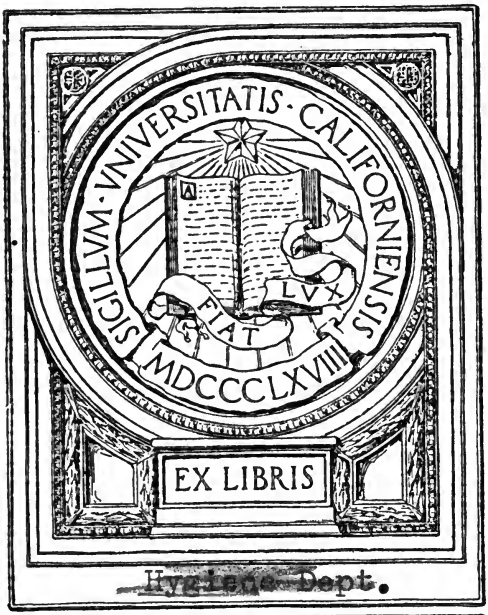
BULLETIN OF THE
STATE BOARD OF HEALTH OF KENTUCKY

PUBLIC HEALTH MANUAL

LAWS, RULES AND COURT DECISIONS

1919



BULLETIN

OF THE

STATE BOARD OF HEALTH OF KENTUCKY

EDITED AND PUBLISHED BY THE BOARD.

VOLUME VIII. OCTOBER, 1919 No. 9

Published Monthly. Editorial and Business Office, S. E. Cor. 6th & Main,
Entry as second-class matter at the Post Office at Louisville, Kentucky,
applied for.

THE PUBLIC HEALTH MANUAL

1. Health Laws.

2. Rules and Regulations.

3. Court Decisions.

4. Medical Laws.

5. Court Decisions.

6. Index.

Mailed to any citizen of the State for the asking. Advise us of a change of address. Circulation, 25,000 representative people of Kentucky.

TO BE PRESERVED.

THE STATE JOURNAL COMPANY
Printer to the Commonwealth
Frankfort, Kentucky.

STATE BOARD OF HEALTH OF KENTUCKY

DR. JNO. G. SOUTH ..... Frankfort
DR. WM. W. RICHMOND ..... Clinton
DR. GEO. T. FULLER ..... Mayfield
DR. ISAAC A. SHIRLEY ..... Winchester
DR. HENRY H. CARTER ..... Shelbyville
DR. GEO. S. COON ..... Louisville
DR. JOS. E. WELLS ..... Cynthiana
DR. A. T. McCORMACK ..... Louisville

Officers and Bureaus.

DR. JNO. G. SOUTH ..... President
DR. A. T. McCORMACK ..... Secretary

Bureau of Sanitation.

DR. JOS. N. McCORMACK, Director ..... Louisville

Bureau of Vital Statistics.

DR. PHILIP E. BLACKERBY, Director ..... Louisville
MISS NETTIE FERGUSON, Assistant ..... Louisville

Bureau of Epidemiology and Bacteriology.

DR. LILLIAN H. SOUTH, Director ..... Louisville
MISS NELLIE PETERSON, Assistant ..... Louisville

Bureau of Tuberculosis.

DR. B. C. WILSON, Director ..... Louisville

Bureau of Pure Food and Drugs.

DR. J. G. FURNISH, Director ..... Louisville
MR. J. W. McFARLAND, State Food Inspector ..... Louisville
MR. J. C. PORTER, State Drug and Food Inspector ..... Louisville

Public Health Laboratories.

PROF. J. O. LA BACH, Director ..... Lexington
PROF. L. A. BROWN, Chemist ..... Lexington
Prof. W. R. PINNELL, Bacteriologist ..... Lexington
MR. N. U. CREGOR, Assistant ..... Lexington

Bureau for the Conservation of Vision.

SURGEON JOHN McMULLEN, U. S. P. H. S., Director ..... Louisville
P. ASST. SURG. JOS. C. JOHNSTON, in charge of Trachoma Hospital ..... Greenville
P. ASST. SURG. R. W. RAYNOR, in charge of Trachoma Hospital ..... Pikeville
A. ASST. SURG. FRANK G. ELLIS, in charge of Trachoma Hospital ..... Jackson

Bureau of Venereal Diseases.

