

upon conviction of any subsequent offense shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than twelve months.] *Proceedings by Attorney General Based on Violation of Act.—The Attorney General at the request of the Department of Agriculture may, in the name of the Commonwealth, institute proceedings in equity in the court of common pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from selling oleomargarine, butterine or any similar substance in this Commonwealth; and for such purpose, jurisdiction is hereby conferred upon said court in such cases. The Attorney General shall not be required to give bond.*

Act effective immediately.

Section 5. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 315

AN ACT

To improve local health administration throughout the Commonwealth by authorizing the creation, establishment and administration of single-county or joint-county departments of health in all counties except counties of the first class; exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health; permitting the dissolution of departments or boards of health in certain municipalities; authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements; \*conferring powers and duties upon the State Department of Health in connection with the creation, establishment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health, and the administration of State grants; and repealing an act which confers health powers upon counties of the first class.

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\* "conferring" in original.

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"Local Health Administration Law."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title of Act.—The short title of this act is the "Local Health Administration Law."

Section 2. Legislative Findings and Purposes.—The General Assembly of this Commonwealth has determined and hereby declares as a matter of legislative finding that:

(a) The protection and promotion of the health of the people in the furtherance of human well-being, industrial and agricultural productivity and the national security is one of the highest duties of the Commonwealth.

(b) This cardinal duty can be performed only when adequate local public health services are available to all the people of the Commonwealth, when these services are maintained at a high level of professional and technical performance, and when they are administered according to units of population sufficiently large to enable full time modern health services to be provided on the most economical basis by local communities working in partnership with the Commonwealth.

(c) These aims can best be achieved by empowering counties to establish county departments of health, and by authorizing State grants to county departments of health and to certain municipalities to enable them to reach or maintain a high level of performance of health services.

Section 3. Definitions.—The following terms, whenever used in this act, have the meanings indicated in this section, except where the context indicates a clearly different meaning:

(a) "County." Any county of the second, third, fourth, fifth, sixth, seventh and eighth class.

(b) "County board of health" or "board of health." The board of any single-county department of health or the board of any joint-county department of health created under this act.

(c) "County department of health." Any single-county department of health or any joint-county department of health created under this act. A county department of health shall consist of a board of health, a health director, and a staff of employees.

(d) "County health director" or "health director." The health director of any single-county department of health or joint-county department of health created under this act.

(e) "Created." A single-county department of health shall be considered to be created upon the enactment of a resolution by the county commissioners of the county,

or upon the certification of a favorable vote on the question of creation at a referendum conducted in the county in accordance with section 5 of this act.

A joint-county department of health shall be considered to be created upon the enactment of a resolution by the county commissioners of each participating county, or upon the certification of a favorable vote on the question of creation at a referendum conducted in each participating county, or upon the enactment of a resolution by the county commissioners of one or more of the participating counties and the certification of a favorable vote on the question of creation at a referendum conducted in the other participating counties in accordance with section 5 of this act.

(f) "Established." A county department of health shall be considered to be established thirty (30) days after the county commissioners or, in the case of a joint-county department of health, the joint-county health commission, have given written notice to all the cities, boroughs, incorporated towns, and townships, within the territorial limits of the county or counties which have created the county department of health, that the State Secretary of Health has found, in accordance with section 9 of this act, that the county department of health is ready to exercise its powers and duties.

(g) "Joint-county health commission." The combined boards of county commissioners of the several counties participating in a joint-county department of health.

(h) "Municipality." Any city, borough, incorporated town, and township of the first class.

(i) "Population." This term means the number of residents, according to the most recent decennial census figures certified by the United States Department of Commerce that are available on the first of December of the year preceding the calendar year in which such figures are applied in accordance with sections 4, 20 and 25 of this act, except that when the State Secretary of Health finds that such figures do not accurately represent true population because of migration or changes in birth and death rates, he shall designate which estimates of population available from an agency of the Commonwealth or Federal Government are more accurate, and in such case the term "population" means the number of residents according to the most recent of the designated estimates available on the first of December of the year preceding the calendar year in which such figures are applied in accordance with sections 4, 20 and 25 of this act. No finding and designation of estimates made by the State Secretary of Health under this subsection shall be effective, unless he gives notice of such finding

and designation to all county departments of health, and to municipalities eligible for State grants under section 15 of this act, before the first of January of the year in which the estimates are to be applied. During the calendar year one thousand nine hundred and fifty-one, the most recent decennial census figures certified by the United States Department of Commerce shall be used.

Section 4. County Health Administration Plan.— Within ninety (90) days after the effective date of this act, the State Secretary of Health, with the advice of the Advisory Health Board, shall draw up a county health administration plan setting forth which counties may create single-county departments of health and which combinations of counties may join in the creation of joint-county departments of health under this act. The plan may be revised at any time.

Before drawing up the plan, the State Secretary of Health shall make an investigation to determine which counties and which combinations of counties will be able to effect the purposes described in section 2 of this act by the creation of county departments of health. He shall consider location, area, population, the incidence of communicable or other diseases, transportation and communication facilities, the financial ability of each county to support or to contribute to the support of a full time county department of health, and all other factors relevant to the adaptability of each county or combination of counties to an efficient and economical unit of administration. The county health administration plan shall not provide for any combination of counties which may join in the creation of a joint-county department of health unless each of the counties is adjacent to at least one of the other counties. The State Secretary of Health shall send copies of the county health administration plan and of any revisions of the plan to the county commissioners of every county.

Section 5. Creation of County Departments of Health.—

(a) In all counties, except counties of the first class, single-county departments of health or joint-county departments of health may be created by resolution or by referendum, or by a combination of these methods, as provided in this section. In the creation of joint-county departments of health, each of the participating counties shall be adjacent to at least one of the other participating counties.

