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THE
LAWS OF MARYLAND

RELATING TO

PUBLIC HEALTH

(ADMINISTRATION, CONTROL OF COMMUNICABLE
DISEASES, AND ABATEMENT OF NUISANCES)



IN FORCE

JUNE 1st, 1935

Published by

THE STATE BOARD OF HEALTH

Baltimore, Maryland

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LAWS OF MARYLAND

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THE STATE BOARD OF HEALTH

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KING BROS, INC., PRINTERS
BALTIMORE, MD.

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PUBLIC HEALTH LAWS
OF THE STATE OF MARYLAND

ARTICLE 43

ANNOTATED CODE OF MARYLAND, 1924 EDITION
HEALTH

Section 1. The head of the Department of Health shall be the State Board of Health, constituted and organized as at present, except as hereinafter provided, and having and exercising the rights, powers, duties, obligations and functions now or hereafter conferred by law.

It shall consist of eight members as follows: One shall be an experienced civil engineer, another an experienced certified pharmacist and four shall be experienced physicians, all to be appointed by the Governor, with the advice and consent of the Senate; and the Governor shall designate one of the four experienced physicians as the Chairman; the remaining members of the Board shall consist of the Attorney General of the State and the Commissioner of Health of the City of Baltimore. The persons so appointed by the Governor shall hold office for six years, provided that those first appointed under this Act shall be so classed by the Governor that the terms of office of two shall expire on the first Monday of May, 1924, the terms of office of two on the first Monday of May, 1926, and the terms of office of two on the first Monday of May, 1928, and thereafter in each case the Governor, with the advice and consent of the Senate, shall appoint two members in the place of the two whose terms shall so expire. All vacancies among said members shall be filled by the Governor with the advice and consent of the Senate. The physician designated as Chairman shall be skilled in public health and hygiene.

1A. In addition to the members of the State Board of Health, for whose appointment provision is made by Section 1 of this Article, the Governor, with the advice and consent of the Senate, shall appoint an experienced doctor of dental surgery as a member of the said Board. The person so appointed by the Governor shall hold office for six (6) years, and the term of

office of the first appointee under this section shall begin on the first Monday of July, 1929, and shall expire on the first Monday of May, 1935.

2. The Chairman of the Board shall be known as the Director of Health. He shall be the executive officer of the Board, and shall receive such compensation as may be allowed in the Budget. On the taking effect of this Act, all the rights, powers, duties, obligations and functions conferred by Article 43 of the Annotated Code, title "Health," and any sections or provisions thereof, or by any other provisions of law, upon the Secretary of the State Board of Health, shall be transferred to and thereafter be exercised and performed by the said Chairman of the Board, as the lawful successor to the said Secretary, to the same extent and effect as if the said Chairman had been named in said provisions of the law as the official upon whom the said rights, powers, duties, obligations and functions were conferred. Thereupon the office of Secretary of the Board shall cease and be abolished.

3. The State Board of Health shall have the general care of the sanitary interests of the people of this State; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially epidemics, the causes of mortality and the influence of locality, employments, habits and other circumstances and conditions upon the health of the people; they shall inquire into and investigate all nuisances affecting the public health, and are authorized and empowered, by information or petition filed in the name of the Board, to apply to the Judges or to any Judge of the Circuit Court for the county in which such nuisance shall exist, or to the Judge of the Circuit Court of Baltimore City, as the case may be, in term, time or vacation, for an injunction to restrain and prevent such nuisance no matter by whom or what authority committed. They shall have the power to enter upon and inspect private property in regard to the presence of nuisances, cases of infectious and contagious diseases, and to determine the cause and source of diseases; to make rules and regulations not inconsistent with law regulating the character and location of plumbing, drainage, water supply, disposal of sewage, garbage or other waste material and offensive trades; the sanitary condition of streets, alleys, outhouses, cess-pools and all sanitary features connected therewith; no rule or

regulation, however, to carry a higher penalty than \$100 for each offense, and all such rules and regulations to bear the seal of the State Board of Health and be attested by its Secretary and be published not less than three times in some daily newspaper, published in the City of Baltimore, such rules and regulations not to be effective until 30 days after their publication.

See Sections 33 and 34, Balto. vs. Board of Health, 139 Md. 216.

4. The State Board of Health, by any member thereof shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books, documents and testimony. In case of the failure of any person to comply with any subpoena lawfully issued, or on refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Circuit Court of any County or the Judge thereof, or of either of the Circuit Courts of Baltimore City, or the Judges thereof, on application of any member of the State Board of Health, to compel obedience by attachment proceedings for contempt. Every witness who shall appear before the Board by its orders shall receive for his attendance the fees now provided for witnesses in civil cases in Courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid upon the presentation of properly verified vouchers. But no witness subpoenaed at the instance of parties other than the Board shall be entitled to compensation from the State for attendance or travel unless the Board shall certify that his or her testimony was material to the matter investigated. Fees paid under this section shall be charged to the general appropriation for the State Board of Health. The State Board of Health may, in any investigation, cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by the law for like depositions in civil actions in courts of record.

5. The said Board shall meet quarterly in the city of Baltimore and at such other times and places as they shall appoint, a majority to be a quorum for the transaction of business; they shall elect one of their number to be president of the Board and adopt all needful rules and regulations subject to the provisions of this article; they shall organize, as far as practicable, in every city, village and legislative district in this State, local boards or

advisory committees to serve without pay, to assist the Board in the proper performance of their duties, and to make a report quarterly to the Board of the sanitary conditions of their respective cities, villages or districts. The Board shall have authority to send their Secretary or a committee of the Board to any part of the State at any time when necessary to investigate the cause of any special or unusual sickness or mortality. In the event of an epidemic or pestilential disease occurring in any county, city or village of the State, the Board shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for, and which may be consistent with the law, and shall be approved by the Governor, said approval to be expressed in writing; and upon the application of the said Board, with the approval of the Governor, the Comptroller is hereby authorized to draw his warrant upon the Treasurer in favor of the Board for an amount not exceeding \$10,000, to be paid out of any unappropriated money in the Treasury, to be applied and expended under the direction of the Governor and the said Board of Health in carrying out such needful sanitary measures and precautions.

7. The Secretary* shall be the State Health Officer and shall hold office as long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the Board, a majority of the members voting therefor; he shall keep a record of the transactions of the Board and an account of all expenditures by them; he shall, whenever necessary or practicable, correspond and consult with health authorities of other States, and with the local Boards and all health officers in this State and secure an interchange of all useful sanitary information, especially respecting the causes, treatment and progress of epidemics; he shall keep on file all reports received from such Boards and all correspondence relating to the duties of this Board; he shall prepare blank forms of returns and such instructions as may be necessary, and forward them to the several local Boards of Health and all health officers throughout the State; he shall, when requested by local Boards or any health officers, visit their respective districts, cities or villages, to investigate the cause of any existing disease, and shall, from time to time, and whenever directed by the Governor or the Legislature, make special inspections of public hospitals,

*See Section 2 this Article.

asylums, prisons and other institutions, and shall, at each session of the Legislature, submit, through the Board, a full report of his investigations, with such suggestions and recommendations as he may deem proper; he shall, when required by the Governor or other proper authorities, advise in regard to the location, drainage, water supply, disposal of excrement, heating and ventilation of any public institution or building belonging to the State; he shall collect information concerning vital statistics, prevailing diseases and the general hygiene of the State and through an annual report and otherwise, as the Board may direct, shall disseminate such information among the people. He shall have general jurisdiction and control over all health officers, inspectors, agents, nurses and others appointed under the jurisdiction of the State Board of Health, and shall assist and advise them in the performance of their duties, and shall have and perform such other duties as the State Board of Health may impose upon him. During his term of office, he shall not engage in the practice of medicine or in any occupation which would conflict in with the performance of his official duties, and he shall receive from the Treasury, in monthly payments, an annual salary of three thousand dollars, to be paid on the warrant of the Comptroller out of any money in the Treasury not otherwise appropriated.

