

**LEGAL AUTHORITY OF LOCAL BOARDS OF HEALTH**  
**Compiled by Heather Adams, AAG**  
**May 1, 2011**

**Public Health Infrastructure**

**Statutory Authority- Citations and Summary of Section**

1) Iowa Code section 135.32: Publication and distribution of IDPH rules IDPH shall publish a sufficient number of its rules to supply the needs of the counties; the county auditor shall annually forward to IDPH a certified list of the names and addresses of the clerks of all the local boards of health in the auditors county, and that upon receipt of such list IDPH shall forward the local boards sufficient copies of the rules for distribution

2) Iowa Code section 135.33: Refusal of board to enforce rules If a local board of health fails to enforce the rules of IDPH or carry out its lawful directions, IDPH may enforce the same within the jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions

3) Iowa Code section 135.34: Expenses for enforcing rules All expenses incurred by IDPH in determining whether its rules are enforced by local boards and in enforcing the same when the local board has failed to, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board

4) Iowa Code section 135A.4: Public health modernization; governmental public health advisory council Membership on council must include one member representing each of Iowa's six public health regions who is an employee of a designated local public health agency or member of a local board of health; such members shall include a minimum of one local public health administrator and one physician member of a local board of health

5) Iowa Code section 135A.5: Public health modernization; governmental public health evaluation committee Membership on committee must include one member representing each of Iowa's six public health regions who is an employee or administrator of a local public health agency or member of a local board of health

6) Iowa Code section 135A.6: Governmental public health system The governmental public health system shall include local boards of health

7) Iowa Code section 135A.7: Governmental public health system and accreditation data collection system Local boards of health shall provide to IDPH and the accrediting entity all data and information necessary to determine the local board's capacity to comply with the Iowa public health standards and such information shall be confidential during the pendency of the accreditation process

8) Iowa Code section 135A.8: Governmental public health system fund The fund is established to assist local boards of health and IDPH with the provision of governmental public health system organizational capacity and public health service delivery; at least 70% of the fund shall be made available to local boards of health and up to 30% may be utilized by IDPH

9) Iowa Code section 135A.10: Prohibited acts A local board of health that claims to be accredited without being accredited is subject to a civil penalty not to exceed \$1,000 per day for each offense

10) Iowa Code chapter 137: Local boards of health Chapter governs composition, powers, and specific duties of local boards of health

11) Iowa Code section 143.1: Public health nurses authority to employ Any local board of health may employ public health nurses at periods each year and in numbers deemed advisable

12) Iowa Code section 238.24: Child placing agencies information confidential Statute provides disclosure of information acquired under this chapter is authorized to IDPH or the local board of health in the jurisdiction where the agency is located

13) Iowa Code section 256A.5: Special education district advisory board Local board of health members may be asked to serve on an advisory committee for each family support group; committee is responsible for assessing current programs and services for expectant parents and parent of children less than six years of age

14) Iowa Code section 263.8: University of Iowa reports - tests State lab is authorized to perform such laboratory determinations as may be requested by any local board of health and the lab is authorized to charge fees covering transportation of samples and the costs of the examinations performed upon such request

15) Iowa Code section 331.304(10): County home rule procedural limitations on general county powers Local board of health may enforce regulations against owner occupied manufactured or mobile homes

16) Iowa Code section 331.321(1): Appointments County board of supervisors appoints the members of the county board of health

17) Iowa Code section 331.427: County general fund County auditor shall keep a complete record of appropriations for local health services and shall issue warrants on them only on requisition of the local board of health

18) Iowa Code section 331.502(8): County auditor duties County auditor shall submit to IDPH the names and address of the clerk, or if no clerk the secretary of the local board of health in the county

### **Additional Authority of Local Boards of Health contained in Iowa Administrative Code – Citations and Summary of Section**

1) 641 IAC chapter 77 – Local boards of health – Chapter outlines provision governing jurisdiction of local boards of health

### **Prevent Epidemics and the Spread of Disease**

#### **Statutory Authority – Citations and Summary of Section**

1) Iowa Code section 22.7(16): Confidential records Information in a report to IDPH or local board of health or health department which identifies a person infected with a reportable disease is confidential

