall be designated by the board, with the approval of the commission, to act as consultant to the commission.

Subd. 3. Cooperation. The board is hereby specifically authorized to cooperate with other departments of state, other state officers, with municipalities of all kinds, with other states, the United States, the Dominion of Canada or any province thereof, industries, societies, corporations, and individuals, to the end and purpose of protecting and freeing the waters of the state from pollution.

[1927 c. 273 ss. 1, 2, 3; 1945 c. 395 s. 12] (5377-1, 5377-2, 5377-3)

144.39 HEARINGS AND INVESTIGATIONS. To carry out the purpose of sections 144.38 to 144.41, the board is hereby authorized to hold such hearings or investigations as it may deem advisable, and in any such hearing or investigation any member of the board or the secretary thereof or any officer or agent of the board appointed by it to hold such hearing or investigation shall have the power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, records, and other evidence. Witnesses shall receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceeding or contumacy of a witness, upon application of the board, may be punished by the district court in the same manner as if the proceeding were pending in such court.

[1927 c. 273 s. 4] (5377-4)

144.40 COOPERATION WITH BOARD. The board, for the purpose of assisting in the performance of its duties under sections 144.38 to 144.41, may receive and accept any money, property, or services, or any form of cooperation from any person, firm, corporation, municipal corporation, the state, or any of its departments or officers, or any other state, or the United States.

[1927 c. 273 s. 5] (5377-5)

144.41 ASSISTANCE FURNISHED TO BOARD UPON ORDER OF DEPARTMENT OF ADMINISTRATION. The department of administration may, upon request of the board, by order require any department of this state or any state officer to furnish such assistance to the board in the performance of its duties or the exercise of its powers under sections 144.38 to 144.41 as the department of administration may in its order designate or specify; and, with the consent of the department concerned, the department of administration may charge or assign all or part of the cost or expense or amount of such assistance to such departmental fund or appropriation as the department of administration may deem just and proper.

[1927 c. 273 s. 6] (5377-6)

144.42 TUBERCULOSIS; PHYSICIANS TO REPORT TO STATE BOARDS; TO LOCAL BOARD IN CERTAIN CASES. Every physician in the state shall report to the board, on blanks furnished by the board for that purpose, full particulars as to every person under his treatment for tuberculosis, within one week after the diagnosis of the disease, except that physicians in cities and villages where they are required by ordinance or sanitary regulation to report tuberculosis to the local board of health will not be required to report such cases directly to the board, but the local health officer shall make returns of all such cases reported to him to the board once a month on blanks furnished for that purpose by the board.

[1913 c. 434 s. 1] (5381)

144.43 TUBERCULOSIS IN INSTITUTIONS. It shall be unlawful for the authorities in charge of any penal or charitable institution to care for any person afflicted with tuberculosis in the same room or ward with other inmates.

[1913 c. 434 s. 2] (5382)

144.44 REMOVAL TO PUBLIC SANATORIUM OR HOSPITAL. Any health officer shall have the right to report to the board of county commissioners of his county any person afflicted with tuberculosis whom he considers a menace to his family or other persons, and upon the approval of the board of county commissioners, the county sheriff shall remove the person and place him in a public sanatorium or hospital where he shall remain until discharged therefrom by the superintendent of the institution.

[1913 c. 434 s. 3; 1945 c. 564 s. 1] (5383)

144.45 TUBERCULOSIS IN SCHOOLS; CERTIFICATE. No teacher, pupil, or employee about a school building who is afflicted with pulmonary tuberculosis shall remain in or about such building without having a certificate issued by the local board of health or by an agent duly authorized by the board stating that the person is in no sense a source of danger to others.

[1913 c. 434 s. 4] (5384)

144.46 DISINFECTING OF PREMISES. In case of the vacation of any apartment or premises by death from tuberculosis, or by the removal therefrom of a person sick with tuberculosis, it shall be the duty of the person or physician in charge to notify the health officer of the town, village, or city of the removal within 24 hours thereafter and the apartments or premises so vacated shall not again be occupied until renovated and disinfected as hereinafter provided.

In case of such vacation the health officer shall order that such premises or apartments and all infected articles therein be properly and suitably renovated and disinfected. In case there shall be no remaining occupants in such premises or apartments, the health officer shall cause a notice in writing to be served upon the owner, or agent of the owner, of such premises or apartments, ordering the renovation and disinfection of such premises or apartments under the directions of and in conformity with the regulations of the board.