8. The State Board of Health of Maryland shall divide the State outside of Baltimore City into twenty-three sanitary districts following county lines, and upon the recommendation of its Director, and by a majority vote thereof, it shall appoint a Deputy State Health Officer for each sanitary district.

9. The Deputy State Health Officers shall be trained in sanitary science and hygiene, and shall possess the same qualifications required of the State Health Officer, and shall hold their office during efficiency and good behavior, but may be removed for cause by majority vote of the State Board of Health after having been given an opportunity to be heard in their own defense. No deputy state health officer shall practice medicine or engage in any other occupation which would conflict with the performance of his official duties.

Each deputy state health officer shall have an office located at some accessible point designated by the State Board of Health, within his sanitary district, and he shall receive an

annual salary to be fixed by the State Board of Health, to be not less than \$1200 nor more than \$2500 per annum and shall also receive his expenses actually and necessarily incurred in the performance of his official duties.

10. Each deputy state health officer, under the direction of the State Board of Health and the State Health Officer, shall have jurisdiction throughout his district; and he shall have the right of entry into any workshop, factory, dairy, creamery, slaughter house, or other place of business or employment, or into any private house, when in the pursuit of his official duties. He shall carry out the instruction of the State Board of Health and shall make such investigations and reports as said State Board of Health may require. He shall, when required by the State Board of Health, inspect and report upon the sanitary conditions of streams and sources of public water supply, sewerage facilities, schools and school houses, dairies, creameries, slaughter houses, workshops, and factories, and all places where offensive trades or industries are conducted in his district. He shall respond promptly when called upon for advice or assistance by any Board of Health or health officer within his jurisdiction and it shall be his duty and he is hereby authorized to enforce any public health statute, or rule, or regulation of the State Board of Health, or of any Local Board of Health or Health Officer within his district, when such Local Board of Health or Health Officer neglects or refuses to enforce such statute, rule or regulation, after due notice by him or by the State Board of Health. He shall keep himself informed as to the work of each Local Health Officer within his district, and aid each Local Health Officer within his district in the performance of his duties and particularly on the appearance of any communicable disease. He shall purchase samples of food and drugs for analysis when directed to do so by the State Health Officer; and promote an efficient registration of births and deaths within his district, and in addition he shall have and perform such other duties as are or may be imposed upon him by the State Board of Health or the State Health Officer.

11. Whenever the State Health Officer or deputy state health officer shall have assumed jurisdiction over any health condition in this State, the local health authorities shall assist the state health officer or his deputy in the performance of their duties.

12. The State Board of Health shall have power to remove any deputy health officer from any sanitary district into any other sanitary district, in this State, or in the case of epidemics to locate any number of the deputy state health officers in any one sanitary district in this State or in the city of Baltimore; and it shall have power to appoint such inspectors, nurses and agents to aid the deputy state health officers as it may deem necessary, and pay them a reasonable compensation for their service within the limits of this appropriation.

14. Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury or their compounds, or from anthrax or from compressed air illness, or from any other ailment or disease contracted as a result of the nature of the patient's employment, shall send to the State Board of Health a written notice stating the name and full postal address and place of employment of the patient, and the nature of the occupation and the disease from which in the opinion of the physician the patient is suffering, with such other specific information as may be required, by the State Board of Health. If any physician, when required by this Section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars. It shall be the duty of the State Board of Health to enforce the provisions of this section, and it may call upon the local boards of health and health officers for assistance, and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State Board of Health to transmit such data to the Chief of the Maryland Bureau of Statistics and Information, who shall record said data and include the same and a summary thereof in his annual report.

15. The state board of health shall appoint a suitable person, who shall have been actually engaged in this state as an analytical chemist for at least ten years prior to his appointment, as chemist to the state board of health, who shall hold office as long as he shall faithfully discharge the duties thereof. The chemist, under the direction and control of the State Board of Health and the Secretary thereof, shall have charge of the analyses and examination of food, drugs and other substances which shall be submitted to him for examination, and he shall

report in writing the result of his analyses and examination to the secretary. The chemist shall annually make a report to the State Board of Health of the work done by him for the previous year. The chemist shall receive from the treasury, in monthly payments, an annual salary of two thousand five hundred dollars (\$2,500), to be paid upon the warrant of the comptroller, out of any money in the treasury not otherwise appropriated.

15A. It shall be the duty of the State Board of Health, upon receipt of reports of the names and addresses of physically handicapped children as provided for in Article 77 of the Annotated Code of Maryland, to, in so far as possible, cause each such child to be examined by a deputy state health officer or by any other qualified physician, if without expense to the State, for the purpose of ascertaining the nature and extent of the physical disability of each such child and whether or not such child is physically unable to properly care for itself without assistance and whether or not it can properly or advantageously be educated in the regular public schools with normal children, and whether or not it ought to have clinical, therapeutic, or hospital treatment, and such board shall appropriately classify each such child according to the nature and degree of its disability and report such classification and recommendations to the County Board of Education wherever such child resides, and also to the State Board of Education.

34. It shall be the duty of the State Board of Health to take such action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction of any infectious or contagious disease in this State, or to prevent the spread of any infectious or contagious disease whether or not such disease shall exist within this State at the time of the passage of this Act, and any person or persons or corporations refusing or neglecting to obey such rules and regulations, after due notice thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars for every such offense. Whenever necessary, the State Board of Health may call public conference of health officers, or may, by a vote of a majority of its members, send a delegate to any conference of local, state or national health officers.

35. The State Board of Health is authorized and empowered to establish six bureaus to be known as the bureau of communicable diseases, the bureau of bacteriology, the bureau of chemistry, the bureau of sanitary engineering, the bureau of vital statistics, and the bureau of child hygiene.

36. The bureau of communicable diseases shall secure accurate and complete returns of communicable diseases in Maryland; it shall examine into the prevalence and causes of such diseases and devise means for their control; it shall examine into and investigate epidemics and nuisances and devise means for their control; it shall publish monthly a bulletin for health officers and perform such other duties and exercise such other functions as the State Board of Health or the secretary thereof shall designate.

See Article 54A, Section 4.

37. The bureau of bacteriology shall conduct inquiries into the nature, source and vehicles of infectious diseases, it shall establish and maintain under the direction of the State Board of Health a properly equipped laboratory. The services of the said bureau shall be free to all local boards of health and to all practicing physicians of the State for such inquiries concerning infectious and contagious diseases as the said board may from time to time direct; and to the vaccine agent for testing vaccine virus; it shall examine into and analyze public and private water supplies, milk and other foods. It shall examine properly prepared specimens from all animals known or suspected to be suffering from hydrophobia or rabies, and shall perform such other duties and exercise such other functions as the State Board of Health or the Secretary thereof shall designate.