2) Iowa Code section 135.1(6): IDPH -- definitions Sanitation officer means the police officer who is the permanent sanitation and quarantine officer and who is subject to the direction of the local board of health in the execution of health and quarantine regulations

3) Iowa Code section 139A.3: Reportable diseases Statute provides provisions for reporting reportable diseases to IDPH and local health departments and provides that disease information maintained by IDPH and local boards of health is confidential

4) Iowa Code section 139A.4: Quarantine and isolation Local boards of health are authorized to impose and enforce quarantine and isolation and area quarantine restrictions

5) Iowa Code section 139A.6: Communicable diseases Local boards shall issue orders to protect the public from persons with communicable diseases dangerous to the public health

6) Iowa Code section 139A.8(6): Immunization Local boards shall furnish to IDPH within 60 days after the first day of school evidence of immunization for each person enrolled in elementary or secondary school

- 7) Iowa Code section 139A.8(7): Immunization Local boards shall provide required immunizations to children in areas where no local provision of these services exists
- 8) Iowa Code section 139A.8A: Vaccine Shortage department order Local boards of health may be subject to vaccine shortage order
- 9) Iowa Code section 139A.9: Forcible removal quarantine and isolation - Quarantine and isolation shall be accomplished according to rules and regulations of local board or state board of health
- 10) Iowa Code section 139A.10: Fees for removing Officers assisting in removal shall receive reasonable compensation for their services as determined by the local board
- 11) Iowa Code section 139A.11: Services and supplies isolation and quarantine  
-- If a person is financially unable to secure proper care, provisions, or medical attendance, the local board shall furnish supplies and services during the period of isolation or quarantine
- 12) Iowa Code section 139A.12: County liability for care, provisions, and medical attendance Local board shall provide proper care, provisions, and medical attendance for any person isolated and quarantined in a separate house or hospital and the care and attendance shall be paid by the county in which the infected person has legal settlement, if the patient or legal guardian is unable to pay
- 13) Iowa Code section 139A.14: Services or supplies authorization All services and supplies furnished under this chapter must be authorized by the local board
- 14) Iowa Code section 139A.15: Filing of bills All bills incurred under this chapter in establishing, maintaining, and terminating isolation and quarantine shall be filed with the local board
- 15) Iowa Code section 163.17: Infectious and contagious diseases among animals local boards of health All local boards of health shall assist the department of agriculture and land stewardship in the prevention, suppression, control, and eradication of contagious and infectious diseases among animals, whenever requested to do so
- 16) Iowa Code section 263.7: University of Iowa state hygienic laboratory A local board of health may request the hygienic lab to conduct examinations, investigations, or evaluations when the investigation or evaluation is necessary in the interest of environmental quality and public health and for the purpose of preventing epidemics of disease

17) Iowa Code section 351.40: Quarantine If a local board of health believes rabies to be epidemic or there is a threat of an epidemic it may declare a quarantine in all or part of the area under its jurisdiction and shall report such quarantine to IDPH

### **Additional Authority of Local Boards of Health Contained in Iowa Administrative Code – Citations and Summary of Section**

