

school building, he shall immediately notify the superintendent of schools, or the school teacher of the school in the immediate school district, of the existence of the disease and the house in which it is located.

**Regulation 59. School May Be Closed.** Whenever, in the judgment of the State Department of Health or of any county or city health officer, it is advisable to close the schools because of the prevalence of any contagious or infectious disease or diseases, he shall serve written notice upon the board of school directors or the responsible officials of any private, parochial, public, or Sunday school in the same district in which such disease or diseases prevail, directing them to close all schools immediately nor shall any such schools be reopened until ordered by the proper health official.

**Regulation 60. Section 1. Toilets. How Constructed and Located.** All human excreta must be disposed of in sanitary sewers, properly constructed settling tanks, or sanitary privies. Settling tanks, cess-pools, privies, or other sources of pollution should be located down grade and at safe distances from any well, main, stream, or cistern used as a source of domestic water supply; provided, that in no case shall such a source of pollution be located within 50 feet, measured horizontally, from a domestic water supply. 100 feet for municipal. No privy shall be located within 25 feet of a dwelling. All privies must be constructed as to prevent flies from coming into contact with the privy contents.

Section 2. No settling tank, cess-pool, or privy shall be permitted where sewer connections are available.

Section 3. **Public Toilets.** All toilets used by guests or patrons of any public place or place of business must at all times be kept clean and free from dirt and filth, and the person, persons, firm, or corporation conducting such public place or place of business shall be responsible for the observance of this regulation. It shall be the duty of the local or county health officer or his assistant to see that this regulation is enforced.

**Regulation 61. Public Health Nursing.**

Section 1. All public health nurses, including city school nurses, county school nurses, community welfare nurses, etc., doing work within the State of North Dakota shall be under the immediate control and supervision of the local boards of health where the services are being rendered and as such under the direct control of the State Department of Health, and subject to such rules and regulations of said State Department of Health as may from time to time become effective. It shall be the duty of the State Health Officer to direct the State Public Health nursing program; to require regular, adequate, and uniform reports; and to assist all efforts in the field to improve the quality of the service.

Section 2. All public health nurses, including city school nurses, county school nurses, community welfare nurses, etc., before entering



## PUBLIC HEALTH LAWS

121

on their duties as such within the State of North Dakota, shall procure from the State Health Officer a permit, certifying to their registration with the State of North Dakota, as a member of the North Dakota Nursing Association, individual training, qualifications, and fitness for such position, and of having had special public health nursing training satisfactory to the State Health Officer. Provided, however, that all those who are engaged as public health nurses within the State of North Dakota shall be granted a permit if applied for within six months from the date of publication of this regulation.

**Regulation 62. Vital Statistics**—The laws governing vital statistics are sufficient for present needs.  
(The following Rules and Regulations not of General Interest will be Published Separately)

**Regulation 63. Sanitation of Barber Shops**

**Regulation 64. Governing Beauty Parlors**

**Regulation 65. Standard Minimum Plumbing Code**

#### WATER, SEWERAGE AND REFUSE DISPOSAL

**Regulation 66. Standard Railway Sanitary Code.** Hereafter contractors and other persons who may establish an industrial camp or camps for the purpose of potato picking, sugar beet topping or harvesting or any like occupation or for the purpose of construction of any road, railroad, or irrigation works, or other work, or any other temporary or permanent industrial camp of whatsoever nature, shall report to the State Health Officer concerning the location of such camp or camps and shall arrange such camp or camps in a manner approved by the State Health Official, so as to maintain good sanitary conditions, and shall at all times keep such camp or camps in a sanitary condition satisfactory to the State Health Official. The rules governing construction camps contained in the Standard Railway Sanitary Code, which are a part of this Regulation, shall govern all camps unless otherwise specified.

Note: The Railway Sanitary Code is published separately. Copy will be sent on application.

#### **Regulation 67.**

Section 1. Sanitary Regulation No. 1 of the State Water Conservation Commission follows and is hereby declared to be a part of the Regulations of the State Department of Health:

"No system for the disposal of sewage, industrial waste, garbage, or refuse, tending to pollute water courses, shall be installed by any public agency or by any person or corporation, nor shall any such existing system be materially altered or extended until satisfactory plans and specifications for the installation, alteration, or extension, together with such information as the State Water Conservation Commission and the State Department of Health may require, have been submitted in duplicate and approved by the State Water Conservation Commission and the State Department of Health, and no



## STATE OF NORTH DAKOTA

construction shall take place except in accordance with the approved plans."

Section 2. Whenever complaint shall be made to the State Department of Health of the pollution or of the polluted condition of any of the waters of the state or whenever the State Department of Health shall have reason to believe that any of the waters are being polluted in a manner prejudicial to the health and comfort of any of its inhabitants, it shall be the duty of the State Department of Health to make an investigation covering the pollution or the polluted condition. Whenever an investigation shall be undertaken by the State Department of Health, it shall be the duty of any organization or person concerned in such pollution to furnish upon request to the State Department of Health, such information as may be required as to the amount and character of the polluting material discharged into the said waters by such organization or person. If the State Department of Health shall find that any of the waters of the state have been or are being polluted in a manner prejudicial to the health and comfort of its inhabitants, the State Department of Health shall have the authority to make an order requiring such pollution to cease within a reasonable time, or requiring such manner of treatment or of disposition of the sewage or other polluting material as may in its judgment be necessary to prevent the future pollution of such waters, or both. And it shall be the duty of the organization or person to whom such order is directed to fully comply with the said order of the State Department of Health. If the organization or person shall consider the requirements of the said order to be illegal, unjust, or unreasonable, an appeal therefrom within 30 days after the making of the order can be made to the district court of the county in which the pollution or polluted condition occurs; and the said court shall hear the said case without delay, and shall render a decision approving, setting aside or modifying the said order, or fixing the terms upon which said permit shall be granted, and stating the reasons therefor.

"Sewage" is a combination of the liquid wastes conducted away from residences, business buildings, and institutions, together with those from industrial establishments; and with such ground, surface and storm water as may be present.

By the term "organization" in this regulation is meant municipality, company, corporation, or institution.

**Regulation 68. Care and Disposal of Refuse and Garbage.** No house refuse, offal, garbage, dead animals, decaying vegetable matter, manure, or organic waste matter of any kind shall be thrown upon any street, alley, highway, or public place. Within the limits or closely adjacent areas of any incorporated or unincorporated city, town, village or built up community such refuse, offal, etc., shall be collected in receptacles which shall be so constructed so as to be of sufficient dimensions for the reception of all the material, shall be watertight, shall be made of tight-matched lumber, galvanized iron, or other suitable impervious material, shall stand at least nine inches from



## PUBLIC HEALTH LAWS

123

the ground and shall be provided with a suitable cover which must be kept properly adjusted to the same so as to protect the contents from flies, insects, rats, and animals or vermin. All garbage or refuse containers shall have their contents emptied at least once every 48 hours during the months from April 1 to October 31 and at least once every four days from November 1 to March 31. (It is to be noted that compliance with this section will not under all instances determine that a nuisance has not been created. Section 42-0101 of the 1943 Revised Code defines nuisances).

**Regulation 69. Filling in of Land.** No filling in or making of land by the dumping of rubbish or other material shall be done within, or in the vicinity of, any incorporated or unincorporated city, town, village, or built up community unless approved of by the health officer having jurisdiction.

**Regulation 70. Section 1.** No system of sewage or sewage disposal for public use in the state, which affects or tends to affect public health shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, alteration, or extension, together with such information as the State Department of Health may require, have been submitted in triplicate and approved by the State Department of Health so far as related to their sanitary features. The basis for approval shall be the "Minimum Sanitary Standards For Public Sewerage Systems" established by the State Department of Health. All construction shall take place in accordance with the plans as approved, either with or without modification. Whenever any governing body having charge thereof shall determine that there shall be any material change in the plans, construction, or operation of any such system, such governing body or their authorized representative shall submit to the State Department of Health a detailed statement of such action or such contemplated changes before it shall enter upon the making of such changes or enter into any contracts therefor or any part thereof, and then such changes shall be made only after approval by the State Department of Health as to all matters liable to affect public health.

**Section 2. Submission of Plans for Sewage System and Sewage Treatment Works.** Plans in triplicate shall be submitted to the State Department of Health for examination at the earliest possible date prior to the date upon which action of the State Department is desired. From this it is not to be inferred that action by the Department will always be taken within the time mentioned.

Plans shall be accompanied by three copies of specifications and three copies of an engineer's report on the project. (According to Section 43-1918 of the North Dakota revised code of 1943 all plans and specifications for public works exceeding \$2000 must be prepared by a registered professional engineer).

**Section 3. Approval of Plans.** Preliminary rejection of plans or suggested changes will generally be taken up with the engineer



designing the system. Final approval or rejection will be indicated on each sheet of the plans and profiles, and in a letter on the project as a whole. Copies of said letter, accompanying a set of the plans, if approved, will be sent to the engineer and to the mayor or other executive of the city, village, or institution for which the system or plant is designed. This system of distribution of letters of approval and plans may be modified at the discretion of the State Department of Health.