38. The bureau of chemistry shall conduct inquiries into the nature, source and vehicles of infectious diseases, and into the nature and character of sewage, trades wastes, and into nuisances. It shall examine and analyze free of cost, public and private water supplies, milk and such other foods, drinks, confectionery, drugs, spices and condiments as the board shall direct; it shall establish and maintain, under the direction of the state board of health, a properly equipped laboratory, and perform such other duties and exercise such other functions as

the state board of health or the secretary thereof shall designate. Nothing herein contained, however, shall be construed to repeal or interfere, in any way whatsoever with the operation of the pure food and drug act, which is entitled "An Act for preventing the manufacture or sale of adulterated, misbranded, poisonous or deleterious foods, drugs, medicines, waters, candies and liquors, and regulating traffic therein within the State of Maryland, and to provide for the punishment of violations of its provisions and to appropriate any annual sum of money for the purpose of enforcing this act by adding certain additional sections to article 43, title 'Health', sub-title 'Adulteration of Food and Drink', of the code of public general laws of Maryland of 1904, and to be known as 140A, 140B, 140C, 140D, 140E, 140F, 140G, 140H, 140I, 140J, 140K, 140L, 140M, 140N, 140-O, and repeal sections 122, 123, 124, 140L, 140M, 140N, 140-O, and general sections 221 and 222 and 125 of said article 43 of the code of public general laws of Maryland of 1904, and also to repeal sections 221 and 222 of article 27 of the code of public general laws of Maryland of 1904, title 'Crimes and Punishments', sub-title 'Health, Deleterious Candy or Cakes,'" and in case of any conflict between sections 35 to 44 and the said pure food and drug act the provisions of the latter shall prevail and control.

See Section 189, *et seq.*

39. The bureau of sanitary engineering shall examine into all public and private system of water supply and prepare proper maps and drawings of the same for permanent record; it shall examine and patrol as far as possible, the watersheds or catchment basins of all public water systems and investigate and report upon all sources of pollution of public and private water supplies; it shall investigate and report upon all private and public systems of sewage disposal; it shall inquire into and investigate the water supply, sewage disposal, ventilation, heating and lighting of schools, asylums, jails and other public institutions; it shall inquire into and investigate offensive trades and nuisances, disposal of trades wastes, sewage and other offensive matters, and devise means for their control and perform such other duties and exercise such other functions as the State Board of Health or the secretary thereof shall designate.

40. The bureau of vital statistics shall supervise the registration of births and deaths in the State of Maryland; it shall

receive, file and compile all such records, and shall tabulate and publish the same in such form as shall make them most valuable in the public service; it shall perform such other duties and exercise such other functions as the State Board of Health or the secretary thereof shall designate.

41. The bureau of child hygiene shall investigate the causes of infant mortality and the diseases of pregnancy, parturition, infancy and early childhood, and shall devise and institute preventive measures for their control; it shall promote the welfare and hygiene of maternity and infancy; and perform such other duties and exercise such other functions as the State Board of Health, or the secretary thereof shall designate. Provided, that no official, agent or representative of this bureau shall enter any home or take charge of any child over the objection of any parent or guardian of such child or the person having the custody of such child, and no such official, agent or representative shall attempt to enforce any treatment or correction except with the consent of the parents of such child or the person standing in loco parentis.

42. The State Board of Health is authorized and empowered to appoint a chief and an assistant chief for each of the bureaus hereinbefore provided, and to appoint such inspectors, draughtsmen and employees as may be necessary in the execution of Sections 35 to 44. Such chiefs and assistant chiefs shall be men of good technical education and ability, competent to properly conduct their respective bureaus; they shall be appointed by the secretary of the State Board of Health, by and with the consent of the said board, and the said board is empowered to fix the compensation of said chiefs and assistant chiefs at an annual salary of not less than fifteen hundred dollars, nor more than twenty-four hundred dollars, for the said chiefs, and an annual salary of not less than one thousand, nor more than eighteen hundred dollars, for assistant chiefs; such chiefs and assistant chiefs may be removed from office upon the recommendation of the secretary and a majority vote of the board.

43. For the purpose of Sections 35 to 44 the State Board of Health shall be known under the title and designated "State Department of Health," and the secretary of the said board

shall be known under the title and designated "Secretary of the Department of Health."

45. The board of county commissioners of the several counties in this State shall, ex-officio, constitute a local board of health for their respective counties and shall have and exercise all the duties of a board of health as provided in this article except in cases where the charter of any city or town in the State contains provisions inconsistent therewith.

46. Such local boards of health shall each appoint in the month of May, 1931, and quadrennially thereafter, a health officer, who shall be a well educated physician and who by virtue of his appointment shall be secretary and executive officer of the local board of health, and in the event of vacancy, a successor for the unexpired term shall be appointed by the local board of health, as soon as practicable. No such appointment shall be made without the advice and consent of the State Board of Health. The health officer shall hold office for four years from the date of appointment, but may be removed by the State Board of Health for cause upon charges made and considered at a regular meeting of said board. And it shall be the duty of every county health officer, district health officer, or local health officer, immediately after his appointment to appear before the State Board of Health or its accredited representative, and to make oath that he will well and truly discharge the duties of his office; provided that this section be not so construed as to prevent local boards of health from appointing such additional health officers or sanitary officers as they may deem necessary, or as may now or hereafter be allowed by law.

47. In any incorporated town or city of this State, having a population of ten thousand or more, where no Board of Health has been created, or established by the charter of said town or city, the Mayor and City Council, or other duly authorized legislative body of said town or city may in the discretion of said Mayor and City Council, or other duly authorized body of such incorporated town or city, organize a town or city Board of Health, such City Board of Health shall be composed of the Mayor of said town or city and two other members, one of whom shall be a physician, and both of whom shall be appointed by the Mayor by and with the advice and consent of the Council or other legislative body as aforesaid. The qualifications of said

two members, other than herein specified, shall be determined by the Mayor and Council of said town or city, said members shall serve for a term of two years or until their successors are duly appointed and qualified, the terms of the first appointees beginning on the first Monday of May, 1920. A City Board of Health, organized under the provisions of this law, shall meet at least once in each month; shall adopt, publish and enforce by appropriate penalties all needful rules and regulations, not inconsistent with law or regulations of the State Board of Health, necessary for the protection of public health, to prevent the introduction or spread of disease; to abate insanitary nuisances and shall have supervision and control of all matters relating to public health. The City Board of Health shall appoint a City Health Officer whose duty shall be the execution and enforcement of all laws and regulations relating to public health; the collection of reports of deaths, births and sickness; the abatement of insanitary conditions; and shall perform such other duties as are now or may be hereafter provided by law or the City Board of Health. Such Health Officer shall hold office for the term of two years from the date of his appointment, unless by reason of his conduct, he is required to vacate his office. The Health Officer shall be authorized to appoint, with the consent of the City Board of Health, such assistants as may be necessary for the proper performance of his duties. He shall aid and assist the Health authorities in all matters of prevention and suppression of disease, quarantine, inspection and sanitation within his jurisdiction. The Mayor and Council or the properly constituted authorities of any city in which a Board of Health is organized under the provisions of this Section, is hereby authorized and empowered to levy and collect, as other monies for said city governmental purposes are collected, such funds as, in their opinion, are necessary and desirable for the purpose of making effective the provisions of this section.