[1913 c. 434 s. 5] (5385)

144.47 PLACARD TO BE POSTED ON INFECTED PREMISES. In case any orders or directions of the health officer requiring the disinfection of any articles, premises, or apartments, as provided in sections 144.42 to 144.46, shall not be complied with within 36 hours after such orders or directions shall be given, then it shall be the duty of the health officer to cause a placard, in words and form as follows, to be placed upon the door of the infected apartments or premises:

“NOTICE

TUBERCULOSIS IS A COMMUNICABLE DISEASE.
THESE APARTMENTS HAVE BEEN OCCUPIED BY A
CONSUMPTIVE AND MAY BE INFECTED. THEY MUST
NOT BE OCCUPIED UNTIL THE ORDER OF THE
HEALTH OFFICER DIRECTING THEIR RENOVATION
AND DISINFECTION HAS BEEN COMPLIED WITH.

THIS NOTICE MUST NOT BE REMOVED UNDER A
PENALTY OF LAW, EXCEPT BY THE HEALTH OFFI-
CER OR AN AUTHORIZED OFFICER.”

[1913 c. 434 s. 6] (5386)

144.48 SPUTUM, SALIVA. It shall be unlawful for any person having pulmonary tuberculosis to dispose of sputum, saliva, or other secretions or excretions so as to cause offense or danger to any person.

[1913 c. 434 s. 7] (5387)

144.49 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating any regulation of the board or violating any lawful direction of a board of health or a health officer shall be guilty of a misdemeanor.

Subd. 2. Any person who wilfully makes or alters any certificate or certified copy thereof provided for in sections 144.151 to 144.204, except in accordance with the provisions of such sections, shall, upon conviction, be fined not more than \$1,000, or be imprisoned not exceeding six months or both fined and imprisoned.

Subd. 3. Any person who knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit issued in accordance with the provisions of sections 144.151 to 144.204, shall, upon conviction be fined not more than \$500.

Subd. 4. Except where a different penalty is provided in this section, any person who violates any of the provisions of sections 144.151 to 144.204, or regulations of the board, or neglects or refuses to perform any of the duties imposed upon him by such sections or regulations of the board shall be guilty of a misdemeanor.

Subd. 5. Any person violating any of the provisions of sections 144.42 to 144.48 shall be guilty of a misdemeanor.

Subd. 6. Any person, partnership, association, or corporation, including state, county, or local governmental units, or any division, department, board, or agency thereof, establishing, conducting, managing, or operating any hospital, sanatorium, rest home, nursing home, or institution within the meaning of sections 144.50 to 144.58, without first obtaining a license therefor as therein provided, or who shall violate any of the provisions of sections 144.50 to 144.58 or regulations thereunder, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not to exceed \$100 or a sentence of not to exceed 90 days in the county jail.

[R. L. s. 2132; 1913 c. 434 s. 8; 1913 c. 579; 1917 c. 220 s. 6; 1939 c. 89 s. 1; 1941 c. 549 s. 10; 1943 c. 649 s. 1; 1945 c. 512 ss. 35, 37] (5346, 5356, 5367, 5388)

144.50 HOSPITALS MUST OBTAIN LICENSES. No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, conduct, or maintain in the state any hospital, sanatorium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner hereinafter provided.

Hospital, sanatorium, rest home, nursing home, boarding home, and other related institutions, within the meaning of sections 144.50 to 144.58 shall mean any institution, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization of the sick or injured or care of any aged or infirm persons requiring or receiving chronic or convalescent care. Nothing in sections 144.50 to 144.58 shall apply to hotels or other similar places that furnish only board and room, or either, to their guests.

Nothing in sections 144.50 to 144.58 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

[1941 c. 549 s. 1; 1943 c. 649 s. 1]

144.51 EXISTING HOSPITALS TO OBTAIN LICENSES. No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, may continue to operate an existing hospital, sanatorium, rest home, nursing home, or boarding home, nor open a hospital, sanatorium, rest home, nursing home, or boarding home after October 1, 1943, unless such operation shall have been approved and regularly licensed by the state of Minnesota as hereinafter provided.

Before a license shall be issued under sections 144.50 to 144.58, the person applying shall submit evidence satisfactory to the state department of health that he is not less than 21 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or other governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the minimum standards of sections 144.50 to 144.58 and all regulations adopted thereunder.