- 1) 21 IAC 64.3: Infectious and contagious diseases – duties of township trustees and health board – If notice is given to township trustees or local board of health that animals are suspected of being affected with or exposed to any contagious, infectious or communicable disease, they may impose such restrictions as deemed necessary to prevent the spread of the disease; it is the duty of such township trustees or local board to notify the chief of division of animal industry
- 2) 21 IAC 64.17: Notification of chief of animal industry – It is the duty of township trustees or local board of health to notify the chief of division of animal industry whenever they receive notice of animals being afflicted with or exposed to rabies, glanders, scabies, hog cholera or any contagious or infectious disease
- 3) 281 IAC 33.5 – Immunization requirements – A district shall refer a homeless child who has not received all immunizations required by law to the local board of health for the purpose of immunization
- 4) 641 IAC 1.7 – Reportable diseases -- investigations – A local board of health may submit a written request to IDPH to issue an investigatory subpoena for records necessary to conduct a disease investigation
- 5) 641 IAC 1.9 – Reportable diseases – quarantine and isolation – A local board of health may issue an order to an individual with a suspected or active quarantinable disease ordering the individual not to attend the workplace or school; local board of health may issue an order to a person diagnosed with or clinically suspected of having infectious TB compelling mandatory treatment or mandatory diagnostic testing; local boards of health may impose and enforce quarantine and isolation pursuant to this rule and local rules
- 6) 641 IAC 1.12 – Reportable diseases – quarantine and isolation – model rule for local boards – Local boards of health may adopt this model rule to impose and enforce quarantine and isolation
- 7) 641 IAC 1.13 – Reportable diseases – area quarantine – Local boards of health may adopt this model rule to impose and enforce area quarantine in accordance with this rule
- 8) 641 IAC 1.17 – Reportable diseases – confidentiality – Local boards of health and IDPH may share reportable disease records and information

9) 641 IAC 7.8 – Immunization – records and reporting – Local boards of health have a duty to audit IDPH certificates of immunization, certificates of immunization exemptions, and provisional certificates in the schools within their jurisdiction; local boards of health shall furnish IDPH within 60 days of the first official day of school a report of the audit

10) 641 IAC 7.9 – Immunization – providing immunization services – Local boards of health have a duty to provide immunization services where no local provision exists for the services

## **Protect Against Environmental Hazards**

### **Statutory Authority – Citations and Summary of Section**

1) Iowa Code section 28G.4(4): Intergovernmental solid waste services, power of entity A private agency may dump or deposit solid waste resulting from its own operations on its own land if the action does not violate any statute or rules adopted by the environmental protection commission or local boards of health or local ordinances

2) Iowa Code section 123.144: Bottling beer No person shall bottle beer within the state for purposes other than private consumption except class A permittees who have received approval of a local board of health as to sanitation, and provides it shall be the duty of local boards of health to inspect the premises and equipment of class A permittees who desire to bottle beer

3) Iowa Code section 135.11(26): Duties of IDPH IDPH shall administer annual grants to county boards of health for the purposes of conducting programs for the testing of private water supply wells, the closing of abandoned wells, and renovation of private wells; implementing administrative rules contained at 641 IAC chapter 24

4) Iowa Code section 135.37: Tattooing IDPH may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities; implementing administrative rules contained at 641 IAC chapter 22

5) Iowa Code section 135.102: Lead abatement program rules IDPH shall adopt rules regarding model regulations for lead hazard remediation which may be adopted by local boards of health

6) Iowa Code section 135.103: Lead abatement program grant program IDPH shall implement a lead poisoning prevention grant program which provides funds to local boards of health or cities for the program after standards and requirements for the program are developed

- 7) Iowa Code section 135.104: Lead abatement program requirements  
Requirements for local board of health programs which receive IDPH funding for lead poisoning prevention programs
- 8) Iowa Code section 135I.2: Swimming pools applicability IDPH may enter into written agreements with local boards of health to provide for inspection and enforcement of swimming pool statute and regulations; implementing administrative rules contained at 641 IAC chapter 15
- 9) Iowa Code section 135I.4: Swimming pools powers and duties Local boards of health may establish fees to defray costs of administering statute
- 10) Iowa Code section 135I.4: Swimming pools powers and duties IDPH may enter into agreements with local boards of health to implement the inspection and enforcement provisions of the chapter and IDPH shall monitor and certify the inspection and enforcement programs of local boards of health and approved third party authorities
- 11) Iowa Code section 135I.6: Swimming pools enforcement If IDPH or local board of health determines that a violation has occurred, IDPH or local board of health may order that a facility not be used until the necessary corrective action has been taken; IDPH or local board of health may request county attorney to bring enforcement action
- 12) Iowa Code section 136D.3: Tanning facilities IDPH may enter into written agreements with local boards of health to administer this chapter; implementing administrative rules contained at 641 IAC chapter 46
- 13) Iowa Code section 137C.6: Hotel sanitation code authority to enforce If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director of DIA; reporting requirements for local boards of health which enforce this code are included
- 14) Iowa Code section 137C.16: Hotel sanitation code plumbing A hotel beyond the reach of a central water or sewage system shall be served by on-site facilities which meet the technical requirements of the local board of health and the DNR
- 15) Iowa Code section 137C.35: Bed and breakfast homes and inns A B&B home which does not receive its drinking water from a public water supply shall have its water tested at least annually by the state hygienic lab or the local board of health