Sec. 2 of Ch. 495 of Acts of 1920. repeals all laws inconsistent with said Ch. 495 to the extent of such inconsistency.

48. The Local Board of Health of each county shall meet semi-annually in the months of May and October, and as much oftener as they may deem necessary; they shall act in conjunction with the State Board of Health and shall report to said board such facts in reference to the sanitary conditions of their respective counties as they may deem important or necessary; they may adopt and enforce all needful rules and regulations

concerning nuisances and causes of sickness within their respective jurisdiction subject to the provisions of this Article; they may regulate all fees and charges in connection with their own regulations and shall establish the salaries of their respective county health officers on the following maximum bases; not exceeding, in counties having a population of 15,000 or less, \$150 per annum, with an additional allowance of not more than \$100 per annum for each 8,000 of population in excess of 15,000.

Provided, that in Montgomery County it shall be the duty of the County Commissioners to meet exclusively as a board of health, on the first Wednesday of each month; and provided further, that it shall be the duty of the health officer of said Montgomery County, in addition to those duties otherwise prescribed by law, in instances of contagion to fumigate all school and other public buildings, the materials therefor to be provided by said Board of Health, and provided further that said health officer of said Montgomery County, shall perform all the duties heretofore required of the physicians to the jail and the almshouse of said Montgomery County; and provided further that the salary as health officer for said Montgomery County shall be \$1,200 per annum.

And provided further that the health officer shall attend all indigent persons in the said county suffering from contagious diseases.

49. Whenever any legally qualified medical practitioner or any two or more persons affected thereby shall make a complaint in writing to local board of health, that any water course, well, spring, open ditch, gutter, cess-pool, drain, privy-pit, pigpen or other place or any accumulation or deposit of any substance is in a condition dangerous to human health, the said local board of health shall immediately institute an investigation, and if it shall decide that the place or thing complained of is in such a condition as to injuriously affect the life or health of any person, the said board shall serve a notice in writing on the person, firm or corporation by whose act, default or sufferance (the place or thing complained of is in such a condition as to injuriously affect the life or health of any person, the said board shall serve a notice in writing on the person, firm or corporation by whose act, default or sufferance)* the place or thing complained of arises or exists, requiring him or them to abate the same within

*Evidently an error.

a time to be specified in the notice, and any person, firm or corporation refusing or neglecting to comply with the requirements in such notice shall be guilty of a misdemeanor, and be punished by a fine of not less than one nor more than ten dollars for the first offense, and for each subsequent offense in reference to the same place or thing be fined not exceeding twenty-five dollars. This section not to apply to Baltimore County.

50. Such local board of health shall take cognizance of all unhealthy nuisances within the limits of its sanitary jurisdiction; and any person or corporation refusing or neglecting, after due notice, to comply with the requirements of the said board in this respect shall be liable to a penalty not exceeding fifty dollars; all questions arising between local boards as to jurisdiction or their relative duty in the abatement of any particular nuisance shall be referred to the state board of health for settlement.

See Section 102 *et seq.*

MISCELLANEOUS PROVISIONS

51. The local board of health of each county may, whenever they shall deem it necessary or desirable, require that any qualified physician appointed by such board as county health officer shall be trained in sanitary science, public health and hygiene and shall not, so long as he shall hold that office, engage in any other occupation which would conflict with the performance of his duties as health officer. He shall have all the powers and duties which are now or may hereafter be conferred upon county health officers by law; he shall enforce all the public health statutes and rules and regulations of the State Board of Health or the local board of health, under the direct supervision and control of the local board of health, and shall perform such other duties and exercise such other duties and exercise such other functions as the local board of health shall direct. The local board of health may make and enter into a contract with such county health officer for such period of time as may be mutually agreeable, but not longer than the terms of office of the members of said local Board of Health and may fix the salary of any county officer appointed subject to the provisions of this section. This section shall not apply to Charles County and St. Mary's County.

52. Whenever any local or county health officer shall receive reliable notice, or shall otherwise have reason to believe that there is within the limits of his sanitary jurisdiction a case of cholera, smallpox, or other disease dangerous to the public health, he shall immediately report such notice to the local board of health, and upon obtaining the approval of such local board of health, investigate the matter and take all proper steps for the restriction or suppression of such disease or diseases; and the local boards of health shall incur and pay, as other county expenses are paid, the necessary and legitimate expenses thereof; he shall promptly notify the Secretary of the State Board of Health of the existence of any epidemic or unusual sickness or mortality that may come to his knowledge within his own sanitary jurisdiction or contiguous thereto; and when thus informed, it shall be the duty of the Secretary of the State Board of Health to co-operate with and aid the local health authorities in making scientific and practical investigation into the cause or causes of any existing disease, and in devising the most efficient means for its restriction or suppression, or for the exclusion of any threatened disease, and to take such steps as may be necessary to prevent the spread of such disease or diseases, and to this end he may exercise all the powers of the State Board of Health.

53. Any physician called to attend a person suffering with any disease embraced within the provisions of Section 52 of this Article, shall have the power to exercise all the powers conferred by said Section upon the health officers of the several counties to restrict or suppress such disease or diseases until the health officer of the County wherein said disease may occur shall investigate the matter as directed in Section 52. Said attending physician may exercise said power without securing the prior approval of the board of health of the county; but said power shall be exercised only during the emergency existing until the county health officer shall make his investigation, and immediately upon said investigation, the power hereby conferred upon the attending physician shall cease. This section shall not apply to Baltimore City.

54. When any local health officer is of opinion that the cleansing and disinfecting of any house or part thereof, and of articles therein would tend to prevent or check infectious diseases, it shall be the duty of such health officer to cause such

house or parts thereof and articles to be cleansed and disinfected, and the city, town or county in which such house is situated shall defray the expenses thereof.

Any local health officer may direct the disinfection or destruction of any bedding, clothing or other articles which have been exposed to infection from any dangerous infectious disease; provided that when any person sustains any damage by reason of the exercise of any of the powers of this Section, in relation to any matter as to which he is not himself in default, reasonable compensation shall be made by the municipal or county authorities to such person.

See Sections 21 and 52; also Section 76 *et seq.* and Section 96 *et seq.*

55. Whenever any physician shall know or have cause to believe that any person whom he has attended during the last illness of such person, has died of any infectious disease dangerous to public health, the said physician shall immediately give notice thereof, over his own signature to the Health Officer of the place where such death occurred, giving the name, age, sex, and race of the person so dying, the place of death and the name of the disease, if known; and if no physician was in attendance, then it shall be the duty of the undertakers who have charge of such remains to give notice to the local health office; and any physician or undertaker who shall fail, refuse or neglect to give such notice shall be fined not less than ten nor more than one hundred dollars.

Section 3 of Ch. 496 of Acts of 1920 repeals all laws inconsistent with said Ch. 496 to the extent of such inconsistency.

56. Where any suitable hospital or place for the reception of the sick is provided, within a convenient distance, any person who is suffering from any dangerous infectious disease, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board of any ship or vessel, may, on a certificate signed by a qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed by order of any health authority or justice of the peace to such hospital or place, at the cost of the city or county in which such case may occur; and any person who wilfully disobeys or obstructs the execution of such order shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than two hundred

dollars, or be imprisoned in jail, in the discretion of the circuit court for the county or criminal court of Baltimore, not less than one month nor more than six months.