Whether a county department of health is created by resolution or by referendum or by a combination of these methods, the county commissioners shall, before enacting a resolution or before submitting the question at an election, request a certificate of approval from the

State Secretary of Health, who shall issue such a certificate forthwith if the proposed county department of health conforms to the county health administration plan as last revised. If the proposed county department of health does not conform to the county health administration plan as last revised, the State Secretary of Health shall make a special investigation in accordance with the criteria stated in section 4 of this act and, on the basis of the special investigation he shall approve or disapprove the creation of the proposed county department of health. He shall send a certificate of approval or written notice of disapproval to the county commissioners within thirty (30) days after he has received the request for a certificate of approval.

(b) The county commissioners of any county may, by resolution, create a single-county department of health. The county commissioners of two or more counties may, by a separate resolution in each county, create a joint-county department of health. In either case, the approval of the State Secretary of Health shall be first obtained as provided in subsection (a) of this section.

(c) Any county may, by referendum, create a single-county department of health. Two or more counties may, by a separate referendum in each county, create a joint-county department of health. The referendum procedure in each county shall be as follows:

A petition requesting the creation of a single-county department of health or joint-county department of health shall be signed by qualified electors of the county equal in number to at least one per cent (1%) of the highest total vote cast for any county office at the last municipal election. The petition shall be in the form required for nomination petitions by the election laws of the Commonwealth, except that the said petition shall be circulated for not more than six (6) months prior to the last filing day, which shall be ninety (90) days before the general or municipal election at which it is desired to submit the question. The petition shall be filed with the county board of elections, and the validity of the petition and any objections thereto shall be determined in accordance with the election laws of the Commonwealth.

After the validity of the petitions in all the counties affected has been determined, the county commissioners shall request a certificate of approval from the State Secretary of Health. If the approval of the State Secretary of Health is obtained as provided in subsection (a) of this section, the county commissioners shall cause the question to be submitted at the next general or municipal election, whichever is sooner, so long as such election is to occur at least thirty (30) days after the receipt of

a certificate of approval. The question shall be submitted on the ballot or on voting machines in the manner provided by the election laws of the Commonwealth, and shall be in substantially the following forms:

(1) For the creation of a single-county department of health: Shall . . . . . County create a county department of health?

Yes . . . . .

No . . . . .

(2) For the creation of a joint-county department of health: Shall . . . . . County join with . . . . . County (Counties) in the creation of a joint-county department of health?

Yes . . . . .

No . . . . .

The election on this question shall be governed in all respects by the election laws of the Commonwealth insofar as they are applicable. For the creation of a single-county department of health or joint-county department of health, a majority of all votes cast in each county upon the question must be in favor thereof.

Nothing in this subsection shall preclude the county commissioners at any time from creating a single-county department of health, or from joining in the creation of a joint-county department of health, by resolution in accordance with subsections (b) and (d) of this section.

(d) Two or more counties may create a joint-county department of health by a combination of the methods provided in subsections (b) and (c) of this section; that is, one or more of such counties may join in the creation of a joint-county department of health by resolution, and the remaining counties may join in the creation of a joint-county department of health by referendum in accordance with the provisions of subsection (c) of this section.

(e) Immediately upon the creation of a single-county department of health or joint-county department of health, the county commissioners shall give written notice of such creation to the State Secretary of Health. In the case of a joint-county department of health, the notice may be given by the county commissioners of any participating county.

Section 6. Joint-County Health Commission for Joint-County Departments of Health.—The combined boards of county commissioners of the several counties participating in a joint-county department of health shall constitute the joint-county health commission for such joint-county department of health. As soon as possible after the creation of the joint-county department of health, and on the second Monday in January of each year thereafter, and at such other times as may

be necessary, the said joint-county health commission shall meet for the purpose of exercising the powers and duties conferred upon it. The joint-county health commission shall from time to time elect from its members a chairman.

No action shall be taken by the joint-county health commission without the concurrence of a majority of the county commissioners of each participating county, except that the election of the chairman of the joint-county health commission shall be by the vote of a majority of all the members of the joint-county health commission.

Section 7. Appointment and Organization of County Board of Health.—In each county department of health there shall be a board of health.

In a single-county department of health, the appointment, qualifications and terms of office of members of the board shall be as follows: The county commissioners shall appoint five resident citizens, two of whom shall be physicians licensed to practice in Pennsylvania. The term of office of each member so appointed shall be four years measured from the second Monday in January of the year in which he takes office or until his successor has been appointed, except that in the initial appointment, two of the members shall be appointed for a term of two years. Each of the original members of the board shall take office the day of his appointment, but his term of office shall be measured from the second Monday in January next following his appointment. In case any vacancy occurs, for whatever reason, the county commissioners shall appoint a resident citizen of the county to serve for the unexpired term.

In a joint-county department of health, the appointment, qualifications and terms of office of members of the board shall be as follows: The joint-county health commission shall appoint the members in number one more than twice the number of counties participating in the joint-county department of health. Of the members so appointed, a number equal to the number of participating counties shall be physicians licensed to practice in Pennsylvania. All the members so appointed shall be resident citizens of the participating counties, and at all times there shall be at least one resident of each county on the board. The term of office of each member shall be four years measured from the second Monday in January of the year in which he takes office or until his successor has been appointed, except that in the initial appointment, a number of members equal to the number of participating counties shall be appointed for a term of two years. Each of the original members of the board shall take office the day of his appointment, but his term of office shall be measured from the second



Monday in January next following his appointment. In case any vacancy occurs, for whatever reason, the joint-county health commission shall appoint a resident citizen of one of the participating counties to serve for the unexpired term.

Immediately after appointment of all the members, the board of health shall meet for the purpose of organizing. A chairman shall be elected at the organizational meeting for a term of one year measured from the second Monday in January next following his election, and thereafter a chairman shall be elected annually. The health director shall be the secretary of the board but he shall not be a member thereof.