16) Iowa Code section 137F.13: Food establishments and food processing plants waste and water treatment If a food establishment or food processing plant is served by privately owned water or waste treatment facilities, those facilities shall meet the technical requirements of the local board of health and the DNR

17) Iowa Code section 138.12: Migrant labor camps variations permitted An application for a variance to this chapter shall be filed with the director of IDPH and the local board of health serving the area in which the migrant labor camp is situated

18) Iowa Code section 138.14: Migrant labor camps communicable diseases reported A camp operator shall report immediately to the local board of health the name and address of any person in camp known or suspected to have a communicable disease and also shall report food poisoning or an unusual prevalence of any illness with certain conditions

19) Iowa Code section 237A.4: Child care facilities inspection and evaluation Local boards of health may make periodic inspections of licensed child care centers to ensure compliance with health-related licensing requirements provided in chapter 237A

20) Iowa Code section 238.21: Child placing agencies other inspecting agencies Authorized agents of the local board of health in whose jurisdiction a licensed child placing agency is located may make inspection of the premises

21) Iowa Code section 351.37: Dogs and other animals Local board of health or law enforcement official shall apprehend and impound a dog if the dog is running at large and not wearing a valid rabies tag; local board of health or law enforcement official shall provide written notice to owner of dog

22) Iowa Code section 351.38: Owner's duty Physicians and veterinarians shall report to the local board of health the existence of any animal known or suspected to be suffering from rabies

23) Iowa Code section 351.39: Confinement If a local board of health receives information that an animal has bitten a person or is suspected of rabies the board shall order confinement

24) Iowa Code section 358.16: Sanitary districts – power to provide for sewage disposal Board of trustees shall not regulate, restrict the use, or require the connection of a private sewage disposal facility previously approved by the county board of health without the prior approval of that board of health

25) Iowa Code section 364.3(5): Powers and duties of cities limitations of powers Local board of health may investigate and enforce regulations related to owner-occupied manufactured or mobile homes

26) Iowa Code section 455B.134(8): Jurisdiction of DNR director duties -- Director of DNR shall consider complaints reported to or considered likely to constitute air pollution and investigate such complaints upon receipt of the written petition of any local board of health

27) Iowa Code section 455B.172(3): Jurisdiction of DNR jurisdiction of department and local boards Each county board of health shall adopt standards for private water supplies and private sewage disposal facilities; if not adopted, the standards adopted by the commission shall be applied and adopted in the county by the county board of health

28) Iowa Code section 455B.172(4): Jurisdiction of DNR jurisdiction of department and local boards Each county board of health shall regulate the private water supply and private sewage disposal facilities located within the county boards jurisdiction, including the enforcement of standards adopted pursuant to this section

29) Iowa Code section 455B.172(5): Jurisdiction of DNR jurisdiction of department and local boards DNR retains concurrent authority to enforce state standards for private water supply and sewage disposal facilities within a county if the county board of health fails to fulfill board responsibilities pursuant to this section; county boards of health shall enforce the standards and licensing requirements established by the DNR pursuant to this section and DNR may contract with county boards of health for inspections; septic disposal management plans shall be filed annually with county board of health in the county where a proposed septage application site is located

30) Iowa Code section 455B.172(6): Jurisdiction of DNR jurisdiction of department and local boards DNR may contract with county boards of health to conduct inspections related to toilet units; county boards of health shall enforce standards and licensing requirements of DNR related to toilet units

31) Iowa Code section 455B.172(7): Jurisdiction of DNR jurisdiction of department and local boards Local board of health is the agency responsible for regulating the construction, reconstruction, and abandonment of water wells not otherwise regulated by DNR and a local board cannot adopt standards for these wells less stringent than those adopted by DNR