57. Any person who, while suffering from any dangerous infectious disorder, wilfully exposes himself or herself, without proper precautions against spreading the said disorder in any street, public place, shop, inn or public conveyance, or enters any public conveyance without previously notifying the owners, conductor or driver thereof that he is so suffering, or being in charge of any person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes, without previous thorough disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder, shall be liable to a penalty not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both, in the discretion of the circuit court for the county or criminal court of Baltimore.

58. Any person, parent or guardian or other party who carelessly carries about children or others affected with infectious diseases, or who knowingly or wilfully introduces infectious persons into other persons' houses, or permits children under his or her care to attend any school, theatre, church or any public place where they will be brought in contact with others, shall be liable to a penalty not exceeding one hundred dollars for each and every such offense.

59. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance in a manner to be approved by the local health authority, after it has conveyed any one suffering from a dangerous infectious disorder, or the corpse of any one who has died from any such disorder, and if he fails to do so, he shall be liable to a penalty not exceeding twenty-five dollars; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

60. Any person who knowingly lets for hire any house, room or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house,

room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding two hundred and fifty dollars; and any person letting for hire or showing, for the purpose of letting for hire, any house or a part of a house or room, who, being questioned by any person negotiating for the hire of such house or part of a house or room as to the fact of their being, or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such questions shall be liable to a penalty not exceeding five hundred dollars or to imprisonment for a period not exceeding twelve months.

61. When the body of any one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room, any health officer or justice of the peace may, on a certificate signed by a qualified medical practitioner or the application of three persons living in a neighborhood, order the body to be removed and buried at the cost of the city, town or county within a time to be limited by such order, and unless the friends or relatives of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the said health officer or justice of the peace to have such body buried at the expense of the city, town or county, and any person or persons obstructing the execution of any order made by any health officer or justice of the peace under this section shall be liable to a penalty not exceeding two hundred dollars or imprisonment not exceeding six months.

62. The municipal and county authorities may provide for the use of the inhabitants of their respective city, town or county hospitals or temporary places for the reception of the sick, and for that purpose may themselves build such hospitals or places of reception or contract for the use of any such hospital or part of a hospital or place of reception, or enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their city, town or county on payment of such sum as may be agreed on, or two or more local authorities may combine in providing a common hospital.

63. Any expenses incurred by the authorities of any city, town or county in maintaining in a hospital, or in a temporary place for the reception of the sick, a patient who is not a pauper shall be deemed to be a debt due from such patient to the authorities aforesaid, and may be recovered from him at any time within twelve months after the discharge from such hospital or place of reception, or from his estate, in the event of his dying in such hospital.

VACCINE VIRUS

67. The State Board of Health shall keep on hand, at all times, a supply of fresh and pure vaccine virus, if practicable, not more than four removes from the cow, for the use of the physicians residing and practising medicine and surgery in this State.

See note to Section 69.

68. The State Board of Health shall keep on hand, and procure as often as may be necessary, pure vaccine virus, and furnish such virus to the physicians of the State gratuitously, when called for; said Board shall keep a record of the name and location of each physician so furnished with virus, together with the quantities, qualities and number of times and shall advertise once a month in one or more of the newspapers published in the city of Baltimore, and once during the year (three insertions) in one paper of each county.

See note to Section 69.

69. For every child vaccinated, whose guardian or parents are too poor to pay for the service, the county commissioners of the several counties, or the mayor and city council of Baltimore, as the case may be, shall pay, or cause to be paid, to the physician performing the service, the sum of fifty cents for every such case, on presentation of such account, duly authenticated by an affidavit setting forth that the service was duly performed and that the parents or guardians are unable to pay for said service; provided, that in the counties, or in the city of Baltimore, where vaccine physicians are appointed by the proper authorities to vaccinate all persons who may apply, the county commissioners of such counties and the mayor and city council of Baltimore shall be respectively freed from the pay-

ment of fees to other physicians for vaccinating those unable to pay; and the county commissioners are hereby authorized and empowered to make contracts with and designate such vaccine physicians as they deem necessary.

If the physician perform the services and the parent is unable to pay, the county commissioners must pay. It is immaterial that the child came at the suggestion of the physician. Object of the vaccine law. *Allegheny County v. McClintock*, 60 Md. 560; *Worcester County v. Melvine*, 89 Md. 42.

70. It shall be the duty of every practicing physician in this State to vaccinate all children in the circle of his practice which may be presented to him for vaccination, within one year after birth, if such child shall be in proper condition for such service; and he shall vaccinate all other persons not previously effectually vaccinated who shall request such service from him. Any physician neglecting or refusing so to do shall, on conviction thereof, forfeit and pay for every offense a penalty of five dollars.

See note to Section 69.

71. Any physician who shall knowingly and wilfully use any virus defective in its nature, by having passed through a serofulous system, from having been taken from one laboring under any disease of the skin, chronic sore or other febrile, or other disease, during the progress of the vaccine disease, or any crust which, during the progress of said vaccine disease was punctured, or had sustained other injury, shall, upon conviction thereof, forfeit and pay a sum not less than one hundred nor more than five hundred dollars for each offense.

See note to Section 69.

72. It shall be the duty of every parent and guardian to have his or her child vaccinated within twelve months after its birth, if it shall be in proper condition, or as soon thereafter as practicable; and if such parent or guardian shall have any other person under his or her control or care, not duly vaccinated, he or she shall cause such person to be vaccinated prior to the first day of November of each year. Any person failing to comply with the provisions of this section shall, on conviction thereof, forfeit and pay a sum not less than five nor more than ten dollars for each offense.

See note to Section 69.

73. No teacher in any of the public schools of this State shall receive into such school as a pupil any person who has not been successfully vaccinated; and it shall be the duty of all teachers in the public schools within ten days after the beginning of the fall term of said school, and thereafter as new pupils shall enter such school, to ascertain and enroll on the vaccine register of said school the names of those pupils who may produce a certificate of a regular practising physician of the county or city, as the case may be, certifying that the pupil has been successfully vaccinated, and also the names of those pupils who have been enrolled at any previous term in any school of the county or in the city of Baltimore, as the case may be, as successfully vaccinated pupils, whenever any such pupil shall present a certificate of such enrollment from the teacher of any such school. If any person shall apply for admission as a pupil in any of the public schools of this State who has not been successfully vaccinated, the teacher shall give the parents or guardian or other person having control of such pupil an order directed to any physician in the county or city, as the case may be, and requiring any regular physician to whom it may be presented to vaccinate such pupil and return a certificate of such vaccination when successful to the teacher giving such order. The county commissioners of the several counties and the mayor and city council of Baltimore city, as the case may be, shall pay or cause to be paid to the physician performing the service on such order the sum of fifty cents for every such successful vaccination on the presentation of the order and certification of the teacher that such vaccination has been performed; provided, that in the counties or in the city of Baltimore, when vaccine physicians are appointed or contracts made with certain physicians by the proper authorities for the vaccination of all children or persons who may apply free of charge to the person applying, the provisions of this section providing for the payment of physicians' certified orders of teachers shall not apply. Any teacher neglecting or refusing to comply with the provisions of this section shall on conviction thereof before any justice of the peace having jurisdiction over said offense, be fined ten dollars for each and every offense. And no public school trustee or commissioner shall grant any permit to any person who has not been successfully vaccinated to enter as a pupil any public school under the same penalty.