[1941 c. 549 s. 2; 1943 c. 649 s. 1]

144.52 APPLICATION FOR LICENSES. Any person, partnership, association, or corporation, including state, county, or local governmental units, or any division, department, board, or agency thereof, desiring a license under sections 144.50 to 144.58 shall file with the state department of health a verified application containing the name of the applicant desiring said license; whether such persons so applying are 21 years of age; the type of institution to be operated; the location thereof; the name of the person in charge thereof. Application on behalf of a corporation or association or other governmental unit shall be made by any two officers thereof or by its managing agents.

[1941 c. 549 s. 3; 1943 c. 649 s. 1]

144.53 FEES. Each application for a license to operate a hospital, sanatorium, rest home, nursing home, or boarding home, or related institution, within the meaning of sections 144.50 to 144.58, shall be accompanied by a fee to be determined by the number of beds available for patients thereof; those with less than ten such beds shall pay a fee of \$15.00; those with ten beds or more and less than 50 beds shall pay a fee of \$20.00; those with 50 beds or more and less than 100 beds shall pay a fee of \$30.00; those with 100 beds or more shall pay a fee of \$50.00. No such fee shall be refunded. All licenses issued hereunder shall be renewed annually upon payment of a like fee. All such fees received by the state department of health shall be paid into the state treasury to the credit of the state department of health for the purpose of carrying out the general provisions of sections 144.50 to 144.58.

No license granted hereunder shall be assignable or transferable.

[1941 c. 549 s. 4; 1945 c. 192 s. 1]

144.54 INSPECTIONS. Every building, institution, or establishment for which a license has been issued shall be periodically inspected by a duly appointed representative of the state department of health under the rules and regulations to be established by the state department of health. No institution of any kind licensed

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pursuant to the provisions of sections 144.50 to 144.58 shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, lodging houses, boarding houses, and places of refreshment.

[1941 c. 549 s. 5]

144.55 STATE DEPARTMENT OF HEALTH TO ISSUE LICENSES. The state department of health is hereby authorized to issue licenses to operate hospitals, sanatoriums, rest homes, nursing homes, or other related institutions, which after inspection are found to comply with the provisions of sections 144.50 to 144.58 and any reasonable regulations adopted by the state department of health. All decisions of the state department of health thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

The state department of health is hereby authorized to suspend or revoke a license issued thereunder on any of the following grounds:

(1) Violation of any of the provisions of sections 144.50 to 144.58 or the rules and regulations issued pursuant thereto;

(2) Permitting, aiding, or abetting the commission of any illegal act in such institution; or

(3) Conduct of practices detrimental to the welfare of the patient.

Before any such license issued thereunder is suspended or revoked, 30 days' written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at such hearing. Such notice may be given by the state department of health by registered mail.

If a license is revoked as herein provided a new application for license may be considered by the state department of health if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 144.50 to 144.58 and rules and regulations thereunder as heretofore or hereinafter provided have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state department of health.

[1941 c. 549 s. 6]

144.56 STANDARDS ESTABLISHED. The state department of health shall have the power to establish reasonable standards under sections 144.50 to 144.58 which it finds to be necessary and in the public interests and may rescind or modify such regulations from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions thereof.

An advisory board of seven members shall be appointed in the following manner to make recommendations to the state department of health and to assist in the establishment of such standards and any amendments thereto. This board shall consist of four members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of said four members shall be the superintendent of a hospital operated by a county or other local governmental unit, and two members shall be doctors of medicine to be appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The director of public institutions, or a person from said division designated by him, shall be the seventh member of said advisory board. No regulation nor requirement shall be made, nor standard established, under sections 144.50 to 144.58 for any sanatorium, nursing home, nor rest home conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

[1941 c. 549 s. 7; 1943 c. 649 s. 1]

144.57 APPLICATION, TO WHAT INSTITUTIONS. All hospitals, sanatoriums, rest homes, nursing homes, and related institutions within the meaning of sections 144.50 to 144.58, including such hospitals as are strictly maternity hospitals only, shall come within those sections and they shall be in extension of the maternity hospital licensing law and shall not in any way be construed to restrict or modify

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such act, except that such maternity hospital licenses shall hereafter be issued by the state department of health. All personnel now a part of the division of social welfare who are charged with the enforcement of the maternity hospital licensing law shall be transferred to the state department of health. Such transferred employees shall retain their present civil service status.

[1941 c. 549 s. 8]

144.58 INFORMATION NOT TO BE DISCLOSED. Information received by the state department of health through inspections and authorized under sections 144.50 to 144.58 shall be confidential and not disclosed except in a proceeding involving the question of licensure.

[1941 c. 549 s. 9]