32) Iowa Code section 455B.172(9): Jurisdiction of DNR jurisdiction of department and local boards DNR may delegate, pursuant to 28E, its authority related to water wells and water well contractors to boards of health

33) Iowa Code section 455B.174(1): Jurisdiction of DNR directors duties Director of DNR shall conduct investigations of alleged water pollution or other alleged violations upon the written request of a local board of health

34) Iowa Code section 455B.303: Jurisdiction of DNR administrators duties  
Local boards of health shall co-operate in the enforcement of the provisions of this chapter and the director may seek their aid and delegate administrative duties of the DNR to the local boards of health in matters related to solid waste, refuse disposal plans, and sanitary disposal projects

35) Iowa Code section 455B.305(1): Jurisdiction of DNR issuance or renewal of permits by director A permit for the construction and operation of a sanitary disposal project shall be issued by the director of DNR or at the directors direction by a local board of health; each sanitary disposal project shall be inspected annually by the DNR or a local board of health

36) Iowa Code section 455B.307B(2): Jurisdiction of DNR illegal dumping enforcement officer Board of supervisors may annually appoint an illegal dumping officer from recommendations of the county board of health or may select someone not recommended

### **Additional Authority of Local Boards of Health Contained in Iowa Administrative Code – Citations and Summary of Section**

1) 21 IAC 61.23: Dead animal disposal – rendering plant committee – Committee includes member from state board of health and local board of health; committee may withhold or suspend license if it finds the location or management of any rendering plant interferes with the health, comfort and enjoyment of life or property

2) 21 IAC 61.33: Dead animal disposal – improper disposal – It is duty of township trustees or local boards of health to supervise the disposal of dead animal carcasses when the owner of such animal neglects or refuses to make proper disposal of the carcass

3) 481 IAC 30.5 – Food and Consumer Safety – penalty and delinquent fees -- Contractors shall give licensees an opportunity for a hearing before the local board of health prior to imposing civil penalties under chapter 137F

4) 567 IAC 41.3 – Water supplies – maximum contaminant levels – County boards of health shall be notified annually of nitrate levels that exceed 10 mg/L

5) 567 IAC 42.3 – Drinking water – consumer confidence reports – Each community water system must provide the annual report that they deliver to their customers to county boards of health if required to do so by the DNR

6) 567 IAC 64.5 – Wastewater treatment and disposal – notice and public participation in the individual NPDES permit process – Prior to issuance of national pollutant discharge elimination system (NPDES) permit, DNR shall send

public notice to local board of health for purpose of assisting the applicant in coordinating the applicable requirements of the Act, Iowa Code chapter 455B, and any applicable requirements of the local board

7) 567 IAC 68.6 – Commercial septic tank cleaners – licensee’s obligations – Each licensee shall maintain records of private sewage disposal systems and make such records available to the county board of health

8) 567 IAC 68.7 – Commercial septic tank cleaners – county obligations – County boards of health shall enforce the standards and licensing requirements contained in this chapter relating to the cleaning of private sewage disposal systems and disposal of septage from such facilities

9) 567 IAC 69.2(1) – Private sewage disposal systems – time of transfer inspections – Prior to any transfer of ownership of a building that is served by a private sewage disposal system, such system shall be inspected; if conditions prevent inspection from occurring, the buyer shall execute and submit a binding acknowledgment with the county board of health to conduct an inspection at the earliest practicable time

10) 567 IAC 69.2(2) – Private sewage disposal systems – time of transfer inspections – Inspections shall be conducted by an inspector certified by the DNR which shall maintain a list of certified time of transfer inspectors and provide such list to county boards of health and other interested parties

11) 567 IAC 69.9 – Private sewage disposal systems – secondary treatment – subsurface soil absorption systems – County board of health may approve equivalent leveling devices for leveling outlets of gravity distribution systems

12) 567 IAC 93.4 – Nonpoint source pollution control set-aside programs – onsite wastewater system assistance program – DNR will adopt guidance in cooperation with county boards of health to evaluate the adequacy of county programs