See Art. 77, Sec. 118, *et seq.*, and Art. 27, Sec. 294.
See note to Sec. 69 (this Article).

74. All fines imposed under the provisions of the four preceding sections shall be recovered before a justice of the peace, in the same manner as small debts are recoverable, for the use of the school fund of the county or city in which such offense shall occur.

75. The State Board of Health is hereby required to take all steps necessary to reproduce from the cow true vaccine virus, for the use of physicians residing and practising medicine and surgery in the State, and shall furnish none more than four removes from the cow, if practicable, and none that has not been produced under its own supervision and direction; provided, that said Board may take, use and furnish such virus furnished to it by any physician entrusted by it to procure the same; such virus not to be taken from the arm of a child less than three months old; and the said Board shall report annually to the Governor the particulars of its expenditures and other matters connected with the duties imposed by this and the 8 preceding sections.

INFECTIOUS DISEASES

76. Whenever any householder knows that a person within his family or house is sick of small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, measles, mumps, whooping cough or any other infectious or contagious disease dangerous to public health, he shall immediately give notice thereof to the board of health of the city, town or county in which he dwells; and upon the death, recovery or removal of such person or persons, such of the rooms of said house and such of the articles therein, as in the opinion of the local board of health have been subjected to infection or contagion, shall be disinfected by said board of health, and a written statement of the fact of such disinfection shall be given to such householder. Any person neglecting or refusing to comply with any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars.

See Section 54, *et seq.*

77. Whenever any physician knows or has reason to believe or suspect that any person under his professional care is infected with smallpox, diphtheria, scarlet fever, typhoid fever, typhus

fever, yellow fever, malarial fever, or any other contagious or infectious disease dangerous to public health, he shall immediately give notice thereof in writing over his own signature to the Health Officer of the city, town, county or district in which such disease exists, giving the name of the disease or suspected disease and the name, age, race, sex, place of abode of each person believed or suspected to be sick of the disease; and if he neglects, fails or refuses to give such notice he shall be fined not less than ten dollars nor more than one hundred dollars.

78. The health officers of cities, towns, counties and districts shall keep record of all reports and notifications received in pursuance of Sections 76 and 77, and such record shall contain the names of all persons who are sick with infectious or contagious diseases, the localities in which they live, the disease which they are affected, together with the date of such reports, the names of persons reporting any such cases, and the record of quarantine, isolation, disinfection and other preventive measures. The Board of Health shall give the school boards (of health)* of their respective counties, cities or towns immediate information of cases of infectious or contagious diseases reported to them according to this sub-title. The State Board of Health shall prepare and furnish to all local health officers printed forms for the recording and preservation of information required by Sections 77 to 79.

*Error.

79. Whenever any health officer of city, town, county or district shall be notified of the occurrence of a case of smallpox, diphtheria, scarlet fever, typhoid fever, yellow fever, malarial fever, or any other contagious or infectious disease, within his sanitary jurisdiction, he shall take immediate steps to prevent the spread of the disease. He shall give notice in writing to the school authorities of any contagious or infectious disease, affecting school children, or likely to endanger the health of school children. He shall within twenty-four hours transmit to the State Board of Health such information as he has obtained concerning every case of infectious or contagious disease which has come to his knowledge. It shall be his duty to co-operate with the State Board of Health in the enforcement of Sections 77 to 79 within his jurisdiction. The State Board of Health shall prepare and distribute to all local health officers the printed forms necessary to carry out the provisions of Sections 77 to 79.

80. All questions of doubt concerning the cause or nature of any sickness believed or suspected to be of an infectious or contagious character shall be referred to the state board of health, and the said board shall be authorized to employ a competent bacteriologist and assistant bacteriologist and such other employes as may be necessary to render effective the provisions of this section; to conduct inquiries into the nature, source and vehicles of infectious diseases. The services of the bacteriologist of the state board of health shall be free to all local boards of health and to all practicing physicians in the State for such inquiries concerning infectious and contagious diseases as the said board may from time to time direct, and to the state vaccine agent for testing vaccine virus; and the sum of thirty-five hundred dollars annually, or so much thereof as may be necessary, shall be paid by the treasurer of the State upon the warrant of the comptroller, at such times and in such sums as may be authorized by the state board of health upon presentation of the proper vouchers for expenses.

TUBERCULOSIS

94. The state board of health of Maryland shall keep a register of all persons of this State who are known to be afflicted with tuberculosis. The state board of health shall have sole and exclusive control of said register, and shall not permit inspection thereof nor disclose any of its personal particulars except to officials authorized under the laws of Maryland to receive such information.

See Section 245, *et seq.*

95. The State Board of Health shall prepare and furnish the local health officers or the physician attending any person infected with tuberculosis upon due requisition, such printed instructions and precautions and such supplies and materials as it shall deem necessary for the prevention of the spread of the disease.

95A. Any person affected with any disease whose virus or infecting agent is contained in the sputum, saliva or other bodily secretion or excretion who shall dispose of his sputum, saliva or other bodily secretion or excretion as to cause offense or danger to any person or persons occupying the same room or apartment,

house or part of a house, shall, on complaint of any person or persons subjected to such offense or danger be deemed guilty of a nuisance. And any person subjected to such a nuisance may make complaint in person or writing to the commissioner of health of Baltimore city or the local health officer of any city, town or county in the State of Maryland where the nuisance complained of arises or exists. And it shall be the duty of the commissioner of health or of any local health officer receiving such complaint to investigate, and if it appear that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger. And any person failing or refusing to comply with orders or regulations of the health commissioner of Baltimore city or of the health officer of any city, town or county requiring such nuisance to be abated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined ten dollars; provided, that the requirements of this section shall apply only to pulmonary and laryngeal tuberculosis, pneumonia, influenza and such other diseases as the state board of health may from time to time determine to be communicable by means of sputum, saliva or other bodily secretion or excretion.

96. Whenever any hotel keeper, keeper of a boarding house, lodging house, superintendent, manager or director of a hospital or private or public institution of any kind shall know or shall have reason to believe that any guest, inmate, or other person in the hotel, boarding house, lodging house, or institution of which he or she may have control or supervision, or on the premises thereof, is sick with or convalescing from smallpox, cholera, yellow fever, typhus or typhoid fever, scarlet fever, leprosy or any other contagious or infectious disease, the said owner, proprietor, manager, or other person having charge shall immediately give notice thereof in writing to the health officer of the city, town or county in which the infected house or premises is located; said notice shall state the name and place of residence of the sick person, the name of the disease, the name of the owner, proprietor or manager of the house and the locality of said house, and it shall be the duty of the local or State Health

house or part of a house, shall, on complaint of any person or persons subjected to such offense or danger be deemed guilty of a nuisance. And any person subjected to such a nuisance may make complaint in person or writing to the commissioner of health of Baltimore city or the local health officer of any city, town or county in the State of Maryland where the nuisance complained of arises or exists. And it shall be the duty of the commissioner of health or of any local health officer receiving such complaint to investigate, and if it appear that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger. And any person failing or refusing to comply with orders or regulations of the health commissioner of Baltimore city or of the health officer of any city, town or county requiring such nuisance to be abated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined ten dollars; provided, that the requirements of this section shall apply only to pulmonary and laryngeal tuberculosis, pneumonia, influenza and such other diseases as the state board of health may from time to time determine to be communicable by means of sputum, saliva or other bodily secretion or excretion.