DR. LEON L. SOLOMON, Director ..... Louisville
DR. MILTON BOARD, Director ..... Louisville

Bureau of Hotels and Restaurants.

MR. E. B. WEITZEL, Director ..... Louisville

Bureau of Public Nursing.

MRS. LAFON RIKER, Director ..... Harrodsburg
MISS MARIAN WILLIAMSON, State Supervisor ..... Louisville
MISS MARTHA DARNABY, Assistant State Supervisor ..... Louisville

Bureau of Child Welfare.

MR. GEO. L. SEHON, Director ..... Louisville

Bureau of Housing.

MR. J. C. MURPHY, Director ..... Louisville

Health Laws of Kentucky

CHAPTER 63, KENTUCKY STATUTES, AS AMENDED IN 1918

Preamble

Whereas, accurate official reports from all of the counties in Kentucky for the seven years the vital statistics law has been in operation show a steady average of sixty per cent. of sickness and forty-seven per cent. of deaths from communicable diseases, which with existing knowledge can and ought to be prevented, more than one-half of this sickness and these deaths occurring in persons in, or just approaching, the most productive period of life, many of them young mothers and fathers; and,

Whereas, official reports to the Judge Advocate General of the United States army during the operation of the recent draft law show that one-third of the young men of Kentucky between the ages of twenty and thirty years have such physical defects as render them unfit for service to our country in time of need; and,

Whereas, ninety-four per cent. of these defects are shown to have been remediable by the application of simple methods of preventive treatment; and,

Whereas, many of these young men are as definitely unfitted for effective, productive citizenship as they are for soldiers; and,

Whereas, the fiscal condition of the Commonwealth demands that all its affairs shall be conducted with the strictest regard for economy and efficiency and with the use of as few offices and officers as can do the absolutely necessary work; and,

Whereas, most of the functions of government in a democratic Commonwealth should be performed and conducted by the smaller units of the people themselves, and under their immediate supervision; and,

Whereas, this can be done by consolidating all existing activities in the State performing health functions, and by codifying the health laws so that all their duties will be imposed on one central authority, in the interest of both efficiency and economy; now, therefore:

Number of members. Appointment. Secretary.

Sec. 2047. A board to be known as the State Board of Health is hereby established. It shall consist of eight members, all of whom shall be legally qualified practitioners under this act, seven of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and the eighth member, who shall be the secretary and executive officer, shall be elected by the board and by virtue of his office of secretary shall be a member of the board. One member of the board shall be a homeopathic, one an electic and one an osteopathic physician, and the other appointive members shall be regular or allopathic physicians, all to be appointed by the Governor from lists of three names for each vacancy, furnished respectively by the state society or association of such schools or systems of practice as are entitled to the member, and the successors of such members shall be appointed in the same manner. If the board shall elect one of its members secretary, as it may do, the Governor shall appoint another member to complete the full number of the board. The president and secretary shall have authority to administer oaths for the purposes of this act, and the members of the board shall before entering upon the discharge of their duties take the oath prescribed by the Constitution for State officers.

Term of office. Vacancy. How filled.

Sec. 2048. The present board shall continue in office until their respective terms expire; and as the terms of members expire, their successors shall be appointed, as herein provided, and shall hold office for six years and until their successors are appointed. A vacancy in the board may be filled by the Governor until the next regular session of the General Assembly.

Powers and duties. Quarantine established. Common carriers to obey. Penalty.