The board shall hold regular meetings at least once every three months and special meetings on request of the health director, the chairman of the board, or on a written request signed by a majority of the members of the board and filed with the secretary. A majority of the members of the board shall constitute a quorum for the transaction of business.

The members of the board shall serve without compensation, except that each member shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings.

Section 8. Appointment of County Health Director.—The board of health shall appoint a health director for the county department of health. The Health Director shall be a doctor of medicine licensed or eligible for license to practice in Pennsylvania. No appointment shall be final until the State Secretary of Health certifies that the appointee meets the qualifications prescribed by the State Department of Health.

Section 9. Establishment of County Departments of Health.—As soon as possible after the creation of a county department of health by any of the methods provided in section 5 of this act, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, shall appoint a board of health in accordance with section 7 of this act, and the board of health shall appoint a health director in accordance with section 8 of this act. Thereafter, the county commissioners or the joint-county health commission, the board of health and the health director shall, as expeditiously as possible, take all steps necessary to prepare the department for the exercise of its powers and duties.

The State Secretary of Health shall determine when each county department of health created under this act is ready to exercise its powers and duties. The State Secretary of Health shall find that a county department of health is ready to exercise its powers and duties only

when (1) local funds have been appropriated, (2) the organization of the county department of health has been completed, (3) personnel have been employed in accordance with the regulations of the State Department of Health, (4) required facilities and equipment have been obtained, and (5) necessary rules and regulations have been prepared by the board of health to the extent that the county department of health will be able to achieve the purposes of this act. Upon making such a finding, the State Secretary of Health shall immediately transmit a certificate of his finding to the county commissioners or, in the case of a joint-county department of health, to the joint-county health commission.

Within five days after receipt of such certificate, the county commissioners or the joint-county health commission, as the case may be, shall give written notice of the finding of the State Secretary of Health to the executives or executive bodies of all the cities, boroughs, incorporated towns, and townships within the territorial limits of the county or counties which have created the county department of health. All notices shall be given on the same day. Thirty (30) days after such notice has been given, the county department of health shall be considered to be established and shall begin the exercise of its powers and duties.

Section 10. Powers and Duties of County Departments of Health.—After it has been established, the county department of health—

(a) shall execute the powers and duties vested in it or in local health authorities generally by the laws of the Commonwealth, and the rules and regulations of the State Department of Health and other departments, boards, or commissions of the State government;

(b) shall have the power to employ personnel to assist the board of health and the health director. The recruitment, selection, tenure, removal and working conditions of all personnel shall conform to the standards of personnel administration prescribed by the State Department of Health, except that the State Department of Health shall exercise no authority with respect to the selection, compensation and removal of any individual employed in accordance with such standards, other than the approval of the qualifications of the county health director by the State Secretary of Health as provided in section 8 of this act;

(c) shall prevent or remove conditions which constitute a menace to public health;

(d) may cooperate with the departments or boards of health of municipalities exempt from its jurisdiction in accordance with section \*14 of this act;

\* "15" in original.

(e) may cooperate with the authorities of county hospitals and tuberculosis sanatoria and with the authorities of all other public or private hospitals and similar institutions;

(f) shall make and enforce such rules and regulations, subject to the approval of the county commissioners or, in the case of a joint-county department of health the joint-county health commission, and institute such programs not inconsistent with law as may be necessary for the promotion and preservation of the public health.

**Section 11. Powers and Duties of the County Board of Health.—**

(a) The board of health shall appoint the health director in accordance with section 8 of this act.

(b) The board of health shall advise the health director on such matters as he may bring before it.

(c) The board of health shall exercise the rule-making power conferred upon the county department of health by the formulation of rules and regulations for the prevention of disease, for the prevention and removal of conditions which constitute a menace to health, and for the promotion and preservation of the public health generally. Rules and regulations formulated by the board of health shall be submitted to the county commissioners or, in the case of a joint-county department of health to the joint-county health commission, for approval or rejection. Within ten (10) days after the receipt of the rules and regulations, the county commissioners or the joint-county health commission, as the case may be, shall give written notice to the secretary of the board of their approval or rejection.

If approved, the rules and regulations shall be certified by the secretary of the board of health, and shall be recorded in a book which shall be kept at the principal office of the county department of health and shall be at all reasonable times open to public inspection. Within ten (10) days after any rule or regulation is approved, it shall be published in at least one and not more than two newspapers of general circulation in each county. Instead of publishing the rule or regulation in full, an abstract thereof or the title thereof, as the county commissioners or joint-county health commission may determine, with reference, in any case, to its place of record, shall be a sufficient publication. No rule or regulation shall become effective sooner than the tenth day after it is approved, except that regulations which are declared by the board of health to be emergency measures shall become effective immediately upon approval of the county commissioners or the joint-county health commission.

Section 12. Powers and Duties of the County Health Director.—(a) The health director shall be the administrator of the county department of health. He shall devote his entire time to his duties and shall not engage in any other occupation or business.

(b) The health director shall exercise the power to employ personnel conferred upon the county department of health. In exercising this power, the health director shall give preference to professional and technical personnel employed by municipal departments or boards of health at the time such \*departments or boards were dissolved in accordance with section 15 of this act, and to professional and technical personnel employed by the State Department of Health whose positions in the county or counties served by the county department of health may have been terminated as a result of the establishment of the county department of health, if such personnel meet the qualifications prescribed by the State Department of Health.

(c) The health director and his authorized subordinates may enter and inspect at reasonable times and in a reasonable manner any places or conditions whatsoever within the jurisdiction of the county department of health for the purpose of enforcing the health laws, rules and regulations of the Commonwealth and the county department of health, and for the purpose of examining for, and abating nuisances detrimental to the public health.