96. Whenever any hotel keeper, keeper of a boarding house, lodging house, superintendent, manager or director of a hospital or private or public institution of any kind shall know or shall have reason to believe that any guest, inmate, or other person in the hotel, boarding house, lodging house, or institution of which he or she may have control or supervision, or on the premises thereof, is sick with or convalescing from smallpox, cholera, yellow fever, typhus or typhoid fever, scarlet fever, leprosy or any other contagious or infectious disease, the said owner, proprietor, manager, or other person having charge shall immediately give notice thereof in writing to the health officer of the city, town or county in which the infected house or premises is located; said notice shall state the name and place of residence of the sick person, the name of the disease, the name of the owner, proprietor or manager of the house and the locality of said house, and it shall be the duty of the local or State Health

Officer, as the case may be, to take such steps and to do such things as may be necessary to render effective the provisions of Sections 54 to 63 inclusive.

The title of Act of 1916, is inaccurate in part.

97. Any person or persons who shall neglect or refuse to comply with the provisions of the two foregoing sections shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in a court of competent jurisdiction be fined not less than ten dollars nor more than fifty dollars for every such offense.

98. In any town, village, or other place in this State, where no special health department has been established or constituted by the Charter or other Act of incorporation of any such town or village, or in case the sanitary law or regulations in places where boards of health or health officers exist should be inoperative, or in case the local board of health or health officer is found to be negligent, incompetent or inefficient, the State Board of Health shall make and enforce such regulations respecting nuisances, sources of filth and causes of sickness as they shall judge necessary for the public health and safety. The said Board of Health shall also make such regulations as they deem necessary for the public safety, respecting any articles which are capable of containing or conveying any infection or contagion or creating any sickness, or for the disinfecting of any house, room or premises where contagious or infectious diseases have existed, and any person who shall sustain damages by reason thereof, shall receive compensation in accordance with the provisions of Section 55; if any person shall violate or refuse or neglect to comply with any such regulation, he shall forfeit a sum not exceeding fifty dollars.

See Regulations C. D. Nos. 1, 3, 6 and 7.

99. In any town or village where no special health department has been established, or in case the local board of health or health officer is found negligent, incompetent or inefficient, the State Board of Health is hereby empowered to make such rules and regulations in relation to cleansing and care of privies, pig pens, or other noxious places, as they may deem desirable and for the preservation of the health of any of the inhabitants thereof, or the said Board of Health may declare such privy, pig

pen or other noxious place a nuisance, and the abatement thereof be by the said Board or its Executive Officer, ordered and enforced; and any violation or neglect or refusal to comply with any rule or regulation of the said Board under Sections 96 to 99, both inclusive, shall be deemed a misdemeanor and shall be punished by a fine not exceeding fifty dollars or imprisonment in the County Jail not exceeding thirty days, or both fine and imprisonment in the discretion of the court.

100. Upon complaint made in writing by the State Board of Health, or its Executive Officer, before any Justice of the Peace, charging the commission of an offense against the provisions of said Sections 96 to 99, both inclusive, it shall be the duty of the State's Attorney of the county or town in which such offense is committed to prosecute the offender.

As to vaccination of children before being admitted to the public schools, see Article 77, Section 117.

101. The proprietors or managers of shirt factories in the State of Maryland are hereby required to sprinkle the floors of said factories every morning with water, and any proprietor or manager failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of ten dollars, and cost of prosecution, for each and every offense, one-half of said fine to go to the informer, balance to be paid into the treasury of the State.

102. Whenever any watercourse, well, spring, open ditch, gutter, cesspool, drain, privy, pit, pigpen or other place, or any accumulation or deposit of offensive or noxious matters, or any house, building, trades establishment or manufacturing place, or any water in which mosquito larvae breed, is certified to the State Board of Health by any two legally qualified medical practitioners, or any three or more persons affected thereby, to be in a state of nuisance injuriously affecting any adjacent property or district, dangerous to health, the said Board of Health shall forthwith investigate the matter, and if it shall be found that the nuisance complained of is such as to injuriously affect any adjacent property or district, or is calculated to endanger the health or life of any person, the said Board shall through its proper officer serve a notice in writing on the person, firm or corporation, by whose act, default or sufferance the nuisance

arises or continues; or if such person, firm or corporation cannot be found or the owner or occupier of the premises on which the nuisance arises or exists, requiring him or them to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose, provided that nothing in this act shall apply to the water in which mosquitoes or mosquito larvae breed in Prince George's, Baltimore, Dorchester, Charles, Calvert, Caroline, Harford Counties and Anne Arundel County except the first precinct of the Third Election District.

See Sections 49, 50 and 280. As to water, ice and sewage, see Section 328, *et seq.*

103. If any person, firm or corporation, on whom a notice to abate a nuisance has been served, refuses or neglects to comply with any of the requirements thereof, within the time specified in such notice, or if the nuisance, although abated since the service of the notice, is likely to recur on the same premises, the state board of health may, through its proper officers, make or cause a complaint relating to such nuisance, to be made to any judge of the circuit court for the county in which such nuisance shall exist, or to the judge of the circuit court or circuit court No. 2 of Baltimore City, as the case may be; and such judge shall thereupon issue a summons requiring the party or parties on whom the notice was served to appear before him, and if satisfied, after hearing said party or parties, or *ex parte*, in case of the default of any of them to appear, that the alleged nuisance exists, or although abated, is likely to recur on the same premises, he shall make an order on such person, firm or corporation requiring him or them to comply with any or all the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, or an order both requiring abatement and prohibiting the recurrence of the nuisance, as far as practicable.

104. Whenever the nuisance is created or maintained by more than one person, firm or corporation, the said judge may make such order with reference to the abatement of the same, and the person or persons by whom the same shall be executed, and by whom and in what proportions the cost of such abatement or work shall be paid, as to him may seem reasonable; provided, that the said judge may suspend his final determina-

tion on condition that the person, firm or corporation complained of shall undertake to adopt within a reasonable time such means as the said judge may deem practicable, and may order to be carried into effect for abating such nuisance, or for mitigating or preventing any effluvia prejudicial to health which may arise therefrom.

105. Any person, firm or corporation not obeying an order made by anyone of the aforesaid judges, to comply with the requisitions of the state board of health or otherwise, to abate the nuisance complained of, shall, if all due diligence has not been used to carry out such order, be liable to a penalty not exceeding ten dollars per day during his or their default; and any person, firm or corporation knowingly or wilfully acting contrary to an order of abatement or prohibition shall be liable to a penalty not exceeding twenty dollars per day during such contrary action; and the person, corporation or corporations not obeying or wilfully acting contrary to such order of the judge shall be guilty of a misdemeanor; such offense in the city of Baltimore shall be prosecuted by the arrest of the offender for such offense, and by holding him to appear in or committing him for trial in the criminal court of Baltimore, which court shall have jurisdiction in the said cases to try and dispose of the same in the same manner as other criminal cases may be tried or proceeded with or disposed of; or such offense may be prosecuted by indictment in such court; such offense in any county of this State shall be prosecuted by the arrest of the offender for such offense, and by holding him to bail to appear in or committing him for trial in the circuit court for the county in which such offense was committed, or by indictment in the circuit court for the county in which such offense was committed. If any person shall be adjudged guilty of any such offense by the court having jurisdiction in the premises, he shall be sentenced to pay the fine or penalty herein prescribed for such offense, and the costs of his or their prosecution; and in default of payment thereof, he shall be committed to jail until thence discharged by due course of law.