Sec. 2049. The board shall have general supervision of the health of the citizens of this state, and endeavor to make intelligent and profitable use of the collected records of the causes of sickness and death among the people. They shall make sanitary investigations and inquiry concerning the causes of disease,

and especially of epidemics and endemics; the causes of mortality, and the effects of locality, employments, conditions, food, water supply, habits and other circumstances upon the health of the people. They shall make sanitary inspection and surveys of such places and localities as they deem advisable; and when they may believe that there is a probability that any infectious or contagious disease will invade this state from any other state or country, it shall be their duty to take such action and adopt and enforce such rules and regulations as they may, in the exercise of their discretion, deem efficient in preventing the introduction or spread of such infectious or contagious disease or diseases, within this state. The better to accomplish such objects, they are empowered and directed to establish and strictly maintain quarantine at such places as they deem proper; and are further empowered to make and enforce rules and regulations to obstruct and prevent the introduction or spread of infectious or contagious diseases to or within the state. They may establish quarantine ground in some suitable place and establish the quarantine to be observed in such locality; and may there cause to be erected temporary buildings or hospitals necessary for the medical treatment of any persons who may be kept in quarantine and affected with contagious or infectious diseases, for the inspection or disinfection of travelers' baggage, merchandise and articles in transit through such quarantine grounds or stations, and they may enforce inspections of persons and articles at such stations or grounds, as well as the purification of persons, baggage, and articles, and require the transportation of passengers from said quarantine station; and shall assign the charge and control of each quarantine station to a competent physician and his necessary assistants or employes, who shall receive such compensation as the board may fix as the value of their services. All companies or individuals operating or controlling railroads, steamboats, coaches, pub-

lic and private conveyances, and steamers plying the Ohio river or its tributaries in this State, shall obey the rules and regulations when made and published by the State Board of Health; and any owner or person having charge of any railway train, passenger coach, steamboat, or public or private conveyance, who shall refuse to obey such rules and regulations when made and published by the State Board of Health, shall be guilty of a misdemeanor, and for each offense shall be punished by a fine of not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than sixty days, or both so fined and imprisoned.

Meetings to be held semi-annually. Quorum. Adoption of rules. Powers and duties.

Sec. 2050. The board shall hold its meetings semi-annually at such places and times as the majority of the board may determine by a vote taken at the previous meeting of the board; a majority of the members shall constitute a quorum for the transaction of business; they shall elect the president of the board from their own number, and may adopt rules and by-laws subject to the provisions of this law. They are authorized to send either the secretary or a special committee of the board to consult and co-operate with the National Board of Health, the state boards of health of other states, or other sanitary organizations, with reference to location, drainage, water supply, the disposal of excrement and garbage, the heating and ventilation of public and private buildings; and the board is empowered to co-operate with other State boards of health in prosecuting sanitary investigations, and whenever requested, shall afford information to any community as to the proper methods of ventilating and heating the public buildings and school houses of the State.

Members sent on duty to be paid.

Sec. 2051. Whenever the state board of health shall deem it necessary to send any member or members of said board to any place in the State, for the purpose of establishing quarantine, or to make any sanitary investigation or survey, said board may allow

such member or members so sent a reasonable compensation, to be paid out of the appropriation made by this law.

Secretary. Election and removal of. Office and duty.

Sec. 2052. The secretary shall be elected by the members composing the state board of health on the first Monday in January, one thousand eight hundred and ninety-five, and shall hold his office for a term of four years, and until his successor shall have been elected. He shall keep his office at some centrally located place in this state, designated by the board, and shall perform the duties prescribed by this law or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents and other property belonging to the board which may be deposited in his office; shall, so far as practicable, communicate with other state boards of health, and with the local boards, within this state; shall keep on file all reports received from such boards, and all correspondence of the office appertaining to the business of the board; he shall, so far as possible, aid in obtaining contributions to the library of the board; shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the local boards of the state; he shall collect information concerning vital statistics, knowledge respecting diseases and all useful information on the subject of hygiene; and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people, and shall supply, on demand, to local boards of health, reliable vaccine virus for the gratuitous vaccination of the poor.

Salary of secretary. Compensation of members. Printing.

Sec. 2053. The secretary shall receive an annual salary, which shall be fixed by the state board of health, not exceeding the sum of twelve hundred dollars. The board shall quarterly certify the amount due him, and on presentation of said certificate, the Auditor shall draw his warrant upon the Treasurer for

that amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid. The necessary printing of the State Board of Health shall be done in the same way and upon the same conditions as other public printing is done.