**Regulation 71. Information Required.** The plans for a complete sewerage and sewage treatment plant shall conform to the following six sections: (if possible all of this material should be bound in an 8½ by 11 folder convenient for filing)

Section 1. A general map of the municipality or sewage district.

(a) The general plan shall be drawn to a scale not greater than 100 or less than 300 feet to the inch and shall show the entire area of the municipality or district. If more than one sheet is necessary, an index map shall be supplied showing by number the area covered by the various sheets. A general plan shall accompany each application for a new sewer system or for an extension or modification of any existing sewer system, unless such general plan has already been submitted.

(b) This plan shall show all existing or proposed streets and the surface elevations at all street intersections.

If it is intended to defer the construction of sewers in some of the streets, the plan shall show that sewerage facilities can be provided for all sections of the municipality or sewerage district. The plans shall also clearly show the location of all existing sewers, either "separate" or "combined," and the location of existing and proposed sewer outlets or overflows. The true or magnetic meridian, the town or borough lines, title, date, scale, direction of flow, and average water elevation of the stream shall also be clearly shown. The elevation of the highest known freshets at the outlets and site of the disposal plant shall be given. Any area from which sewage is to be pumped shall be shown by light shading, coloring, or other distinctive marks.

(c) Letters and figures shall be clearly and distinctly made. Sewers to be built at present shall be shown by solid lines, and sewers to be constructed later shall be shown by a line of dashes as follows: — — — — —. Existing sanitary sewers shall be shown by the following symbol, — — — — —, and combined sewers by dot and dash, — — — — —. All topographical symbols are to be the same as those of the United States Geological Survey.

(d) Elevations of the surface of the streets should be placed outside the street lines in the upper right angle or opposite their respective positions in the street. The elevations of sewer inverts should be shown at street intersections, ends of lines, and wherever a change of grade occurs. The elevations of the sewer shall be written close to the point to which they refer, parallel with the sewer line, and between the street lines. The elevations of surface shall be



## PUBLIC HEALTH LAWS

125

shown to the nearest 0.1 foot; those of the sewer invert shall be shown to the nearest 0.01 foot. The sizes and gradients of all proposed and existing sewers shall be marked along the line of the sewer.

(e) All sewer appurtenances and unusual features, such as manholes, flush tanks, siphons, pumps, etc., shall be designated on the plans by suitable symbols and referenced by a legend near the title.

**Section 2. Profiles of all sewers proposed.**

(a) Profiles of all sewers used shall accompany the application.

**Section 3. Details of construction of manholes, flush tanks, and special structures pertaining to the sewers.**

(a) Detail drawings of sewer sections, except where terra cotta or iron pipe is used, and of all sewer appurtenances, such as manholes, lampholes, flush tanks, inspection chambers, siphons, and any special structures, shall accompany the general sewer plans.

The detail plans shall be drawn to such a scale as to show suitably and clearly the nature of the design and all details, such as manhole frame and covers, iron pipes, valves, gates, etc.

**Section 4. General and Detailed Plans for Disposal Works.**

(a) Drawings of the disposal works shall include a general plan upon which reserve areas or future extensions are clearly shown and detail plans of the various units and structures which comprise the plant.

(b) The detail plans shall show longitudinal and transverse sections sufficient to explain the construction of each unit. They should also show the distribution and drainage system, general arrangement of any automatic device; sizes of stone, gravel or sand used as filtering material; and such other information as is required for the intelligent understanding of the plans.

(c) Each drawing shall have legibly printed thereon the name of the town or persons for whom the drawing is made, the name of the engineer in charge, the date, the scale, and such references in the title as are necessary for the complete understanding of same.

**Section 5. A comprehensive report upon the proposed system by the designing or consulting engineer.**

(a) Information concerning sewer systems to be included in the engineer's report.

(1) The nature and extent of the area which is proposed to be included within the present system of sewage, and of the area which is planned to drain ultimately into this system.

(2) The estimated per capita daily flow of sewage to be cared for.

(3) The population to be served, that at the present time and that estimated for 25 years hence.

(4) The total and per capita water consumption of the town at the present time.

(5) The allowance made for leakage into the sewers.

(6) The estimated daily flow of sewage, including leaks.



(7) The character of the sewage, (whether domestic or including manufacturing wastes. In case of the latter, the nature and approximate quantity of the same shall be stated in specific terms).

(8) Method of flushing or periodically cleaning the sewers.

(9) That portion of the sewers to be built at the present time.

(10) The minimum grades of sewers for each size used.

(11) If there are sections which cannot drain into this system, the extent of such sections and the probable future disposition of the sewage from these sections shall be given.

(12) A list of bench marks or fixed elevations should be included in this report.

(b) Information concerning treatment plant to be included in the written report.

(1) The method of treatment to be adopted and a description of the units of the system.

(2) The rate of working of such unit.

(3) If disinfectant is to be used, the name of the disinfecting substance, the quantity per million gallons of sewage, and the method of application.

(4) The nature of the body of water into which the effluent discharges, with particular reference to the run-off during dry weather.

(5) The disposal of sludge.

(6) All conditions peculiarly characteristic of the locality and which in any way affect the design of the system.

(7) Special devices used in connection with the treatment system.

(8) Special methods of maintenance or operation of the system.

(9) The results expected from the purification system.

(10) Explain any provisions for reserve units in pumping plants, pipe lines, filters, etc.

Section 6. Specifications for the construction of the system of sewers and sewage treatment works shall accompany all plans for which approval is requested.

An estimate of the cost shall accompany all plans for new or original systems.

**Regulation 72. Extensions to or Modifications of Present Systems.** If the plans are solely for the extension to or modification of an existing system, then only such information as is necessary for the comprehension of the plans will be required. This information must in general conform to the above requirements for a complete system.

**Regulation 73. Systems on Separate Plan.** Under ordinary circumstances the State Department of Health will approve only such plans for a sewerage system which are so designed that all rain water



## PUBLIC HEALTH LAWS

127

from roofs, streets, and other areas and all ground water, other than unavoidable leakage, is to be excluded.

**Regulation 74. Samples of Sewage To Be Analyzed.** The State Department of Health will collect and analyze samples of sewage from all public sewer systems at regular intervals.

**Regulation 75. Section 1. Water and Sewer Connections.** Whenever any North Dakota city or village having power to do so installs or constructs a municipal sewer and water plant within its corporate limits along any public street or alley, it shall be the duty of every owner or occupant of any abutting property, plotted into lots and blocks with a dwelling house or business property situated therein, to install a flush toilet system in said dwelling or business property and to make connection thereof with the water and sewer in the street or alley adjacent thereto. Said connection shall be made within 30 days after written notice is given by the authorized local official to such owner or occupant. When the owner or occupant of any property so notified in writing shall fail, refuse, and neglect to install a toilet and make such sewer and water connection within 30 days and when proof of the service of such notice shall fail, such governing body may by a resolution direct that a toilet be installed and connection made with the sewer and water and that cost of said installation be paid in the first instance by the city or village out of the general fund of revenue, and the actual cost thereof assessed against the said property so benefitted. After such installation and connection is completed, there shall be served written notice of such assessment and an order directing the owner or his or her representative of such property to pay said assessment and within 10 days after the service of said written notice to the treasurer of such city or village. After proof of such notice and order and proof that the assessment has not been paid within said 10 days, the same shall be certified to the county auditor for collection as other assessments for benefits, except that such assessments may be spread over a term of three years, if so requested when certified, and shall become a lien upon said property until paid.

**Section 2. Penalty for Failure to Make Connection.** Any person who shall in any way interfere with the carrying out of the provisions of this regulation shall be subject to punishment by a fine of not less than twenty-five dollars (\$25.00) when convicted or more than one hundred dollars (\$100.00) or to imprisonment in the county jail for not more than three months or by both fine and imprisonment, at the discretion of the court.

**Regulation 76. Submission of Plans for Approval.** No system of water supply, or water treatment works for public use in the state, which affects or tends to affect public health shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, alteration, or extension, together with such information as the State Department



of Health may require, have been submitted in triplicate and approved by the State Department of Health so far as relates to their sanitary features. The basis for approval shall be the "Minimum Sanitary Standards For Public Water Supplies" established by the State Department of Health. All construction shall take place in accordance with the plans as approved, whether with or without modification. Whenever any governing body having charge thereof shall determine that there shall be any material change in the plans, construction, or operation of any such system, such governing body or their authorized representative shall submit to the State Department of Health a detailed statement of such action or such contemplated changes before it shall enter upon the making of such changes or enter into any contracts therefor or any part thereof, and then such changes shall be made only after approval by the State Department of Health as to all matters liable to affect public health.

**Section 2. Submission of Plans for Water Supply and Water Treatment Works.** Plans in triplicate shall be submitted to the State Department of Health for examination at the earliest possible date prior to the date upon which action by the department is desired. From this it is not to be inferred that action by the department will always be taken within the time mentioned.