(d) Whenever the health director finds a nuisance detrimental to the public health, he shall cause such nuisance to be abated. Except in an emergency, the health director shall give notice in writing to the owner or his agent, or to the occupier of the premises where the nuisance or cause of the nuisance is located, or to the person known or suspected to have caused the nuisance. The notice shall contain a statement of the conditions constituting the nuisance and an order to abate the nuisance within a specified time. The time specified shall be reasonable. In the case the order of abatement is not obeyed, the health director shall abate the nuisance. The cost of abatement shall be recoverable from the owner of the premises where the nuisance or cause of the nuisance was located, or from any other person who may have caused the nuisance, in the same manner as debts of like character are now collected by law, or in the manner provided by law for the collection of municipal claims. Any legal action necessary to recover the cost of abatement shall be instituted by the county commissioners of the county in which the nuisance was located. In the case of a joint-county department of health, moneys so recovered shall be paid into

\* "department" in original.

the fund of the joint-county department of health, except that the portion which represents the costs of legal action shall be paid into the treasury of the county which instituted such legal action. In lieu of, or in addition to the above procedure, the county commissioners may, upon the advice of the health director, seek relief from a nuisance or threatened nuisance detrimental to the public health by instituting proceedings in a court of equity.

**Section 13. Jurisdiction of County Departments of Health.**—The jurisdiction of an established county department of health in the county or counties which have established it shall extend to all townships of the second class, to all municipalities which do not have departments or boards of health at the time of the establishment of the county department of health, to all municipalities or parts of municipalities in which the local administration of health laws at the time of the establishment of the county department of health is being performed by the State Department of Health for any reason whatsoever, to all municipalities which dissolve their departments or boards of health in accordance with section 15 of this act, and to certain parts of municipalities as provided in sections 15 and 16 of this act.

**Section 14. Municipalities Exempt From Jurisdiction of County Departments of Health.**—Any municipality having a department or board of health at the time of the establishment of a county department of health in the county in which the municipality is located, or in a county in which part of the municipality is located, shall be exempt from the jurisdiction of the county department of health; except that any municipality in which the local administration of health laws, at the time of the establishment of the county department of health, is being performed by the State Department of Health for any reason whatsoever shall not be exempt from the jurisdiction of the county department of health.

**Section 15. Procedure by Which Exempt Municipalities May Become Subject to Jurisdiction of County Department of Health; \*Eligibility for State Grants.**—

(a) Any exempt municipality which lies wholly within a county which has established or joined in establishing a county department of health may, by an ordinance enacted at any time, decide to become subject to the jurisdiction of the county department of health at the time of its establishment or at any time thereafter. Upon the enactment of such ordinance, the municipality shall dissolve its department or board of health and cease to exercise the powers vested by law in such de-

\* "Eligible" in original.

partment or board, except that the dissolution of the department or board of health of the municipality shall not remove from the municipality the power granted to it by law to erect, purchase, or lease, and administer hospitals, either separately or jointly with another political subdivision.

(b) Any exempt municipality which lies partly within a county which has established or joined in establishing a county department of health and partly within a county which has not established or joined in establishing a county department of health may, by an ordinance enacted at any time, provide that the part of the municipality which lies within the county which has established or joined in establishing a county department of health shall become subject to the jurisdiction of such department. The department or board of health of the municipality shall continue to exercise the powers and duties vested in it in that part of the municipality which lies in the county which has not established or joined in establishing a county department of health. The enactment of the ordinance placing part of the municipality within the jurisdiction of a county department of health shall not remove from the municipality the power granted to it by law to erect, purchase, or lease, and administer hospitals in any part of the municipality, either separately or jointly with another political subdivision.

(c) Whenever all the counties in which an exempt municipality lies have established or joined in establishing county departments of health, the municipality may, by an ordinance \*enacted at any time, decide to become subject to the jurisdiction of each respective county department of health. Upon the enactment of such ordinance, the municipality shall dissolve its department or board of health and cease to exercise the powers vested by law in such department or board, except that the dissolution of the department or board of health of the municipality shall not remove from the municipality the power granted to it by law to erect, purchase, or lease, and administer hospitals, either separately or jointly with another political subdivision.

(d) In the event that an exempt municipality does not decide to become subject to the jurisdiction of a county department of health, or in the event that an exempt municipality retains its department or board of health in accordance with subsection (b) of this section, or in the event that the county or counties in which a municipality having a department or board of health is located have not established or joined in establishing a county department of health, the municipality may receive State grants as provided in section 25 of this act.

\* "exacted" in original.

Section 16. Municipalities Not Exempt From Jurisdiction of County Departments of Health Which Lie Within More Than One County.—Any municipality not exempt from the jurisdiction of a county department of health in accordance with section 14 of this act which lies partly within a county which has established or joined in establishing a county department of health and partly within a county which has not established or joined in establishing a county department of health shall be treated as follows: That part of the municipality which lies within the county which has established or joined in establishing a county department of health shall be subject to the jurisdiction of such department. In the remaining part of the municipality, the State Department of Health shall, at its own expense, take over or continue the local administration of health laws.

Whenever all the counties in which such municipality lies have established or joined in establishing county departments of health, each part of the municipality shall be subject to the jurisdiction of the respective county department of health.

Section 17. County Appropriations for County Departments of Health.—The county commissioners of any county which has created or joined in creating a county department of health shall make such annual or supplemental appropriations as may be necessary for the operation of the county department of health.

Section 18. Financial Administration of Single-County Departments of Health.—The financial administration of a single-county department of health, including the fixing of the compensation of the health director and the fixing of the number and compensation of all other employees of the county department of health, shall be governed by the laws which may now or hereafter apply to the county generally.