Appropriation of $75,000. Bureaus, salaries, and other expenses.

Sec. 2054. (1.) That the sum of seventy-five thousand dollars per annum, or so much thereof as may be found necessary by the state board of health, is hereby appropriated for the use of such board to establish and maintain:

a. A bureau of tuberculosis for the study, prevention and treatment of that disease.

b. A bureau of vital statistics, that the causes of sickness and mortality and records of births may be promptly reported, utilized and permanently recorded.

c. A bureau of pure food and drugs, to protect the people from adulterations, substitutions and misbranding, and dangers from these products.

d. A bureau of sanitation, for the practical utilization of health knowledge in preventing and restricting the spread of the communicable diseases and in abating and minimizing the causes of sickness, including venereal diseases, and for the study and control of unsanitary housing, hotel and rooming conditions, and for the protection of the rivers, creeks, water sheds, springs, wells, and the regulation of sewers, household waste and other matters relating to the sources and purity of the water supplies in every section, and the board is empowered in its rules and regulations to provide for the protection and purification of the same.

e. A bureau of epidemiology and bacteriology to aid in the study, early diagnosis, location and prevention of epidemics and communicable sickness.

f. A bureau of hotel inspection for the inspec-

tion of hotels and restaurants of this Commonwealth to determine their sanitary condition, and make such reports and take such action as may be necessary to protect the health and lives of the public under the laws of this Commonwealth and the rules and regulations of the state and local boards of health.

And pay the salaries of its secretary and the heads of these bureaus, who shall be elected for a term of four years, and of such clerks, stenographers, inspectors and other employees as it may find actually necessary, and to pay the traveling and such other expenses of the board as it may find necessary in the proper discharge of its duties; an itemized list of all expenditures under this act to be made in its report to the General Assembly.

School for health officers.

To arrange for an annual school for county and city health officers, at some centrally located place, for systematic instruction in the best practical method for preventing the diseases above named, and other public health work, said school to continue in session at least three days; and it shall be the duty of each city and county health officer to attend and take part in such schools unless prevented by an epidemic in his city or county, or for other reasons satisfactory to the officials conducting the school, and it shall be the duty of each fiscal court or city council to pay the actual necessary expenses incurred by its health officer in attending such schools, upon certificate duly attested by the state board of health of actual attendance during the entire period for which such school is held and that the charges are reasonable.

Warrants and vouchers. How paid.

All warrants and vouchers under this act shall be signed by the president and countersigned by the secretary of the board, and duplicates of all vouchers, and an itemized statement of expenditures, shall be filed with the Auditor of Public Accounts. The secretary shall give bond in the sum of ten thousand dollars, from a reliable bonding company, the fee of which shall be paid by said board, for the faithful

performance of his duties and the proper accounting for all funds coming into his hands, and said bond shall be filed with the Auditor of Public Accounts. The total expenses of the board shall not exceed the sum hereby appropriated, except for the public printing of said board which shall be paid for outside of this appropriation, as other public printing is now paid.

Compensation for health officers.

(2.) Physicians appointed as health officers for cities and counties shall receive reasonable compensation for their services, to be allowed by the councils, or fiscal courts of the cities or counties, and to be paid as other city and county officers are paid, and such officers may be removed at any time by the local boards appointing them. It shall be the duty of such local authority to transmit to the office of the State board the name and post office address of each officer appointed by it. Any head of a family who wilfully fails or refuses, or any physician who shall fail or refuse to report, to the local board of health cases of cholera, smallpox, yellow fever, scarlet fever, diphtheria or other epidemic diseases as provided for in section 2055, Kentucky Statutes, Carroll's Edition of 1915, shall be fined not less than ten, nor more than one hundred dollars for each day he neglects or refuses to report, and repeated failure to report as herein provided, including reports of births and deaths, shall be sufficient cause for the revocation of a physician's certificate to practice medicine in this Commonwealth.