Plans shall be accompanied by three copies of specifications and three copies of an engineer's report on the project. (According to Section 43-1918 of the North Dakota Revised Code of 1943 all plans and specifications for public work exceeding \$2000.00 must be prepared by a registered professional engineer.)

**Section 3. Approval of Plans.** Preliminary rejection of plans or suggested changes will generally be taken up with the engineer designing the system. Final approval or rejection will be indicated on each sheet of the plans and profiles, and in a letter on the project as a whole. Copies of said letter, accompanying a set of the plans, if approved, will be sent to the engineer and to the mayor or other executive of the city, village, or institution for which the system or plant is designed. This system of distribution of letters of approval and plans may be modified at the discretion of the State Department of Health.

**Regulation 77. Information Required.** The plans for a complete water supply and water system shall conform to the following five sections:

If possible, all this material should be bound in 8½" x 11" folder convenient for filing.

**Section 1.** A general plan of the municipality or district, showing the proposed system.

(a) The general plan shall be drawn to a scale not greater than 100 nor less than 300 feet to the inch and shall show the entire area of the municipality or district. If more than one sheet is necessary, an index map shall be supplied showing by number the area covered by the various sheets. A general plan shall accompany each



## PUBLIC HEALTH LAWS

129

application for a new water system or for any extension or modification of any existing water system, unless such general plan has already been submitted.

(b) Details of Map. This map shall show all existing or proposed streets, the surface elevations of all street intersections, and the elevations of the principal parts of the water system, such as water at the intake, in the reservoir or standpipe, etc. The map should show that water supply facilities can be provided for all sections of the municipality or district, even though the construction of pipe lines in some of the streets is to be deferred indefinitely. The location of intakes, valves, hydrants, reservoirs, pumps, standpipes, the purification plant, and any special structures shall be shown and referenced in a legend near the title. The size of pipes shall be written between the street lines and along the pipe. The map shall also show the true or magnetic meridian, title, scale, date, the municipal or district boundaries, and the mean, low and high water elevations of water at the intake. If the site of the pumping plant is subject to flooding, the elevation of the highest known flood water must be given.

(c) Letters and figures shall be clearly and distinctly made. Pipe lines to be built at present shall be shown by solid lines and those to be later constructed shall be shown by broken lines. All topographical symbols used are to be the same as those used by the United States Geological Survey.

(d) The elevations of the street intersections shall be placed outside of the street lines in the upper right hand angle or opposite their respective positions in the street.

(e) Profiles of conduits or pipe lines may be plotted to a convenient scale and shown on the plans.

Section 2. Detail drawings showing the construction of any special structure in the distribution system.

(a) Detail drawings of all special appurtenances, such as blow-offs, siphons, intakes, conduits, reservoirs, collecting galleries, filters, etc., shall be submitted.

Section 3. General and detailed plans for the water treatment works.

(a) The plans for the treatment works shall consist of a general plan upon which reserve areas or future extensions must be shown and also the general layout of the various units of the process, together with the piping system.

(b) The detail drawings shall include longitudinal and transverse sections sufficient to show the construction of each unit and part of the plant. They shall also show the distributing, drainage, and cleansing systems, the general arrangement of any automatic devices, the sizes and depth of stone gravel or sand used for filtering material, and such other information as is required for the intelligent understanding of the plans.

(c) Each drawing shall have legibly printed thereon the name of the municipality or persons for whom the drawings are made, the



name of the engineer in charge, the date, the scale and such references in the title as are necessary for the complete understanding of each drawing.

Section 4. A comprehensive report upon the proposed system by the designing or consulting engineer.

(a) A report written by the designing or consulting engineer, shall be presented with all plans for complete systems and shall give all data upon which the design is based or which is required for the complete understanding of the plans.

(b) Wells and Collecting Galleries. If the water supply is to be taken from wells, description shall be given of the number, depth, size and construction of the same, the method of pumping, the capacity of the pumps, the kind of strainer used, the nature of ground through which wells will be driven, and the probable flow of the wells. If collecting galleries are to be used, their construction shall be described.

(c) Information Concerning Treatment Plant. The following information concerning the treatment plant is required: The method of treatment and a description of the units of the system; the rate of operation of each of the systems; the rate of operation of each unit of the plant; if any chemicals are used, the nature and quantity of each with a description of the appliances for adding the same to the water; a description of all conditions which are peculiarly characteristic of the water or locality and which in any manner affect the design cooperation of the system; a description of all the special appliances used, any special methods of maintenance or operation of the plant, and the extent of treatment expected or guaranteed.

(d) The report should further include a description of the nature and extent of the area to which it is proposed to supply water, or which will ultimately be supplied from the system, the quantity of water to be supplied daily, and the population to be served, the portion of the system to be constructed at present, and the minimum depth of pipe below the surface of the ground. A description of any provision for future units of pumping plants, filters, etc., should be given.

(e) Unsupplied Districts. Should there be areas in the municipality or districts which, on account of topography or for other reasons, cannot be supplied with water, a definite statement to this effect must be made and the probable future supply of this omitted territory should be discussed.

Section 5. Specifications and an estimate of the cost for the construction of water supply and water treatment systems shall accompany all plans for new or original systems.

**Regulation 78. Extensions to or Modifications of Present Systems.** If the plans are solely for the extension to or modification of the existing system, only such information as is necessary for the comprehension of the plans will be required. This information shall in general conform to the above requirements for a complete system.



## PUBLIC HEALTH LAWS

131

**Regulation 79. Samples of Water To Be Analyzed.** The State Department of Health will collect and analyze at regular intervals samples from all public water supplies. Requests for the analysis of the special samples should be made to the department in writing, as samples will not be examined unless collected according to regulations of the State Department of Health.

**Regulation 80. Quality of Water.** No supply of water furnished to people in the state for general use shall contain bacteriological, chemical, or physical impurities which shall injuriously affect or tend to affect public health. It shall satisfy the bacteriological standards of the United States Public Health Service for waters used by the public on interstate common carriers. The source of water supply, the location, and construction features, and the method of distribution shall be satisfactory according to a sanitary survey. Any water supply falling below these requisites shall be either improved in order to fulfill the standards or discontinued.

**Regulation 81. Swimming Pools.** No swimming pool used or intended for use by the public or by any school, club, organization, or institution shall be constructed, nor shall any such swimming pool now or hereafter existing, used or intended for such use, be materially altered or enlarged until complete plans and specifications therefor, together with such information as the State Department of Health may require, shall have been submitted in triplicate and approved by the department so far as sanitary features are concerned. The basis for approval shall be the Department's "Minimum Sanitary Standards for Swimming and Wading Pools." Preliminary rejection of plans or suggested changes would generally be taken up with the engineer designing the system. Final approval or rejection will be indicated on each sheet of the plans and in a letter on the subject, copies of which will be sent to the engineer or to the mayor or other executive of the city, village, school, or institution for which the pool is designed. The State Department of Health may deviate from this method of routing if it appears desirable to do so.

After such plans have been approved by the State Department of Health, no modification, affecting sanitary features thereof shall be made without the approval of the State Department of Health. No contract for the construction, alteration, or enlargement of any such swimming pool shall be let until the plans and specifications therefore have been approved as herein provided.

**Regulation 82. School Water and Sewerage Systems.** Section 1. School Water Supplies. No school in the state shall install a system of water supply or connect to an existing system, nor shall present school water systems be materially altered or extended until complete plans and specifications therefor, together with such further information as the State Department of Health may require, shall have been submitted in triplicate and approved by the Department so far as sanitary features are concerned. The basis for approval shall



be the "Minimum Sanitary Standards for Water and Sewerage Systems at Public Schools" established by the State Department of Health. The State Department of Health may waive the requirement for complete plans in triplicate when the work involved is of a relatively minor nature and accept in lieu thereof pencil drawing sketches and descriptions which they consider adequate for the facility involved. After such plans have been approved by the State Department of Health, no modification affecting the sanitary features thereof shall be made without the approval of the State Department of Health.

**Section 2. School Sewerage Systems.** No school in the state shall install a sewerage system or sewage disposal facilities or connect to an existing sewerage system, nor shall present sewerage systems be materially altered or extended until complete plans and specifications therefor, together with such information as the State Department of Health may require, shall have been submitted in triplicate and approved by the Department so far as sanitary features are concerned. The basis for approval shall be the "Minimum Sanitary Standards for Water and Sewerage Systems at Public Schools" established by the State Department of Health. The State Department of Health may waive the requirement for complete plans in triplicate when the work involved is of a relatively minor nature and accept in lieu thereof pencil drawing sketches and descriptions which they consider adequate for the facility involved. After such plans have been approved by the State Department of Health, no modification affecting the sanitary features thereof shall be made without the approval of the State Department of Health.

**Regulation 83. Sale of Bulk and Bottled Water Supplies Intended for Domestic Purposes.** After January 1, 1939, no individual company, or corporation shall sell or offer for sale to the public in the state, bottled water, or water in bulk, transported by physical means, until the source of supply, the equipment and the method of handling have been approved in writing by the State Department of Health. However, that this regulation shall not apply to municipal water supplies distributed to the consumers under pressure from a water works system approved by the North Dakota State Department of Health.