NUISANCES

106. Whenever the State Board of Health, its officers or agents, upon investigation, shall find that the contents from any surface privy, privy-pit, water-closet, or cesspool overflows or

leaks from said surface privy, privy-pit, water-closet, or cesspool, or shall find any surface privy, privy-pit, water-closet, or cesspool on any premises in this State, which is not fly-tight and water-tight, and shall also find on said premises the disease of cholera, typhoid or typhus fever, hookworm, dysentery or parasitic disease of the bowels, then such premises, surface privy, privy-pit, water-closet or cesspool, as the case may be, shall be deemed in a state of nuisance and liable to summary abatement by the State Board of Health.

107. Before proceeding to the summary abatement of any nuisance as described in Section 106, the State Board of Health, its officers and agents, shall cause to be served an order on the owner of the premises, where such nuisance exists, or if such owner cannot be found, then on the occupant or tenant, or if the premises be unoccupied and the owner cannot be found, then said order to be attached to the property requiring the abatement of said nuisance within not less than twenty-four hours nor more than five days from the date and hour of the service of said order, and in such order the State Board of Health, its officers and agents, shall set forth what work, materials and things shall be necessary to abate such nuisance.

108. If the said nuisance is not abated, or if it is only partially abated, in accordance with the order of the State Board of Health, its officers or agents, within the time specified in said notice, then the State Board of Health, its officers and agents, are authorized and directed to enter upon such premises in this State and abate the nuisance at the cost and expense of the owner, occupier or tenant of the premises; and they shall have power to do such work, and to use such materials and things as may be necessary to effectually abate the same; provided, however, that in each and every case, the cost of abating such nuisance shall not exceed the sum of fifty dollars.

109. If the cost and expense of abating any such nuisance is not paid to the State Board of Health by the person liable therefor within sixty days (60) after the abatement thereof, then the State Board of Health shall file a suit, in its name, before a Justice of the Peace in the County where the nuisance was abated, or before the People's Court of Baltimore City, as the case may be, against the owner, occupier or tenant of the property and premises where said nuisance existed, and said

Court shall have authority to proceed to judgment, either upon trial had after service of the writ, or ex parte, after the return of two non ests, as the case may be.

110. After final judgment in favor of the State Board of Health, it shall file a certified copy of the same with the County Commissioners in the County where such judgment is obtained, or with the Mayor and City Council of Baltimore City, as the case may be, which judgment shall be a lien upon the property of the defendant, to be collected by the said County Commissioners, or the said Mayor and City Council, as the case may be, in the same way as taxes on real property are now collected; the said lien to bear interest at the rate of six per centum from the date of judgment and to include the costs of the trial, and it shall not be subject to discount or abatement of any kind, nor shall said Commissioners or the Mayor and City Council of Baltimore City so collecting the same be entitled to make any charge for such collection.

111. The County Commissioners of any County of the State, or the Mayor and City Council of Baltimore, as the case may be, shall pay over to the State Board of Health all judgments, costs and interest which they may collect by virtue of the powers conferred by Section 106 to 114, and the State Board of Health of Maryland, upon payment to it of any judgment, interest and costs, shall pay said costs to the Justice of the Peace or other Court of Record, as the case may be, and such judgment, interest and costs shall be entered "satisfied."

112. All judgments and interest on the same paid to the Board of Health by virtue of Sections 106 to 114, shall be paid to the State Treasury for the use of the State.

113. Any owner of property, or any occupant of property, when the owner cannot be found, upon whom any order of the State Board of Health shall be served by virtue of the powers conferred under Sections 106 to 114, who shall fail or neglect to abate the nuisance in the manner and within the time required by the order of the State Board of Health, shall in addition to the other obligation imposed upon him hereunder, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars for such offense.

114. Any person who shall interfere with the State Board of Health, its officers and agents, in the abatement of any nuisance, as provided for in sections 106 to 114, or shall in any manner attempt to prevent said Board, its officers or agents, from doing any work necessary for the abatement of said nuisance, or shall refuse entrance to any premises by the State Board of Health, its officers or agents, shall, in addition to any other obligation imposed upon him hereunder, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars, nor more than one hundred dollars, or be subject to imprisonment for not more than thirty days, or both in the discretion of the Court.

208. The use of the common drinking cup, an undoubted source of communication of infectious diseases, is hereby prohibited in all public places within this State and upon all railroad trains carrying passengers and all boats carrying passengers while in this State, and the State Board of Health shall have full authority to establish such reasonable rules and regulations to make this prohibition effective as in their judgment seems wise and proper.

All persons and corporations failing to observe the provisions of this section or the rules and regulations of the State Board of Health made in relation thereto, shall be deemed guilty of a misdemeanor, and upon proof and conviction thereof shall be fined not exceeding twenty-five dollars and costs for each offense, provided that any person or persons, firm or corporation, shall have the right of appeal to the Public Service Commission from the provisions of this section.

See C. D. Regulation No. 2.

222. The use of common towels, an undoubted source of communication of infectious diseases, is hereby prohibited in all public places within this State, and on all railroad trains carrying passengers, and all boats carrying passengers while in this State; and the State Board of Health shall have full authority to establish such reasonable rules and regulations to make this provisions effective as in their judgment may seem wise and proper.

All persons and corporations failing to observe the provisions of this section, or the rules and regulations of the State Board of Health made in relation thereto, shall be deemed guilty of a

misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars (\$25.00) and costs for each offense.

HYDROPHOBIA

310. The State Board of Health is hereby authorized, empowered and directed to provide for the treatment of persons exposed to the contagion of hydrophobia who are unable to pay the usual charges for the treatment known as the "Pasteur Treatment."

"WATER SUPPLY—POLLUTION OF SOURCES OF"

Article 27, Annotated Code, 1924 Edition.

533. If any person shall put, or cause to be placed, any dead animal, or part of the carcass of any dead animal, or any decayed or filthy animal or vegetable matter, into any stream, or the tributary of any stream, well, spring, reservoir, pond or other source from which water or ice is drawn, taken or used for drinking or domestic purposes, or shall knowingly suffer any sewage, washings or other offensive matters, from any privy, cess-pool, factory, trades establishment, slaughter-house, tannery, or other place, over which he shall have control, to flow therein, or into any drain or pipe communicating therewith, whereby the water supply of any city, town, village, community or household, is fouled or rendered unfit for drinking and domestic purposes, he shall be guilty of a misdemeanor, and shall, upon conviction thereof in a court of competent jurisdiction, be fined not more than two hundred dollars for every such offense; and after reasonable notice, not exceeding fifteen days, from the State Board of Health, or any local sanitary authority, to discontinue the act whereby such water supply is fouled, a further sum of not more than fifty dollars for every day during which the offense is continued.

See Article 43, Section 328, *et seq.*

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