County and district health departments.

And be it further enacted that a county or district health department for the prevention and control of epidemics and communicable sickness, as may be determined by the state board, may be created, established and maintained in and by counties or districts in this Commonwealth in the following manner:

A district for the creation, establishment and maintenance of a county or district health department may consist of one county, or two or more counties

contiguous to each other. The fiscal court of any county, or the body exercising the functions of the fiscal court, may by resolution at a regular session declare that such county shall be a district for the creation, establishment and maintenance of a county health department, and said fiscal court, upon such resolution being passed, shall at once, out of the funds of the county, appropriate a sufficient amount for the creation, establishment and maintenance of such a county health department, hereinafter described and set forth and defined. Or, if there are not sufficient funds on hand for such appropriation at the time said resolution is adopted, at the next succeeding county levy such court shall make such levy as will be sufficient to produce the necessary amount of tax for the creation, establishment and maintenance of said county department of health, and shall further make a levy for the maintenance of such department of health, and shall annually thereafter make a levy of sufficient amount of tax to pay the annual expenses of maintenance of said county department of health; provided, that after such resolution is entered, the voters within thirty days may enter their protest against same by filing with the county judge a petition signed by twenty legal voters requesting that the establishment of such a county health department be done by the vote of the people of such county as herein provided.

The fiscal courts of two or more contiguous counties may by resolution, which shall be in full force and effect for two years awaiting the action of the fiscal court of one or more contiguous counties two or more counties may unite in the formation of such a district health department, duly passed by a majority vote of members present, by each court, unite said counties into a district for the purpose of creating, establishing and maintaining a district department of health for the prevention and control of epidemics and communicable sickness, as determined by the State Board of Health. Said each court, at the time of passing said

resolution shall provide an appropriation for its proportion of the cost of the creation, establishment and maintenance of such district health department, to be paid by such county, or, if the funds are not on hand for that purpose, shall at the next regular meeting of such fiscal court at which a county levy is made, levy a tax for that purpose, and also levy a tax for the payment of the proportionate part of the annual maintenance of said district department of health, to be paid by such county, and shall thereafter make an annual levy of tax sufficient in amount to pay its proportion of the costs to said county for the succeeding year.

Where two or more counties unite to form such district, the first cost of creating and establishing said district department of health and the cost of the equipment as may be necessary to comply with the provisions of this act shall be paid by the counties comprising the district in proportion to the taxable property of each county as shown by their respective county assessments. The annual expense of maintenance, as set forth in this act, of such district health department, shall be borne by each county reasonably and equitably in such amounts as shall be ascertained under rules and regulations of the State Board of Health, which rules and regulations shall be such that the expense shall be borne reasonably and equitably by each of the counties in proportion to the amount of the taxable property of such county.

Provision for popular vote.

If the fiscal court or body exercising the functions of the fiscal court of any county or counties shall fail or refuse to establish a county or district department of health, as herein authorized, the citizens of any county, or of two or more contiguous counties, may have such county or such contiguous counties established as a county or district department of health in accordance with the provisions of this act in the following manner: A number of legal voters equal to ten per cent. of the total number of

votes cast at the last regular election of such county may file their petition with the county judge of such county asking that the proposition of establishing such county as a district for the creation, establishment and maintenance of a county or district department of health for the prevention and control of epidemics and communicable sickness, as determined by the State Board of Health, be submitted to the voters of said county at the next general election which shall be held in said county, provided that such general election does not occur within less than thirty days after the filing of said petition. Each voter signing said petition shall state his full name and address. Upon the filing of said petition with the county judge, he shall enter an order directing the publication in full of such petition in the newspaper having the largest circulation in said county at least once a week for four consecutive weeks next preceding such general election, and shall further enter an order directing the clerk of the county court to have placed upon the ballot at such election the question, "Are you in favor of establishing a county department of health?" with underneath the words "Yes," followed by a square and "No" followed by a square for the placing of the stencil of the voter. If the majority of those voting on the proposition to establish such county department of health vote "Yes," then said department of health for said county shall be created, established and maintained. If the contrary, then it shall not. The vote on such question shall be canvassed and returned by the Board of Election Commissioners for such general election, and such election may be contested as provided by law for other contested elections, by a petition filed in the circuit court of such county by one or more qualified voters of said county who vote "Yes," or "No" as the contest may be had, and to which the members of the fiscal court of the county shall be made defendants, together with such other qualified voters as may have voted contrary to

Election; how conducted.

the contestants and desire to be made parties to the contest.