**Regulation 84. Trailer Camps.** The State Department of Health is authorized to assist county, city, or district health authorities in the formulation of and recommendations for establishing, maintaining, and regulating the public health conditions in trailer camps, temporary camps, summer camps, construction camps, and the like. The personnel and facilities of the department are to be utilized as far as practicable in the inspection, ratings, and the establishment of policies to regulate the sanitary conditions of such camps.

**Regulation 85. Milk Sanitation.** Section 1. It shall be the duty of the State Department of Health to work with and assist city, county,



## PUBLIC HEALTH LAWS

133

and district boards of health in inaugurating and conducting milk sanitation programs. The department shall:

(a) Study the city milk supplies when requested or agreed to by city health officers and city officials, with reports to these officials of true conditions and recommendations for the improvement of the supplies and correction of defects.

(b) Assist and advise in the formulation and inauguration of local ordinances and in the provision for city inspection and laboratory services for the enforcement of such ordinances.

(c) Assist in training local inspectors and aiding health officers in milk sanitation work and supervision of those in such work.

(d) Furnish technical assistance beyond that ordinarily available from city inspectors, who may not have technical training in milk sanitation or general public health engineering.

(e) Maintain advisory service for dairymen and pasteurization plant operators who contemplate new construction or remodeling existing plants to insure that such alterations or construction meets modern standards and practices.

(f) Investigate for or with local health officials special conditions where there is evidence that a milk supply has spread or may spread, or cause disease.

(g) Standardize the milk inspection work of the local health departments according to the program as outlined by the United States Public Health Service Milk Ordinance and Code, currently in effect.

(h) Cooperate with and assist out-of-state agencies and health departments interested in milk sanitation work in North Dakota from a standpoint of interstate supplies.

Section 2. No pasteurization plant, which sells milk or milk products for human consumption, shall be constructed, nor shall any such existing plant be materially altered or extended, until complete plans and specifications for the installation, or extension, together with such information as the State Department of Health may require, have been submitted in triplicate and approved by the State Department of Health so far as relates to their sanitary features. All construction shall take place in accordance with the plans as approved.

Section 3. RULES AND REGULATIONS GOVERNING THE PRODUCTION, PROCESSING, DISTRIBUTION, AND SALE OF FLUID MILK AND MILK PRODUCTS, FOR ENFORCEMENT BY COUNTY SUPERINTENDENT OF HEALTH, (AS GRANTED IN SECTION 23-0307 OF THE NORTH DAKOTA REVISED CODE CF 1943.)

Rules and Regulations defining "milk" and certain "milk products," "milk producer," "pasteurization," etc., prohibiting the sale of adulterated and misbranded milk and milk products, requiring permits for the sale of milk and milk products, regulating the inspection of dairy farms and milk plants, the examination, grading, labeling, placarding, pasteurization, regrading, distribution, and sale of milk



and milk products, providing for the publishing of milk grades, the construction of future dairies and milk plants, the enforcement of these rules and regulations.

**I. Definitions.**—The following definitions shall apply in the interpretation and the enforcement of these rules and regulations:

**A. Milk.**—Milk is hereby defined to be the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8 percent of milk solids not fat, and not less than  $3\frac{1}{4}$  percent of milk fat.

**B. Milk fat or butter fat.**—Milk fat or butter fat is the fat of milk.

**C. Cream and sour cream.**—Cream is a portion of milk which contains not less than 18 percent milk fat. Sour cream is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.

**D. Skimmed milk.**—Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than  $3\frac{1}{4}$  percent.

**E. Milk or skimmed-milk beverage.**—A milk beverage or a skimmed-milk beverage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a syrup or flavor consisting of wholesome ingredients.

**F. Buttermilk.**—Buttermilk is a product resulting from the churning of milk or cream, or from souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk or skimmed milk, or milk or skimmed-milk powder. It contains not less than 8 percent of milk solids not fat.

**G. Vitamin D. Milk.**—Vitamin D milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officer.

**H. Reconstituted or recombined milk and cream.**—Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, skimmed milk, or water.

**I. Goat Milk.**—Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of these rules and regulations. The word "cows" shall be interpreted to include goats.

**J. Homogenized milk.**—Homogenized milk is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after 48 hours storage no visible cream separation occurs on the milk and the fat percentage of the top 100 cc. of



## PUBLIC HEALTH LAWS

135

milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

**K. Milk products.**—Milk products shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages, skimmed-milk beverages, and any other product made by the addition of any substance to milk or any of these products and used by similar purposes and designated as a milk product by the health officer.

**L. Pasteurization.**—The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143° F., and holding at such temperature for at least 30 minutes, or to at least 160° F., and holding at such temperature for at least 15 seconds, in approved and properly operated equipment: Provided, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and is approved by the State health authority.

**M. Adulterated Milk and milk products.**—Any milk or milk product which contains any unwholesome substance, or which if defined in these rules and regulations does not conform with its definition, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

**N. Milk producer.**—A milk producer is any person who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

**O. Milk distributor.**—A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

**P. Dairy or dairy farm.**—A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

**Q. Milk plant.**—A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

**R. Health Officer.**—The term "health officer" shall mean the health authority of the city, village, county, or health district, or his authorized representative.

**S. Average bacterial plate count, direct microscopic count, reduction time, and cooling temperature.**—Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average reduction time and average cooling temperature shall be taken to mean the arithmetic average, of the respective results of the last four consecutive samples, taken upon separate days, irrespective of the date of grading or regrading.



## STATE OF NORTH DAKOTA

**T. Grading period.**—The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed 6 months.

**U. Person.**—The word "person" as used in these rules and regulations shall mean "person, firm, corporation, or association."

**V. And/or.**—Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

**II. The sale of adulterated, misbranded, or ungraded milk or milk products prohibited.**—No person shall within any city or its police jurisdiction, produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

**III. Permits.** It shall be unlawful for any person to bring into or receive into any city, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in these rules and regulations, who does not possess a permit from the health officer of the city.

Only a person who complies with the requirements of these rules and regulations shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of these rules and regulations.

**IV. Labeling and placarding.**—All bottles, cans, packages, and other containers enclosing milk or any milk product defined in these rules and regulations shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in these rules and regulations; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the phrase "for pasteurization" if the contents are to be pasteurized; (6) the name of the producer if the contents are raw, and the name of the plant at which the contents were pasteurized, if contents are pasteurized; and (7) in the case of vitamin D milk, the designation "vitamin D. Milk" and the source of vitamin D. The label or mark shall be in letters of a size, kind, and color approved by the health officer and shall contain no marks or words which are misleading.

Every restaurant, cafe, soda fountain, or other establishment serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or milk products served.

**V. Inspection of dairy farms and milk plants for the purpose of grading or regrading.**—At least once during each grading period



## PUBLIC HEALTH LAWS

137

the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within any city, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of these rules and regulations on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

**VI. The examination of milk and milk products.**—During each grading period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk and milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the latest standard methods recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration, these examinations to be made in accordance with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains, and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature falls beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned, and shall take an additional sample but not before the lapse of 3 days, for determining a new average in accordance with section 1 (S). Violation of the grade requirement by the new average or by any subsequent average during the remainder of the current grading period shall call for immediate de-



grading or suspension of the permit, unless the last individual result is within the grade limit.

**VII. The grading of milk and milk products.** At least once every 6 months the health officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately consumed within any city, or its police jurisdiction. Said grades shall be based upon the following standards, the grading of milk products being identical with the grading of milk except that the bacterial standards shall be doubled in the case of cream, and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A or grade B pasteurized, certified, or grade A raw quality.

**Certified milk-raw.**—Certified milk-raw is raw milk which conforms with the requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of a medical milk commission and of the State board of health or of the city, county, or district health officer.

**Grade A raw milk.**—Grade A raw milk is raw milk the average bacterial plate count of which as determined under sections 1(S) and 6 of this rules and regulations does not exceed 50,000 per cubic centimeter or the average direct microscopic count of which does not exceed 50,000 per cubic centimeter if clumps are counted or 200,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than 8 hours: **Provided,** That if it is to be pasteurized the corresponding limits shall be 200,000 per cubic centimeter, 800,000 per cubic centimeter, and 6 hours, respectively; and which is produced upon dairy farms conforming with all of the following items of sanitation.

**ITEM Ir. Cows, tuberculosis and other diseases.**—Except as provided hereinafter, a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every 12 months thereafter, by a licensed veterinarian approved by the State Livestock Sanitary Authority. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above test: **Provided,** That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from Bang's disease, as shown by blood serum tests for agglutinins against **Brucella abortus** made in a laboratory approved by the health officer.



## PUBLIC HEALTH LAWS

139

All such herds shall be retested at least every 12 months and all reactors removed from the herd. A certificate identifying each animal by number, and signed by the laboratory making the test, shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, stringy, or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

**ITEM 2r. Dairy barn, lighting.**—A dairy or milking barn shall be required and in such sections thereof where cows are milked windows shall be provided and kept clean and so arranged as to insure adequate light properly distributed, and when necessary shall be provided with adequate supplementary artificial light.