Section 19. Treasurer for Joint-County Departments of Health.—Each joint-county health commission shall appoint a treasurer who shall have charge of the financial administration of the joint-county department of health in accordance with section 20 of this act. The health director shall not be appointed treasurer. The treasurer may employ personnel to assist him in the performance of his duties. The treasurer and his assistants shall not be employees of the joint-county department of health but shall be responsible directly to the joint-county health commission, except that for the purpose of participation in any retirement system, the treasurer and his assistants shall be considered employees of the joint-county department of health.

Section 20. Financial Administration of Joint-County Departments of Health.—The financial administra-

tion of a joint-county department of health shall be as follows:

(a) At the meeting held after the creation of a joint-county department of health, the joint-county health commission shall decide upon an initial budget for the operation of the joint-county department of health for the remainder of the calendar year.

At the meeting held on the second Monday of January of the following year and of each year thereafter, the joint-county health commission shall decide upon the annual budget for the operation of the joint-county department of health for the year.

All budgets shall include, in addition to all other expenses, provision for the compensation of the treasurer and his assistants, the health director, and other employees of the joint-county department of health. The compensation of the treasurer and health director and the number and compensation of assistants to the treasurer and employees of the joint-county department of health shall be fixed by the joint-county health commission.

(b) Each participating county shall appropriate to the local funds required to operate the joint-county department of health a contribution which shall be ascertained as follows:

(1) From the total amount required by the initial or annual budget for the operation of the joint-county department of health shall be deducted the amount estimated to be received from State grants, gifts, and any other income, as well as any unspent cash balance that may be available from the preceding year. The remainder shall constitute the local funds necessary to operate the joint-county department of health.

(2) Each participating county's contribution shall be an amount which bears the same proportion to the local funds as such county's population bears to the total population of all the counties participating in the joint-county department of health. The population of any municipality or part of a municipality which has not become subject to the jurisdiction of the joint-county department of health, in accordance with section 15 of this act, shall not be counted in determining the population of any county, nor in determining the total population of all the counties participating in the joint-county department of health.

(c) The joint-county health commission may at any time determine that additional local funds are required, if such additional local funds are necessary for a lawful purpose. The contribution of each participating county to such additional local funds shall be ascertained in the manner provided in subdivision (2) of subsection (b) of this section.



(d) All moneys intended for the operation of the joint-county department of health shall, when paid to the treasurer for the joint-county department of health, constitute the fund of the joint-county department of health. The fund shall belong to the participating counties in common, and shall be deposited on behalf of the joint-county department of health in the names of the participating counties.

The depository or depositories of such fund, which may be any bank, banking institution or trust company located in this Commonwealth, shall be selected by the joint-county health commission. The depository or depositories which have been selected shall furnish a bond in a sum fixed by the joint-county health commission to secure payment of the deposits and any interest. The bond furnished by the depository or depositories shall be secured by a surety company or individual sureties or by a deposit in escrow of securities approved by the joint-county health commission.

No member of the joint-county health commission who has complied with the provisions of this subsection shall be chargeable with losses of funds caused by the failure or negligence of such depository or depositories.

(e) The treasurer for the joint-county department of health shall receive all moneys due or accruing to the fund of the joint-county department of health. He shall pay moneys out of the fund of the joint-county department of health upon warrants drawn by the health director and countersigned by the chairman of the joint-county health commission. He shall keep a true account of all moneys received and disbursed, which account shall be at all times open to inspection by any member of the joint-county health commission or by the controllers or auditors of the counties participating in the joint-county department of health. The treasurer shall furnish to the joint-county health commission a statement of receipts and disbursements and the balance on hand every three months, or oftener if required. The records of the treasurer shall be audited annually by a certified public accountant selected by the joint-county health commission. Copies of such audit shall be furnished to the joint-county health commission and to each of the counties participating in the joint-county department of health.

(f) The treasurer and his assistants, and the health director and other employees of the joint-county department of health, shall give such bond conditioned for the faithful discharge of their duties and for the faithful accounting and payment according to law of all moneys received, as may be required by the joint-county health commission. The bonds shall be taken in the name of

the participating counties and shall be for the use of each participating county and of the Commonwealth, as the interest of each shall appear. The premium of the bonds shall be paid out of the fund of the joint-county department of health. The joint-county health commission shall have custody of the bonds.

Section 21. Disposition of Fees Imposed by County Departments of Health.—Any fee for a permit or license, or any other fee which county departments of health are now or hereafter required or authorized to impose by any law of the Commonwealth, shall be paid into the treasury of the county in which the business or person required to pay the fee is located or resides, unless otherwise provided in such law.

Section 22. Property and Contracts for County Departments of Health.—The county commissioners or, in the case of a joint-county department of health the joint-county health commission, may acquire real and personal property for the exercise of the powers and duties of the county department of health, and may make contracts incident to the operation of the county department of health.

In the case of a single-county department of health, the acquisition, holding and transfer of property and the making of contracts incident to the operation of the county department of health shall be governed by the laws which may now or hereafter apply to the county generally.

In the case of a joint-county department of health, property for the use of the joint-county department of health shall be acquired and held by the participating counties in common.

Contracts incident to the operation of the joint-county department of health shall be made on behalf of the participating counties by the joint-county health commission. All the participating counties shall be parties to such contracts. The making of contracts shall be governed by the laws which may now or hereafter apply to each of the participating counties. When advertising for bids is required by the laws applicable to any participating county, the procedure for advertising within such county shall be followed as prescribed by such laws. Bids may be received and accepted by the county commissioners of the participating counties meeting as the joint-county health commission.

Section 23. Utilization by County Departments of Health of Property and Services of Other Organizations.—Any county department of health may, through the county commissioners or, in the case of a joint-county department of health through the joint-county health commission, accept gifts or grants of money, property

or services from any source, public or private. The county department of health may comply with conditions, rules or regulations attached by the Federal Government to grants of money, property or services, when compliance is not inconsistent with the laws of the Commonwealth or the rules and regulations of the State Department of Health or other departments, boards, or commissions of the State government.