13) 567 IAC 137.7 – Iowa land recycling program and response action standards – institutional and technological controls – Notice shall be sent to the county board of health responsible for private well permitting if the institutional or technological controls are intended to restrict groundwater use

14) 641 IAC 67.10 – Blood lead testing -- records – Local boards of health have right to access the department’s determination that a child has received a blood lead test and to the certificates of blood lead testing exemption of children enrolled in kindergarten

15) 641 IAC 72.2 – Childhood lead poisoning prevention programs – approved programs – Local boards of health may apply for status as approved program

## **Prevent Injuries**

### **Statutory Authority – Citations and Summary of Section**

*No Iowa Code*

### **Additional Authority of Local Boards of Health Contained in Iowa Administrative Code – Citations and Summary of Section**

*No Iowa Administrative Code*

## **Promote Healthy Behaviors**

### **Statutory Authority – Citations and Summary of Section**

1) Iowa Code section 135.11(13): Duties of IDPH IDPH shall administer the statewide public health nursing, home health aide, and senior health programs by approving grants of state funds to local boards of health and county boards of supervisors

2) Iowa Code section 135.26: Automated external defibrillator grant program IDPH shall establish and implement an AED grant program which provides matching funds to local boards of health, community organizations, or cities for the programs

3) Iowa Code section 135.27: Iowa healthy communities initiative – grant program IDPH shall establish a grant program to energize local communities to promote health lifestyles by assisting local boards of health to build community capacity to address the prevention of chronic disease

4) Iowa Code section 135.107: Center for rural health and primary care established The center shall encourage collaborative efforts of the local boards of health, hospitals, and other entities in rural areas

5) Iowa Code section 135B.33: Hospitals - technical assistance IDPH shall provide technical assistance to local boards of health and hospitals to ensure access to hospital services in rural areas and shall encourage local boards of health to adopt long term community health services and a developmental plan

6) Iowa Code section 139A.7: Diseased persons moving record forwarded Local boards shall notify each other when persons suffering from communicable diseases dangerous to the public health move from one jurisdiction to another

7) Iowa Code section 139A.33: Determination of source of STD Local board or IDPH shall use every available means to determine the source and spread of any infectious case of sexually transmitted disease or infection which is reported

8) Iowa Code section 139A.34: Examination of persons suspected Local board shall cause an examination to be made of every person reasonably suspected of having any STD to ascertain if such person is infected and if infected to be treated, unless such person is under the care and treatment of a health care provider for the suspected condition; the local board may make application to the district court for an order compelling the person to submit to examination and treatment

9) Iowa Code section 346A.1(3): County health centers The use of funds for the provision of health services by local boards of health pursuant to chapter 137 constitute a project which county may undertake pursuant to this chapter

### **Additional Authority of Local Boards of Health Contained in Iowa Administrative Code – Citations and Summary of Section**

1) 641 IAC 37.2 – Breast and cervical cancer early detection program – components of the IA BCCEDP – County boards of health and IDPH conduct monitoring of each enrolled woman’s receipt of screening and other procedures and provide professional development and education

2) 641 IAC 51.11 – Dental screening -- records – Local boards of health have right to access certificates of dental screening and exemptions

3) 641 IAC 51.12 – Dental screening -- reporting – Local boards of health have duty to audit the certificates of dental screening and exemptions in the schools within the local board’s jurisdiction; by May 31<sup>st</sup> annually each local board of health shall furnish IDPH with evidence for the preceding school year that each child enrolled in any school within the local board’s jurisdiction met the dental screening requirement

4) 641 IAC 80.1 – Local public health services -- purpose – Purpose of grant is to increase capacity of local boards of health to promote healthy people and healthy communities; chapter outlines provision of these services

### **Prepare for, Respond to, and Recover from Public Health Emergencies**

#### **Statutory Authority – Citations and Summary of Section**

*No code citations*

#### **Additional Authority of Local Boards of Health Contained in Iowa Administrative Code – Citations and Summary of Section**

*No administrative code citations*