**ITEM 3r. Dairy barn, air space and ventilation.**—Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

**ITEM 4r. Dairy barn, floors.** The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, provided that if the milk is to be pasteurized tight wood may be used, shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowl, calves, etc., shall be permitted in parts of the barn used for milking.

**ITEM 5r. Dairy barn, walls and ceilings.**—The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every 2 years, or oftener, if necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door. No feed shall be stored in the milking portion of the barn.

**ITEM 6r. Dairy barn, cowyard.** All cowyards shall be graded and drained as well as practicable and kept clean.

**ITEM 7r. Manure disposal.**—All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

**ITEM 8r. Milk house or room, construction.**—There shall be provided a milk house or milk room in which the cooling, handling, and



storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into a stable or into any room used for domestic purposes; shall, unless the milk is to be pasteurized, have water piped into it; shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chlorine is employed as the principal bactericidal treatment, the three-compartment type must be used; and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operations which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

**ITEM 9r. Milk house or room, cleanliness and flies.**—The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

**ITEM 10r. Toilet.**—Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated, and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

**ITEM 11r. Water supply.**—The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

**ITEM 12r. Utensils, construction.**—All multi-use containers or other utensils used in the handling, storage, or transportation of milk or milk products must be made of smooth nonabsorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. Woven wire cloth shall not be used for straining milk. All milk pails shall be of a small-mouth design approved by the health officer. The manufacture, packing, transportation, and handling of single-service containers and containers caps and covers shall be conducted in a sanitary manner.

**ITEM 13r. Utensils, cleaning.**—All multi-use containers, equipment and other utensils used in the handling, storage, or transporta-



tion of milk and milk products must be thoroughly cleaned after each usage.

**ITEM 14r. Utensils, bactericidal treatment.**—All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall between each usage be subjected to an approved bactericidal process with steam, hot water, chlorine, hot air, or processes approved by the Health Officer.

**ITEM 15r. Utensils, storage.**—All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall be stored so as not to become contaminated before being used.

**ITEM 16r. Utensils, handling.**—After bactericidal treatment no container or other milk or milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact.

**ITEM 17r. Milking, udders and teats, abnormal milk.**—The udders and teats of all milking cows shall be clean and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

**ITEM 18r. Milking, flanks.**—The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking.

**ITEM 19r. Milkers' hands.**—Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

**ITEM 20r. Clean Clothing.**—Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

**ITEM 21r. Milk stools.**—Milk stools shall be kept clean.

**ITEM 22r. Removal of milk.**—Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

**ITEM 23r. Cooling.**—Milk must be cooled immediately after completion of milking to 50° F. or less, and maintained at that average temperature, as defined in section 1(S), until delivery. If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within 2 hours after completion of milking or cooled to 70° F. or less and maintained at that average temperature until delivered.

**ITEM 24r. Bottling and capping.**—Milk and milk products shall be bottled from a container with a readily cleanable valve, or by



means of an approved bottling machine. Bottles shall be capped by machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

**ITEM 25r. Personnel, health.**—The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a retail raw dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

**ITEM 26r. Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surrounding of the dairy shall be kept in a neat, clean condition.

**GRADE B raw milk.**—Grade B raw milk is raw milk which violates the bacterial standard and/or the abortion testing requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding 1,000,000 per cubic centimeter, or an average direct microscopic count not exceeding 1,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted, or an average reduction time of not less than 3½ hours, as determined under sections 1(S) and 6.

**Grade C raw milk.**—Grade C raw milk is raw milk which violates any of the requirements for grade B pasteurized milk.



**Certified milk-pasteurized.**—Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

**Grade A pasteurized milk.**—Grade A pasteurized milk is grade A raw milk, with such exceptions as are indicated if the milk is to be pasteurized, which has been pasteurized, cooled, and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter, as determined under sections 1(S) and 6.

The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to items 1p to 15p, inclusive, and 17p, 19p, 22p, and 23p, except that the partitioning requirement of item 5p shall not apply.

**ITEM 1p. Floors.**—The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

**ITEM 2p. Walls and ceilings.**—Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean.

**ITEM 3p. Doors and windows.**—Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

**ITEM 4p. Lighting and ventilation.**—All rooms shall be well lighted and ventilated.

**ITEM 5p. Miscellaneous protection from contamination.**—The various milk-plant operations shall be so located and conducted as to prevent any contamination of milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) the pasteurizing, processing, cooling, and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.



ITEM 6p. **Toilet facilities.**—Every milk plant shall be provided with toilet facilities conforming with the ordinances of the city and the Minimum Sanitary Standards of the State Health Department. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. In case privies or earth closets are permitted and used, they shall be separate from the building, and shall be of a sanitary type constructed and operated in conformity with the requirements of item 10r, grade A raw milk.

ITEM 7p. **Water supply.**—The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

ITEM 8p. **Hand-washing facilities.**—Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

ITEM 9p. **Sanitary piping.**—All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

ITEM 10p. **Construction and repair of containers and equipment.**—All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. The manufacture, packing, transportation, and handling of single-service containers and container caps and covers shall be conducted in a sanitary manner.

ITEM 11p. **Disposal of wastes.**—All wastes shall be properly disposed of.

ITEM 12p. **Cleaning and bactericidal treatment of containers and equipment.**—All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

ITEM 13p. **Storage of containers and equipment.**—After bactericidal treatment all bottles, cans, and other multi-use milk or milk-products containers and equipment shall be stored in such manner as to be protected from contamination.

ITEM 14p. **Handling of containers and equipment.**—Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk.



## PUBLIC HEALTH LAWS

145

ITEM 15p. **Storage of caps, parchment paper, and single-service containers.**—Milk-bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean dry place.

ITEM 16p. **Pasteurization.**—Pasteurization shall be performed as described in section 1 (L) of these rules and regulations.

ITEM 17p. **Cooling.**—All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50° F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50° F. or less, as defined in section 1(S), and maintained thereat until delivery.

ITEM 18p. **Bottling.**—Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

ITEM 19p. **Overflow milk.**—Overflow milk or milk products shall not be sold for human consumption.

ITEM 20p. **Capping.**—Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

ITEM 21p. **Personnel, health.**—The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 22p. **Personnel, cleanliness.**—All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

ITEM 23p. **Miscellaneous.**—All vehicles used for the transportation of milk or milk products shall be so constructed and operated



## STATE OF NORTH DAKOTA

as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the slides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

**Grade B pasteurized milk.**—Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provision of lip-cover caps of item 20p and/or the requirement that grade A raw milk be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk of not less than grade B quality, and has an average bacterial plate count after pasteurization and before delivery not exceeding 50,000 per cubic centimeter, as determined under sections 1(S) and 6.

**Grade C pasteurized milk.**—Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

**VIII. Grades of milk and milk products which may be sold.**—From and after 12 months from the date on which these rules and regulations take effect no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments. **Provided,** That when any milk distributor fails to qualify for one of the above grades the health officer is authorized to revoke his permit, or in lieu thereof, to degrade his product and permit its sale during a temporary period as he may deem necessary.

**IX. Supplementary grading prescribed and regrading authorized.** If, at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with sections 5, 6, and 7 of these rules and regulations, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and packaging thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his products.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count,



## PUBLIC HEALTH LAWS

147

direct microscopic count, reduction time, or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall regrade the milk or milk products upward whenever the average of the last four sample results indicates the necessary quality, but not before the lapse of 2 weeks from the date of degrading.

In case the lowered grade of the applicant's product is due to a violation of an item of the specifications prescribed in section 7, other than average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within 1 week of the receipt of such an application and statement the health officer shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward, but not before the lapse of 2 weeks from the date of degrading.

**X. Transferring or dipping milk; delivery containers; handling of more than one grade; delivery of milk at quarantined residences.—**

Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized, and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery containers at the farm at which they are produced. Milk and milk products sold in the distributor's containers in quantities less than 1 gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or milk product except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: **Provided**, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, or similar establishment to sell or serve any milk or milk products which have not been maintained, while in its possession, at a temperature of 50° F. or less.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleansed and subjected to bactericidal treatment.



Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk-products containers from residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the health officer.

**XI. Milk and milk products from points beyond the limits of routine inspection.**—Milk and milk products from points beyond the limits of routine inspection of any city may not be sold in that city, or its police jurisdiction, unless produced and/or pasteurized under provisions equivalent to the requirements of these rules and regulations: **Provided**, That the health officer shall satisfy himself that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

**XII. Future dairies and milk plants.**—All dairies and milk plants from which milk or milk products are supplied to any city which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the requirements of these rules and regulations for grade A dairy farms producing milk for consumption in the raw state, or for grade A pasteurization plants, respectively: **Provided**, That the requirement of a two-room milk house shall be waived in the case of dairies the milk from which is to be pasteurized. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State Health Department.

**XIII. Notification of disease.**—Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious, or communicable disease occurs.