The county department of health may utilize the facilities and personnel of government agencies or non-profit private organizations which offer them. When such facilities and personnel are not offered gratuitously, the county commissioners or the joint-county health commission, as the case may be, may, by a contract made in advance, agree to pay reasonable compensation for the utilization of such facilities and personnel in the performance of the county department of health's functions. Contracts for the payment of compensation to non-profit organizations for the utilization of their facilities and personnel shall be contracts for professional services, and advertising and bidding shall not be required as in the case of other contracts entered into by counties.

Section 24. **Actions Against Counties Participating in a Joint-County Department of Health.**—Where any cause of action upon a contract or otherwise arises against two or more counties by reason of their participation in the operation of a joint-county department of health, the venue of a suit in which all the participating counties are joined as defendants shall lie in any of such counties. The sheriff of the county in which the suit is instituted shall deputize the sheriffs of the other participating counties against which the suit is brought to make service upon such other counties.

When any county participating in a joint-county department of health pays all or part of any judgments and costs recovered against it singly or jointly with any other counties by reason of its or their participation in the operation of a joint-county department of health, such county shall be reimbursed out of the fund of the joint-county department of health.

Section 25. **State Grants to County Departments of Health and to Certain Municipalities.**—County departments of health created under this act and municipalities eligible for State grants under the provisions of section 15 of this act shall receive State grants in accordance with the procedure outlined in subsections (a), (b) and (c) of this section, if sufficient funds have been appropriated to pay the full amount of the grants to which county departments of health and certain municipalities may be entitled under subsections (a), (b) and (c) of this section.

In the event that sufficient funds to pay the full amount of the grants to which county departments of health and certain municipalities may be entitled under subsections (a), (b) and (c) of this section have not been appropriated, the State Secretary of Health, with the advice of the Advisory Health Board, shall distribute such funds as are available among county departments of health and municipalities eligible for State grants under section 15 of this act on an equitable basis, without reference to the procedure outlined in subsections (a), (b) and (c) of this section; except that no county department of health or municipality shall receive a grant which exceeds seventy-five cents (75c) per year for every person within the jurisdiction of the county department of health or the department or board of health of the municipality.

This section shall not be construed to preclude the State Department of Health from making special grants to county departments of health or to municipalities for emergencies or for other special purposes.

(a) Initial Grants. Every county department of health created under this act shall receive an initial grant as provided in this section if sufficient funds have been appropriated to pay the full amount of such grant.

The county commissioners or, in the case of a joint-county department of health the joint-county health commission, shall submit to the State Secretary of Health, on forms prescribed by him, an initial estimate of expenditures to cover the operation of the county department of health from the date of its establishment to the end of the calendar year in which it is established. The initial estimate of expenditures shall state the names of the exempt municipalities which have not decided to become subject to the jurisdiction of the county department of health in accordance with section 15 of this act. The estimate shall be submitted within thirty (30) days prior to the date of establishment.

The State Secretary of Health shall examine each initial estimate of expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the initial grant. The initial grant shall equal fifty per cent (50%) of the total of the remaining expenditures, but no initial grant shall exceed the product obtained by multiplying the population of the area within the jurisdiction of the county department of health times the number of months covered by the initial estimate of expenditures times six and one-quarter cents ( $6\frac{1}{4}c$ ). For the purpose of computation, any fraction of a month shall be counted as one month.

Thirty (30) days after he has received the initial estimate of expenditures, the State Secretary of Health shall draw a requisition upon the State Auditor General in favor of the particular county department of health for the amount of the initial grant.

In the event that a municipality or part of a municipality becomes subject to the jurisdiction of a county department of health in accordance with section 15 of this act after the date of establishment but prior to the first day of October of the same year, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, may submit to the State Secretary of Health, on forms prescribed by him, an estimate of additional expenditures to cover the operation of the county department of health for the balance of the calendar year. The estimate shall state the name of the municipality and the date on which it became subject to the jurisdiction of the county department of health. The State Secretary of Health shall examine the estimate of additional expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health. Upon the total amount of the remaining expenditures, \* the State Secretary of Health shall compute the additional grant. The additional grant shall equal fifty percent (50%) of the total of the remaining expenditures, but no additional grant shall exceed the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months remaining in the calendar year from the date the municipality or the part of a municipality became subject to the jurisdiction of the county department of health times six and one-quarter cents ( $6\frac{1}{4}c$ ). For the purpose of computation, any fraction of a month shall be counted as one month. Fifteen (15) days after he has received the estimate of additional expenditures, the State Secretary of Health shall draw a requisition upon the State Auditor General in favor of the particular county department of health for the amount of the additional grant.

(b) Annual Grants. Every county department of health created under this act and every municipality eligible for State grants under section 15 of this act shall receive annual grants from the State as provided in this section, if sufficient funds have been appropriated to pay the full amount of such grants. No county department of health shall begin to receive annual grants until the calendar year following the one in which it was established. No municipality shall begin to receive annual grants until the calendar year following the one in which this act takes effect.

\* "of" deleted from original.

After the beginning of each calendar year, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, or the executive or executive body of any municipality eligible for State grants under section 15 of this act, shall submit to the State Secretary of Health, at such time as he shall require and on forms prescribed by him, an annual estimate of expenditures of the county department of health or the department or board of health of the municipality. In the case of a county department of health, the annual estimate of expenditures shall state the names of the exempt municipalities which have not decided to become subject to its jurisdiction in accordance with section 15 of this act.