Where the citizens of two or more contiguous counties desire to have created, established and maintained a district department of health for the prevention and control of epidemics and unnecessary sickness, in said counties, not less than twenty qualified legal voters of each county shall file a petition in the county of their residence, asking that such a district department of health be created, established and maintained, naming the several counties to be united in creating establishing and maintaining such a district department of health. Such petitions shall be filed in each county of the proposed district department of health, and the method of proceeding in each shall be the same as hereinabove provided for one county, except that the same proceeding shall be taken in each county for the general election to be held at the same time in each county, and the question placed upon the ballot shall read: "Are you in favor of establishing a district department of health?" If any one of said counties in the proposed district shall fail to vote "Yes" on the proposition, then said district department of health cannot be established unless by a contest of the election in such county it should be finally determined that such county had voted "Yes." At the time of filing the petition or petitions, as the case may be, the petitioners shall deposit with the county judge a sufficient sum of money to pay the cost of advertising hereinabove required.

The result of any county election for the creation, establishment and maintenance of a county or district department of health shall be certified to the fiscal court of such county or to the fiscal court of each of the counties in which said department of health is to be created, established and maintained, and said fiscal court or courts shall, if the result of said election be certified to it or them as in favor of the creation, establishment and maintenance of said

county or district department of health, forthwith proceed to declare such county or counties a district for the establishment of a county or district department of health, and shall proceed to put same into effect in the manner as a fiscal court or courts are authorized to do upon their own initiative as hereinabove provided, and the cost and expenses of its creation, establishment and maintenance shall follow in all manners the same as hereinabove provided.

Upon the creation of such county or district department of health, the fiscal court of the county, or the fiscal courts of the several counties, where more than one county took action as herein provided to create, establish and maintain a district health department, shall at once notify the state board of health of the action of the county or counties to create, establish and maintain a county or district health department.

It is further provided that such a district department of health may be established in two or more contiguous counties if one or more said counties shall by resolution duly passed by its fiscal court or body assuming the functions of the fiscal court declare its intention of creating, establishing and maintaining a district health department in two or more contiguous counties, and the other or remaining county or counties may by a vote of its citizens as herein provided so determine to create said district department of health. Provided that when a county by a vote of its citizens shall vote in a general election, as herein provided, against creating, establishing and maintaining a county or district department of health, said department of health may not by resolution of its fiscal court be so created, established or maintained until after the expiration of the terms of office of the members of said fiscal court or corresponding body of such a county, who were members of said court or body when such an election was held.

It shall be the duty of the state board of health

at once to notify the secretary of the county board or boards of health to call a meeting of the county board or boards of health for the purpose of organizing the county or district department of health, which is described, defined and set forth as follows:

County board of health to govern. Rules and regulations.

A county department of health shall be governed by the members of the county board of health who as heretofore provided are charged with the enforcement of the health laws of this Commonwealth and the rules and regulations of the state and county boards of health, and, at the meeting of the county board of health called for the purpose of organizing said county department of health, a majority of the qualified members constituting a quorum with the full authority of the board, it shall elect a health officer, who shall be a legally qualified physician, and who shall, in a book to be provided for the purpose, keep full minutes of its proceedings. He shall be a graduate in medicine and surgery from some medical college, recognized as in good standing by the State Board of Health and must have had at least six months' special training in preventive medicine and public health work in some school or college in good standing as recognized by the state board of health; he shall be required to devote his whole time to the duties of his office and is prohibited from the practice of his profession for compensation from his patients; he shall be paid a reasonable salary of not less than two thousand dollars nor more than three thousand dollars per annum and the necessary expenses for traveling in the performance of his duties. It shall be his duty to execute the orders of the county board of health, the laws of this Commonwealth governing disease and the rules and regulations of the state and local boards of health. He shall be elected for a term of four years at a fixed annual salary to be paid at regular intervals as other county officials are paid. He may at any time be removed for cause made known to him in writing after a hearing by the county board of health, at