**XIV. Procedure when infected suspected.**—When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of that person from milk handling. (2) the immediate exclusion of the milk supply concerned from distribution and use, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.



## PUBLIC HEALTH LAWS

149

**XV. Enforcement interpretation.**—These rules and regulations shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1939 edition of the United States Public Health Service Milk Code.

**STERILIZATION OF SECONDHAND GOODS**

**Regulation 86.** It is provided by law that before any person, firm, or corporation dealing in secondhand goods shall sell, exchange, offer for sale or exchange, or intent to sell or offer for sale or exchange, to the public in this state any wearing apparel, bedclothes, secondhand furniture, or any article of any description ordinarily used in furnishing, equipping, or decorating a home, he shall disinfect thoroughly each and every such article in a manner approved by the State Department of Health.

The State Department of Health hereby declares and rules that the disinfection of these articles or materials shall be by one of the following methods: It further declares that common cleanliness shall be considered a part of the disinfection process regardless of the method selected. Before any of the aforementioned articles or materials shall be subjected to the selected method of disinfection noted below, they shall be thoroughly cleaned. All signs of visible dirt, filth and contamination must be removed.

**Section 1. Steam Under Pressure.** By subjecting to steam under pressure for a period of 15 minutes, the pressure of the steam to be a minimum of 7½ pounds per square inch and the temperature of the steam to be a minimum of 230 degrees F. A properly checked steam-pressure gauge and a thermometer, both visible from the outside of the chamber shall be provided.

**Section 2. Vacuum Chemical Method.** (a) Vacuum of not less than 27 inches, and (b) to fumes generated by not less than 30 ounces of formaldehyde and one pound permanganate per 1,000 cubic feet for two hours as a germicide, together with four pounds of carbon disulphide as an insecticide. (c) Temperature of not less than 212 degrees F. shall be maintained during the use of the gas.

**Section 3. Wet Method.** Immerse in water maintained at a temperature of 212 degrees F. for at least 10 minutes, with proper arrangements for agitation of the material while in the vat, and if after disintegration the material will pass through a hole 1½ inches in diameter.

**Section 4. Dry Health Method.** By subjecting to temperature of 230 degrees for a period of not less than 30 minutes. When dry heat is used, a suitable chamber must be provided and equipped with means to keep the hot air in circulation, and thermometers must be maintained on the outside of such chamber to show the actual heat inside the chamber. These thermometers must be placed one not higher than 12 inches from bottom of chamber and one not lower than 12 inches from top of chamber.



**Section 5. Commercial Laundering or Dry Cleaning.** Such material as is adaptable to the process such as pillows, thin pads, etc. shall be considered as satisfactorily disinfected when subjected to the regular commercial dry cleaning or laundering process. The commercial laundering process should be one which provides for complete immersion in hot water containing the proper detergent with subsequent rinsing and complete drying. The commercial dry cleaning process shall be one which provides for complete immersion in the dry cleaning fluid with subsequent complete drying.

**Section 6. DDT and Dry Storage.** Such articles that cannot be subjected to high temperature, disinfecting processes such as overstuffed furniture etc., shall be considered as satisfactorily disinfected when treated as outlined below with a 5% solution or emulsion of DDT and placed in dry storage for at least 7 days. This 7 day dry storage period is definitely a part of this process.

The DDT shall be applied by spraying with a 5% solution or emulsion of DDT so as to produce a residual deposit of approximately 200 mg. per square foot. A 200 mg. per square foot residual deposit of DDT can be obtained by distinctly wetting the surface with a 5% emulsion or solution of DDT.

The following formula is recommended by the State Department of Health for complying with this section. However, other formulas providing for a 5% solution or emulsion of DDT may be approved.

- 3 lbs. DDT
- 3 qts. Xylene
- 6 oz. Triton X100

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- 1.03 gal. concentrate
  
- Makes 35% concentrate
- Dilute 1 part, 6 parts water
- for 5% spray.

**Regulation 87. Sanitary Requirements.** Under the general sanitary laws and in order to insure full compliance with these rules, all premises, rooms, chambers, places, vehicles, etc. used for the handling, storing, transportation, or sterilization of these materials shall be kept in a clean and orderly condition, free from dust, dirt, vermin, or other filth.

**Regulation 88.** All properly cleaned and disinfected articles coming under the provisions of these regulations should be labeled, "Disinfected by..... on..... at....."

Name of Agency                      Date                      Place

in a manner prescribed by the laws of North Dakota and the regulations of the State Department of Health. (Do not Remove this label)

Such labels shall not be less than 2 inches by 3 inches and composed of cloth of similar durable material. Wherever possible,



and especially in the case of mattresses, pillows, comforters, upholstered furniture, etc., such labels shall be securely sewed to the article in a position readily accessible and such sewing shall take place on all four sides of the label. When such stitching is impossible because of the nature of the article the tag must be securely fastened in a manner approved by the State Department of Health.

All mattresses, pillows, comforters, upholstered furniture, etc., containing secondhand, used or renovated materials in any quantity must be so designated on the aforementioned label so as to leave no misunderstanding as to the nature, kind, and proportion of materials used. The label must clearly state that secondhand material has been utilized and must likewise state the proportion of such secondhand material.

**Regulation 89. Importation of Parrots, Parakeets, and Other Birds of the Psittacine Family.** No person, firm, or corporation shall import into North Dakota, and no common carrier shall accept for shipment into North Dakota any parrot, parakeet, love bird, macaw, cocatoo, lory, lorikeet, or any other bird of the parrot or psittacine family, unless an accompanying certificate has been obtained from the state health authority of the state from which shipment is made, to the effect that to the best of their knowledge and belief, such bird as may be offered for shipment has originated from an aviary or other distributing establishment free from psittacosis infection, as determined by inspection of birds and the environment in which they have been reared and housed, the history of such establishment as regards psittacosis infection, supplemented by such laboratory examination of birds, selected by a representative of the certifying authority, as may be deemed necessary to enable the certifying authority to determine that the birds offered for shipment are free from psittacosis infection; provided, that no bird of the species above mentioned that is under eight months of age shall be offered or accepted for importation into North Dakota.

Certificates accompanying shipment of psittacine birds into North Dakota as provided in Section 15½ of the United States Public Health Service interstate Quarantine Regulations shall be surrendered by the common carriers to the health authorities at the destination of the shipment, and a copy of such certificate forwarded to the State Department of Health at Bismarck.

**Regulation 90. Embalming, undertaking, and transportation of the dead.** NOTE: These rules and regulations are published separately. Copy will be sent upon application.

**Regulation 91. Repealing Previous Regulations.** All regulations heretofore adopted by the State Department of Health are hereby annulled, the foregoing rules and regulations being declared the rules and regulations of the State Department of Health and promulgated in accordance with the provisions of the law.



STATE OF NORTH DAKOTA

INDEX

	Page
*Regulation	93
Actinomycosis, reportable *2	57
Adulteration of Food, 19-0203 - 19-0204	57-58
of medicine, 19-0203 - 19-0205	56
Advertising, false and misleading, 51-1201	52
Advertising, certain cures and drugs and specialization prohibited, 23-1205	5
Advisory Council, see public health advisory council, 23-0102	93
Amebic Dysentery, reportable, *2	93
Ancylostomiasis, reportable, *2	93
Anthrax, *2	64
Apothecary, see poisons, 19-0401	93-94
Ascariasis, regulations concerning, *3	54
Barbers, rules and orders of, 43-0411	27-29-31-33
Birth, registration of, see Vital Statistics	55
23-0201 - 23-0208 - 23-0212 - 23-0215 - 23-0216	20
maternity hospital report, 50-1310	9
Blindness, infant, 23-0710	117
Boards of health, see county, village, city, township	94
Books exposed to infection, *52	43
Botulism, regulations concerning, *4	44
Burial, duty of, 23-0603	44
neglect of—misdemeanor, 23-0606	44
permits for, 23-0607	43
regulations concerning, 23-0607	47
time within which to be made, 23-0604	83-85
where to be buried, 23-0620	103
Camps, see: Tourist Camps, 23-1001 - 23-1010	93
Cancer, regulation concerning, *37	48
to be reported, *2	27
Cemeteries, regulation of, 23-0621	27
Certificates, see: Vital Statistics	93
Certified copies, see: Vital Statistics	103
Chancroid, regulations concerning, *2	112
Chickenpox, regulation concerning, *38	93
Cholera, regulation concerning, *50	12
reportable, *2	12
City Board of Health	12
duties of officers, 23-0405	12
meetings of, 23-0404	12
officers of, 23-0403	93
City Health Departments: see City Board of Health	103
Coccidiomycosis, regulations concerning, *2	103
Common Carriers	54
must comply with federal regulations, *36	54
Common Carriers of persons	22
vehicles to be disinfected, 8-0806	93
Communicable diseases	118
death from to be reported, 23-0718	97
designated, *2	24, 22, 95
exclusion from school for, *55	95
incubation periods for, *20	21
inoculation for, 23-1402, 23-0717, *13	97
investigation of, *13	98
temporary hospitals for, 23-0713	13
premises infected with, deliveries to, *17	98
quarantine for, see: Isolation and Quarantine	13
records of (city and county health officer) 23-0405, s. 5	21
removal of persons sick with, 23-0715	21