The State Secretary of Health shall examine each annual estimate of expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health or the department or board of health of the municipality. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the annual grant. The annual grant shall equal fifty per cent (50%) of the total of the remaining expenditures, but no annual grant shall exceed the product obtained by multiplying the population of the area within the jurisdiction of the county department of health or within the jurisdiction of the department or board of health of the municipality times seventy-five cents (75c).

The annual grant shall be paid in four quarterly installments, but the moneys received in any quarter may be used any time during the year. The first installment shall be for the quarter beginning January first and ending March thirty-first; the second installment shall be for the quarter beginning April first and ending June thirtieth; the third installment shall be for the quarter beginning July first and ending September thirtieth; and the fourth installment shall be for the quarter beginning October first and ending December thirty-first. Each installment shall be paid only if it is approved by the State Secretary of Health. The State Secretary of Health shall approve the payment of any quarterly installment of an annual grant to a county department of health or to a municipality eligible under section 15 of this act only if he finds:

(1) that such county department of health or municipality is complying with any and all regulations of the State Department of Health prescribing minimum public health activities, minimum standards of performance of health services, and standards of personnel administration on a merit basis; and

(2) that such county department of health or municipality is accomplishing the purposes described in section 2 of this act.

If the State Secretary of Health approves the payment of the first quarterly installment of an annual grant to a county department of health or to a municipality eligible under section 15 of this act, he shall draw a requisition for such installment upon the State Auditor General in favor of the county department of health or municipality within fifteen (15) days after he has received the annual estimate of expenditures. If the State Secretary of Health approves the payment of any subsequent quarterly installment of an annual grant to a county department of health or to a municipality eligible under section 15 of this act, he shall draw a requisition for such installment upon the State Auditor General in favor of the county department of health or municipality at least fifteen (15) days before the first day of the quarter for which the payment is to be made.

In the event that a municipality or part of a municipality becomes subject to the jurisdiction of a county department of health in accordance with section 15 of this act prior to the first day of September, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, may submit to the State Secretary of Health, on forms prescribed by him, an estimate of additional expenditures to cover the operation of the county department of health for the balance of the calendar year. The estimate shall state the name of the municipality and the date on which it became subject to the jurisdiction of the county department of health. The estimate shall be submitted at least thirty (30) days before the first day of any quarter following the one in which the municipality or the part of a municipality became subject to the jurisdiction of the county department of health. The State Secretary of Health shall examine the estimate of additional expenditures and shall deduct therefrom all items which do not represent expenditures within the lawful scope of the powers of the particular county department of health. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the additional grant. The additional grant shall equal fifty percent (50%) of the remaining expenditures, but no additional grant shall exceed the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months remaining in the calendar year from the date the municipality or the part of a municipality became subject to the jurisdiction of the county department of health times six and one-quarter cents ( $6\frac{1}{4}c$ ). For the purpose of computation, any fraction of a month shall

be counted as one month. The additional grant shall be added to and become part of the balance of the annual grant remaining to be paid.

(c) Adjustment of Initial and Annual Grants. After the end of every calendar year in which a county department of health or a municipality received an initial grant or all or part of an annual grant, there shall be an adjustment of such initial or annual grant on the basis of the actual expenditures of the county department of health or the department or board of health of the municipality during the year. Any additional grants to which a county department of health or a municipality may be entitled under the provisions of this subsection shall be paid, if sufficient funds have been appropriated to pay the full amount of such grants. Within fifteen (15) days after the end of the calendar year, the county commissioners or, in the case of a joint-county department of health the joint-county health commission, or the executive or executive body of the municipality, shall submit to the State Secretary of Health, on forms prescribed by him, a sworn, itemized statement of all the expenditures made by the county department of health or the department or board of health of the municipality during the previous year. The statement shall show the dates on which the expenditures were made and shall indicate which of the expenditures were made out of any special grants received from the State or out of any grants received directly from the Federal Government. In the case of a county department of health, the statement shall indicate the name of any municipality which became subject to its jurisdiction in accordance with section 15 of this act and the date on which the municipality became subject to its jurisdiction.

The State Secretary of Health shall examine each statement and shall deduct therefrom all the expenditures made during any quarter or quarters of the calendar year for which no installments of an annual grant were paid to the county department of health or municipality because of its failure to comply with the requirements of subsection (b) of this section. He shall then deduct from the remaining expenditures: (1) those items paid for out of any special grants received from the State; (2) those items paid for out of any grants received directly from the Federal Government; and (3) those items which do not represent expenditures made within the lawful scope of the powers of the county department of health or the department or board of health of the municipality. Upon the total amount of the remaining expenditures, the State Secretary of Health shall compute the adjusted initial or annual grant.



The adjusted initial grant shall equal either (1) fifty per cent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the county department of health at the time of its establishment times the number of months for which the initial grant was paid as determined in subsection (a) of this section times six and one-quarter cents ( $6\frac{1}{4}c$ ), whichever figure is the lower. In the event that a municipality or part of a municipality became subject to the jurisdiction of the county department of health during the year in accordance with section 15 of this act, there shall be added to the amount arrived at by applying the formula set out in clause (2) of this paragraph the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months it was subject to the jurisdiction of the county department of health times six and one-quarter cents ( $6\frac{1}{4}c$ ). For the purpose of computation, any fraction of a month shall be counted as one month.

In the case of a county department of health, the adjusted annual grant shall equal either (1) fifty per cent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the county department of health at the beginning of the calendar year times the number of quarters for which installments of the annual grant were paid times eighteen and three-quarters cents ( $18\frac{3}{4}c$ ), whichever figure is the lower. In the event that a municipality or part of a municipality became subject to the jurisdiction of the county department of health during the year in accordance with section 15 of this act, there shall be added to the amount arrived at by applying the formula set out in clause (2) of this paragraph the product obtained by multiplying the population of the municipality or the part of a municipality times the number of months during which it was subject to the jurisdiction of the county department of health times six and one-quarter cents ( $6\frac{1}{4}c$ ); except that any month which fell in a quarter for which no installment of the annual grant was paid to the county department of health shall not be counted. For the purpose of computation any fraction of a month shall be counted as one month.