Election and duties of health officer; salary.

which he may be represented by counsel and in case of dismissal he shall have the right of appeal to the State Board of Health which may at its meeting, a quorum being present, confirm or reject the action of the county board of health, in which case its action is final, unless its action is set aside by action through the courts of competent jurisdiction.

Employment of assistants.

The county board of health may also employ not less than one assistant to the health officer of the board, who shall be skilled in the care of the sick and trained in the best methods of preventive medicine, nor more than three assistants, except counties having cities of the first and second class, in which case one assistant may be employed for each ten thousand population, provided that in no case the total amount expended in any county shall exceed one-half of one mill for each dollar of assessed valuation of property for taxation in such county; and in the event a county is unable with said maximum expenditure of money to maintain a county department of health according to the permanent standards herein fixed, it may not create, establish and maintain a county department of health alone, but may unite with one or more counties as herein provided to create, establish and maintain a district department of health.

Offices. Duties of health officers. Laboratories.

The county board of health shall also provide an office suitably furnished for its meetings and to conduct its business, and conveniently located as determined by it. It shall be the duty of the health officer in the laboratory of the county department of health in the office of said board to make chemical and bacteriological examinations of milk and water of all dairies, sources of drinking water suspected of being dangerous to the public health, and so ordered by the county or state board of health; he shall be prepared to make examinations of blood, sputum, discharges from the nose, throat, kidneys, skin and bones, for the detection of the cause of malaria, tuberculosis, diphtheria, typhoid fever, dysentery, hookworm disease,

pneumonia and such others as may be fixed by the county or state board of health; he shall be prepared and shall also keep properly safeguarded a supply of fresh smallpox virus, typhoid vaccine for the prevention of typhoid fever, for free distribution and use for the citizens of the county, and a supply of fresh diphtheria antitoxin, which shall be sold at wholesale cost for use upon any citizen of the county, and where any person unable to purchase them within the county is found suffering from diphtheria or has been exposed to smallpox or typhoid fever, it shall be the duty of the county board of health to furnish free such diphtheria antitoxin, smallpox virus or typhoid vaccine as may be needed to protect the health and lives of the people of the county, and it shall be the duty of the health officer or assistant to administer promptly these curative and preventive agents.

Vaccines.

School inspections.

The county health officer shall make frequent trips of inspection to all parts of the county to determine and remove causes of sickness. He shall visit the schools of the county and make such inspections of surroundings, premises or inmates as the county or state boards of health may determine are necessary to protect the public from communicable diseases. If in school examinations of children for defective eyesight, hearing, diseased tonsils and teeth and adenoids, such conditions be found either by himself or his assistant, a confidential report in writing shall be made to the parent or guardian of such child or children, calling attention to the defect or disease and requesting that such condition be corrected.

The health officer shall make a physical, chemical and bacteriological examination of the drinking water used by school children and if dangerous to their health, the county or state board of health may order that a supply of pure water be furnished at the expense of the county or city board of education. If in the opinion of such board the premises are constructed in violation of the law and are found to be un-

sanitary or unsafe for the housing of children, the local or State Board of Health may institute an action in the circuit court of the county where the building is situated and the court after due hearing and verifying the facts may order a safe and sanitary school building to be erected within a reasonable time by the county or city board of education in accordance with the laws of this Commonwealth governing the erection of school houses and the control of diseases, and the rules and regulations of the state board of health.

District departments. How governed.