PUBLIC HEALTH LAWS

153

	Page
reporting of, *8, *18	94, 97
annual, *11	95
telegraphic, *12	95
to health officer, *10	95
weekly reports, *10	100
restrictive precautions for, *26	24
vaccination for, 23-1402	22
23-0717	100
Concurrent disinfection, see: Disinfection, *29	104
Conjunctivitis, acute infectious, *39	104, 93
reportable, *39, s. 2, *2	119
exclusion from school with, *56	22
Contagious or infectious diseases, see: Communicable diseases	
appropriation made on report—prevention, 23-0719	21
child—prohibited from school, 23-0716	21
disinfection of clothing, 23-0714	22
physician to report death—cause of, 23-0718	21
removal of person inflicted with, 23-0715	40
Coroner, investigation of death by, 23-0235	14
County Board of Health	9
additional powers of, 23-0502	9
how composed, 23-0301	10
meetings of, 23-0303	9
mileage of members, 23-0306	9
per diem of president and vice president, 23-0304	9
qualifications of, 23-0301	9
term of office, 23-0301	9
County Health officer, see: County Superintendent of	
County Superintendent of public health	9
compensation of, 23-0305	10
powers and duties of, 23-0307	11
removal of, 23-0310	11
report of, 23-0309	55
Crippled Children Birth Report	54
made to State Agency, 50-1007	74
Dairy products, inspection of, 40-0501, Number 32	74
sale of, 40-0501, No. 32	132
see also: Milk Sanitation	21
Dead bodies, removal of, 23-0715	44
burial of, 23-0607	27
Death registration of, see: Vital Statistics, 23-0201	93
Dengue, regulations concerning, *2	94
Diarrhea of the newborn	94
regulations concerning, *6	104
Diphtheria, regulations concerning, *40	93
reportable, *2	100
Disinfection, defined, *28	102
agents approved for, *33	100-101
concurrent, terminal, *29, *30	102
failure to comply with rules for, *34	54
of public vehicles, 8-0806	119
of schools, *57	21
of clothing, 23-0714	52
of secondhand goods, 23-1201	52
Drinking cups, public prohibited, 23-1203	58
Drugs, misbranding of, 19-0208	63
records of, 19-0313	63
Druggists, endangering of life by, 43-1543	65
records, for poisons, 19-0403	65



	Page
Dysentery, regulation concerning, *50	112
reportable, *2	93
Embalmers, apprentices of, *90	151
duties in Vital Statistics, 23-0235	40
registration of, with registrars, 23-0237	41
Encephalitis, regulations concerning, *50	112
reportable, *2	93
Epidemic cerebrospinal meningitis, see: Meningococcus	106
Erysipelas, regulations concerning, *2	93
Favus, regulations concerning, *2	93
Foods, adulterated, 19-0204	57
destruction of in certain cases, *15	96
handling of, forbidden, when, *16	96
sale of forbidden in certain cases, *14	96
Food Establishment, 19-0218	60
apparel of employees, sanitary, 19-0223	61
building, vehicles, in which food stored; sanitary, 19-0221	61
facilities; sanitary, 19-0222	61
food protected from vermin, 19-0219	60
person infected with contagious disease not to be employed, 19-0220	60
power of department, 19-0218	60
ventilation and light facilities for convenience, 19-0218	60
Foods, Drugs, adulteration of, 19-0205	58
definition, 19-0202	56
rules and regulations, 19-0202	56
sale of, 19-0203, 19-0210	57, 60
Fouling public waters, see Waters, 61-0112 - 61-0113	89
Funds, acceptance of, by State Department of Health, 23-0111	8
Funerals, *90	151
Garbage, regulations concerning, *68	122
Glanders, regulations concerning, *50	112
reportable, *2	93
Gonorrhea, reportable, *51, rule 14	115
Hairdressers & Cosmetologists, 43-1111	66
Health department, see: City, County, State	
Health Districts	
formation of, 23-1401	23
Health Officer, see: City, County, State	23
Health inspection of school pupils, 15-4722	82
Health instruction, see: Schools	
Health laws, violation of, penalty, 23-0512	17
Hemorrhagic Jaundice, regulation concerning, *3	94
Hookworm disease, see: Ancylostomiasis, *2	93
Hospitals, for contagious disease	
inspection for Venereal Disease, *51, rule 6	113
provided by township and villages, 23-0713	21
records of inmates, *51, rule 7	113
to report Venereal Disease, *51, rule 3	113
Hotel keepers to report contagious disease, *7	94
Hotels, lodginghouse, restaurant, boarding house	66-69
sanitation and safety of, 23-0909 - 23-0911	66-69
Illegitimate birth, see: Vital Statistics	
Impetigo Contagiosa, regulations concerning, *2	93
Incubation periods for communicable diseases, *20	97-98
Infant blindness	
duty of parent to report, 23-0711	20
duty of physician or midwife, 23-0710	20



## PUBLIC HEALTH LAWS

155

	Page
infant to be placed in hands of a physician, 23-0712 .....	20
prevention, 23-0710 .....	20
Infantile paralysis, see: Poliomyelitis .....	106
Infectious diseases, see: Communicable Diseases	
Influenza, regulations concerning, *2 .....	93
Isolation, regulations concerning, *24 .....	99
Juvenile court, care of child, 27-1629 .....	69
Laboratories, see: Public Health Laboratories .....	7
Leprosy, regulations concerning, *2 .....	93
Local boards of health .....	14
powers and duties of, 23-0501 .....	14
removal of nuisance, 23-0504 & 23-0506 .....	15-16
expense of, 23-0507 .....	16
expenses chargeable to, 23-0508 .....	16
Lymphogranuloma Venereum, regulations concerning, *2 .....	93
Malaria, regulation concerning, *50 .....	112
reportable, *2 .....	93
Marriage, license required for, 14-0310 .....	70
performance of, prohibited when, 14-0307 .....	70
persons prohibited from, 14-0304, 14-0307, 14-0318 .....	70-73
physical examination for, 14-0317 .....	72
registered with Vital Statistics, 14-0323 .....	73
serological test for syphilis required, 14-0312 .....	70
violation of laws, penalty, 14-0328 .....	74
Measles, regulations for, *41 .....	105
reportable, *2 .....	93
Medical inspection, see: Health Inspection, 15-4722 .....	82
Meningococcus Meningitis, regulations for, *42 .....	106
reportable, *2 .....	93
Midwives, duties of, in filing birth certificate, 23-0236 .....	40
in reporting infections, 23-0702 .....	18
preventing infant blindness: See infant blindness .....	20
Milk Sanitation, *85 .....	132
rules and regulations governing production, processing, distribution and sale, *85, s. 3 .....	133-149
Morbidity reports, see: Communicable Diseases, reports, *9 .....	95
Motor Carriers—drivers, 49-1829 .....	55
Municipalities .....	74
governing body in, 40-0501, sec. 32 .....	74
Jurisdiction of, 40-0601 .....	76
powers of, 40-0501 .....	74
Nuisance, definition, 42-0101 .....	74
public nuisance defined, 42-0106 .....	74
removal of, 23-0506 .....	16
Nurses, to inspect school pupils, 15-4722 .....	82
to report ophthalmia neonatorum, *39, s. 2 .....	104
to report Venereal Disease, *51, rule 3 .....	113
See also: Public Health Nursing, *61 .....	120
Ophthalmia Neonatorum, see: Infant Blindness .....	20
Paratyphoid fever, regulation concerning, *48 .....	109
reportable, *2 .....	93
Parrots, importation of, *89 .....	151
Pellagra, regulation concerning, *4 .....	94
reportable, *2 .....	93
Pharmacists, see: Druggists .....	63
Physicians, duties of, in case of death, 23-0718 .....	22
in preventing infant blindness, 23-0710 .....	20
in registering, 23-0326 .....	40