In the case of a municipality, the adjusted annual grant shall equal either (1) fifty percent (50%) of the total of the remaining expenditures, or (2) the product obtained by multiplying the population of the area within the jurisdiction of the department or board of health of the municipality times the number of months during which it was not subject to the jurisdiction of a

county department of health times six and one-quarter cents ( $6\frac{1}{4}c$ ), whichever figure is the lower. In applying the formula set out in clause (2) of this paragraph, any month which fell in a quarter for which no installment of the annual grant was paid to the municipality shall not be counted. For the purpose of computation any fraction of a month shall be counted as one month.

If the adjusted initial or annual grant exceeds the initial or annual grant actually received by a county department of health or a municipality, the State Secretary of Health shall, within fifteen (15) days after receipt of the statement of expenditures, draw a requisition upon the State Auditor General in favor of such county department of health or municipality for the amount by which the adjusted initial or annual grant exceeds the initial or annual grant actually received.

If the adjusted initial or annual grant is less than the initial or annual grant actually received by a county department of health or a municipality, the State Secretary of Health shall charge the amount by which the initial or annual grant actually received exceeds the adjusted initial or annual grant against one or more installments of the next annual grant. If any subsequent installment of the annual grant is not paid to the particular county department of health or municipality because of the failure of the county department of health or municipality to comply with the requirements of subsection (b) of this section, or because the municipality has decided to become subject to the jurisdiction of a county department of health in accordance with section 15 of this act, the State Secretary of Health may require a refund of such amount to the State.

Section 26. Administration of County Departments of Health by State Secretary of Health.—The State Secretary of Health shall take charge of and direct the operation of a county department of health if he finds:

(1) that the county department of health is failing to comply with any regulations of the State Department of Health prescribing minimum public health activities, minimum standards of performance of health services, or standards of personnel administration; and

(2) that as a result, such county department of health is failing to accomplish the purposes described in section 2 of this act; and furthermore

(3) that conditions exist which constitute a menace to the health of the people.

The State Secretary of Health shall not take charge of a county department of health under this section until he has given reasonable notice to the county commissioners of the county or, in the case of a joint-county department of health, to the joint-county health commission.

Any reasonable expenses incident to the administration of a county department of health under this section which are not borne directly by the county or counties which the county department of health serves and which expenses are, therefore, incurred by the State Secretary of Health shall be paid to the State by such county or counties. If the county department of health serves more than one county, each participating county shall contribute to the payment of the expenses incurred by the State Secretary of Health in the same proportion as it is required to contribute to the operation of the county department of health by subdivision (2) of subsection (b) of section 20 of this act. If the expenses incurred by the State Secretary of Health remain unpaid three (3) months after he has rendered to the county or counties affected an itemized statement of his expenses and has demanded payment, he may, with the approval of the Governor, institute a proper action of assumpsit in the name of the Commonwealth and on its behalf for the recovery from such county or counties of such of his expenses as a jury finds reasonable.

The State Secretary of Health shall relinquish the administration of the county department of health only when he is satisfied that it will in the future be administered in compliance with the regulations of the State Department of Health and in a manner which will effect the purposes of county departments of health as described in section 2 of this act.

Section 27. Penalties.—Any person who violates any of the provisions of this act or any rule or regulation of the county department of health, or who interferes with a health director or any other agent of a county department of health in the discharge of his official duties, shall, for every such offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not more than one hundred dollars (\$100.00), to be paid to the use of said county, together with costs, or to be imprisoned in the county jail for a period of not more than thirty (30) days, or both, at the discretion of the court. All prosecutions shall be brought in the name of the county wherein the alleged offense is committed.

Fines and penalties recovered under this section shall be in addition to any costs recovered for the abatement of nuisances under section 12 (d) of this act.

Section 28. Severability.—If any provision of this act or the application of any provision to particular circumstances is held invalid, the remainder of the act or the application of such provision to other circumstances shall not be affected.

Section 29. Repeals.—The following act is hereby expressly repealed as indicated:

The act, \*approved the seventeenth day of March, one thousand nine hundred and twenty-five (Pamphlet Laws 34), entitled "An act authorizing counties to engage in health work, and to appropriate moneys for such purposes," which was formerly repealed, except as it related to counties of the first class, absolutely.

All other acts and parts of acts are repealed insofar as they are inconsistent with this act. But this act does not repeal any acts which confer health powers or duties upon counties generally, or upon any class of counties, or upon the health authorities of such counties, except as such acts are expressly and specifically repealed by this act; nor does this act repeal any act which confers health powers or duties upon school districts, nor any act relating to the public health, the enforcement of which is vested in the State Department of Health or other departments, boards, or commissions of the State government.

Section 30. Effective Date of Act.—The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 316

### AN ACT

To amend section one of the act, approved the nineteenth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws 77), entitled "An act granting the permission and regulating the establishment and operation of bone boiling establishments and depositories of dead animals in the Commonwealth of Pennsylvania, and providing for violations of the provisions of this act," by adding the requirement that permission to erect or operate such establishments in counties which have organized a county department of health or joint-county department of health must be obtained from the county department of health or joint-county department of health.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section one of the act, approved the nineteenth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws 77), entitled "An act granting the permission and regulating the establishment and operation of bone boiling establishments and depositories of dead animals in the Commonwealth of Pennsylvania, and providing for violations of the provisions of this act," is hereby amended to read as follows:

Public health  
and safety.

Section 1, act of  
May 19, 1897,  
P. L. 77,  
amended.

\* "approve" in original.