	Page
in reporting disease to city health officer, 23-0702	18
to local health officer, 23-0718	22
when venereal disease exists, *51, rule 3	113
in vital statistics, filing birth certificates, 23-0212	31
preparing medical certificate of death, 23-0233	40
to inform state registrar, 23-0236	40
penalty for failure to comply with vital statistics law, 23-0234	40
Placarding, see: Quarantine, *22	98
Plague, regulations for, *50	112
reportable, *2	93
Pneumonia, acute, lobar, broncho, virus, *2	93
Poisons, 19-0401	64
distribution prohibited, when, 19-0404	66
record to be kept of poisons dispensed, 19-0403	65
sale of, 19-0401	64
Poliomyelitis, regulations concerning, *43	106
reportable, *43, s. 1	106
Prostitution, repression of, *51, No. 2	113
see also: Venereal Diseases; prostitutes	
Psittacosis birds, importation of, *89	151
Psittacosis, regulations for, *50	112
reportable, *2	93
Public Drinking Cups, prohibited, 23-1203	52
Public Health Advisory Council, general powers of, 23-0103	5
meetings of, 23-0102	5
organization of, 23-0102	5
powers of, 23-0103	5
Public Health Laboratories, 23-0109	7
Public Health Nurses, control of, *61, s. 1	120
permits for, *61, s. 2	120
Public nuisance, defined, 42-0106	74
Public vehicles, disinfection of, 8-0806	54
Public waters, see: Waters	89-90
Puerperal infection, reportable, *2	93
Puerperal septicemia, reportable, *2	93
Quarantine, defined, *23	98
authority to, regulation of health officer, *21	98
diseases requiring, *23, s. 3	98
establishment of, *21	98
placards for, *22	98
provisional, *25	99
release from, *23, s. 2	98
Rabies, regulations concerning, *44	106
reportable, *44, s. 1, *2	106, 93
Rat-bite fever, regulations concerning *50	112
reportable *2	93
Registrars, see: Vital Statistics	28-29
Registration District, see: Vital Statistics	29
Regulation of Local Boards, publication of, 23-0503	15
punishment for violation of, 23-0512	17
Relapsing fever, regulation concerning, *50	112
reportable, *2	93
Rendering plants	78
disposal of waste and sewage from, 36-0705	78
sanitary requirements of, 36-0704	78
situation and conduct of, 36-0706	78
Reportable diseases	18
who to report, 23-0702	18



## PUBLIC HEALTH LAWS

157

	Page
Reports .....	95
annual, *11 .....	95
to local health officer, 23-0702 & 23-0704 .....	18
morbidity, *9 .....	95
telegraphic, *12 .....	95
to State health officer, 23-0705 .....	18
weekly reports, 23-0705 .....	18
Rheumatic Fever, regulations concerning, *45 .....	108
reportable, *2 .....	93
Rocky Mountain Fever, reportable, *2 .....	93
Rubeola, see: Measles, *41 .....	105
Sanitation of barber shops, *63 .....	121
Sanitation of camps, 23-1002 .....	83
Sanitation of schools, 15-3512 .....	80
Scabies, exclusion from school for, *45 .....	76
Scarlet fever, regulations concerning, *46 .....	108
reportable, *2 .....	93
School teacher must report diseases, *58 .....	119
Schools, Buildings, plans & specifications, approval of, 15-3501-15-3502 .....	78-79
closing of, when, *59 .....	120
diphtheria in, *40, s. 6 .....	105
disinfection of, *57 .....	119
duties of officials of, *58, s. 2 .....	119
exclusion from, for communicable diseases, *55, s. 1 .....	118
for miscellaneous diseases, *56 .....	119
for trachoma, *53, s. 1 .....	118
for tuberculosis, *54 .....	118
health inspection of pupils, 15-4722 .....	82
instruction in health, 15-3807 .....	82
physical education in, 15-3809 .....	82
water and sewage systems for, also see *82, s. 1 .....	113
Sanitation, 15-3512 .....	80
Secondhand goods, disinfection of, 23-1201 .....	52
disinfection required when, 23-1201 .....	52
sterilization of, *86 .....	149
Septic Sore Throat, reportable, *2 .....	93
Serological test, see: Marriage, 14-0312 .....	70
Sewage, defined, *67, s. 2 .....	122
disposal of, *67, s. 2 .....	122
samples to be analyzed, *74 .....	127
treatment works, see: Sewerage systems .....	121
Sewerage systems and sewage treatment works .....	123
plans for, approval required, *70, s. 2 & 3 .....	123
detail drawings, *77, s. 2 .....	129
disposal works, *71, s. 4 .....	125
information in, *71 .....	124
profiles, *77, s. 1E .....	129
specifications in, *71, s. 4 .....	124
for schools, *82 .....	131
Sexton, duties of, 23-0622 .....	48
Smallpox, regulations concerning, *47 .....	109
reportable, *2 .....	93
Spotted fever, regulation concerning, *50 .....	112
reportable, *2 .....	93
Standard Railway Sanitary Code, *66 .....	121
State Board of Health, see: Public health advisory council .....	5
State department of health .....	5
acceptance of funds by, 23-0111 .....	8



STATE OF NORTH DAKOTA

	Page
divisions of, 23-0107	7
duties of, 23-0109	7
office space for, 23-0110	8
organization of, 23-0101	5
see also: Public health advisory council	5
state health officer	6
State health department, see: State Department of Health	6
State Health Officer, appointment of, 23-0105	8
reports to governor, 23-0106	6
State Institutions, definitions, 25-0101	7
records kept, 54-2319	85
Sterilization, 23-0803 - 23-0815	85
Sterilization of Secondhand goods, *86	86-89
Stream pollution, see: Fouling public waters	149
sewage, *67, s. 2	121
Superintendent of health, see: State health officer	122
Swimming pools, plans for, *81	6
Syphilis, serological test required, 14-0312	131
see also: Venereal diseases	70
Tetanus, reportable, *2	114
Toilets, construction and location of, *60	93
Tourist camps	120
inspection of, 23-1004	83
sanitary conditions of, 23-1002	84
sickness to be reported, 23-1008	83
Township and village boards of health, organization of, 23-0301	84
powers of, general, 23-0307	9
who constitutes, 23-0311	10
Trachoma, protection of school children, *53	11
reportable, *2	118
Trailer camps, *84	93
see also: Tourist camps	132
Transit permit, see: Burial Permit, 23-0608	83
Transportation of dead, 23-0612	45
Trichinosis, regulations for, *50	45
reportable, *2	112
Tuberculosis, disinfection of premises, *35	93
exclusion from school for, *54 & *55	102
placarding of premises, *35, s. 2	118
Tularemia, reportable, *2	103
Typhoid fever, regulations for, *48	93
reportable, *48, s. 7 & 9, *2	109
Typhus fever, regulations for, reportable, *2	110, 93
Undertakers, registration of, 23-0237	93
see: Vital statistics, undertakers; Embalmers	41
Undulant fever, regulations for, *50	27
reportable, *2	112
Unusual diseases, regulation for *50, s. 1	93
Vaccination	112
not required for school entrance, 23-0717	22-24
not compulsory in health districts, 23-1402	22
Variola, see: Smallpox, *47	24
Venereal diseases, advice on, *51, rule 9	109
certificates of freedom from, *51, rule 11	114
defined, *51, rule 19	114
diagnosis, request for, *51, rule 11	117
druggist records of, *51, rule 7	114
examinations for, *51, rule 15	113
	116



## PUBLIC HEALTH LAWS

159

	Page
exposure to, unlawful, *51, rule 12	114
health authorities, duties of, *51, rule 15	116
hospitals & institutions, *51, rule 6	113
infected person, restrictions on, *51, rule 14 c.	115
information, false, *51, rule 20	117
inspection of hospitals and records, *51, rule 6	113
investigating sources of, 23-0707, number 3	19
isolation, rules for, *51, rule 14	115
laboratory examinations for, 14-0313	71
placarding for, *51, rule 16	116
prostitutes, defined, *51, rule 19	117
* quarantine for, *51, rule 14	115
suppression of, *51, rule 2	113
quarantine, see: Venereal diseases, isolation, *51, rule 14	115
removal of infected persons, *51, rule 18	117
reports, by whom, *51, rule 3	113
confidential nature of, *51, rule 8	114
form of, *51, rule 4	113
from druggists, *51, rule 7	113
on change of physician, *51, rule 10	114
on termination of case, *51, rule 5	113
to overseer of poor, *51, rule 13	114
rules and regulations for, *51	113
transfer of treatment for, *51, rule 10	114
treatment for, period of, *51, rule 14 E	115
Village Board of Health, organization of, 23-0301	9
Vital Statistics	27
births, registration of, 23-0201	27
certified copy, 23-0226	36
maternity hospitals to report, 50-1310	55
stillbirths, 23-0216	33
supplemental name report, 23-0215	33
deaths, registration of, 23-0208	29
certified copies of certificates, 23-0240	41
form of, 23-0230	37
without medical attendance, 23-0235	40
division of, 23-0201	27
state deputy registrar of, 23-0202	28
state registrar of, 23-0204	28
local registrars of, 23-0209	29
correction of certificates by, 23-0209, no. 4	29
fees of, 23-0211	30
filing birth certificates with, 23-0212	31
filing death certificates with, 23-0232	39
marriage records	70
serological test required, 14-0312	70
registration districts for, 23-0206	29
sexton, duties of, 23-0622	48
state registrar of, 23-0204	28
sub registrars, 23-0210	30
undertakers, duties of, 23-0232	39
Water Conservation Commission	90
Water Supplies	132
sale of, *83	132
Water Systems for Schools, *82, s. 1	131
Water systems, plans for, *76, s. 2	128
approval of, *76, s. 3	128
information required, *77	128



	Page
Water treatment works, plans for, *76, s. 2 .....	128
information required, *77 .....	128
see Water systems .....	128
Water, public .....	89
fouling of, 61-0112 - 61-0113 .....	89
requirements for, 61-0114 .....	90
samples of, *79 .....	131
Whooping cough, reportable, *49 .....	112
Yellow Fever, reportable, *2 .....	93