A district department of health shall be governed by the members of the county boards of health of the counties which, in accordance with the provisions of this act, have created, established and maintained a district department of health. The members of such county boards of health governing said district department of health are charged with the enforcement of the laws of this Commonwealth relating to disease and the rules and regulations of each county board of health not in conflict with the rules and regulations adopted by the members governing the district department of health and the rules and regulations of the state board of health. A majority of all of the members of the county boards of health who have qualified as such, of all of the counties which have created, established and maintained a district department of health, shall constitute a quorum and shall have all the authority to carry out the provisions of this act, and at a meeting called for such a purpose, in accordance with the provisions heretofore mentioned, they shall elect a district health officer for a term of four years at a fixed salary. His compensation, qualifications and duties shall be the same as herein provided for the county health officer of a county which has created, established and maintained a county department of health, except that his activities, authority and jurisdiction shall extend to all of the counties whose boards of health govern the said

district department of health. He shall divide his time devoted to the performance of his duties of inspection and visiting schools, sites of epidemics, in the performance of his duties herein provided, reasonably and equitably between the counties composing the district over which he has jurisdiction, in accordance with the rules and regulations adopted by the governing board of said district, which rules and regulations must take into consideration the relative expenditure of money to maintain said district department of health, spent by the counties composing the district.

Said governing board of said district department of health shall also employ at least one assistant in each of the counties within its jurisdiction, to be under the direction of the governing board of said district department of health, who shall have the same qualifications, duties and compensation as are herein provided for the assistant in a county department of health, and more than one assistant may be employed in each county of said district, provided that in no county shall the sum expended for the said district department of health exceed the sum of one-half of one mill to each dollar of the assessed valuation of property listed for taxation in said county and each county.

Said governing board of said district department of health shall provide and furnish an office centrally and conveniently located as determined by such governing board for its meeting place and for the conduct of the business of said governing board, as provided heretofore for a county department of health.

Said health officer of said district department of health may be removed from office under the conditions herein prescribed for removal of a county health officer of a county department of health.

Attorneys. Provisions for.

(3.) That it shall be the duty of the county and Commonwealth attorneys and the Attorney General, within their respective jurisdictions, to represent the State and local boards of health in all matters relating to the enforcement of the health and medical laws

and the performance of the duties of such boards, but when the state board of health, in its capacity as guardian of the health and lives of the people, shall deem it necessary, it may employ at its discretion special attorneys and inspectors to assist such officers to perform such duties and pay reasonable compensation for the same from any unexpended funds at its disposal.

Contingent fund.

(4.) That the sum of ten thousand dollars be, and the same is hereby appropriated, which shall constitute a "contingent fund," any part of which may, from time to time, be used for preventing the introduction of cholera, yellow fever, epidemic meningitis, infantile paralysis, plague or other pestilence, into this State, or for the suppression thereof if introduced. No part of the ten thousand dollars shall be used for any other purpose than that expressed in this section, nor shall any part thereof be used except upon the approval of the Governor of this Commonwealth; but whenever in the judgment of the Governor it shall be necessary to take action to prevent the introduction or spread of any of said diseases, he is authorized and directed, from time to time, to approve the written order of the board for so much of the ten thousand dollars as may be necessary in favor of the state board of health, and on receipt of such order the Auditor shall draw his warrant on the Treasurer for the amount of such orders, and said sum so received by the state board of health, or so much thereof as may be necessary, shall be expended by said board in the work of protecting the people of this state against the introduction or spread of these diseases.

City boards of health and health officers.

(5.) It shall be the duty of the council of every city in this State of ten thousand inhabitants or more to appoint a board of health for such city, to consist of six persons, not members of such council, who shall be appointed as follows: Two persons for a term of one year, two persons for a term of two years and two persons for a term of three years, and at least three

of whom shall be competent physicians. The mayor of such city shall be ex-officio a member of such board of health. Upon the expiration of the term of office of any member of a board of health appointed under this section his successor shall be appointed for a term of three years. Such board of health shall organize within ten days after its appointment, and shall elect a competent physician, who shall be the health officer of such city, and the executive officer of and ex-officio a member of such board of health. Such local board shall have the same powers within its respective cities as local boards for counties are invested with by this chapter. Provided, that when a county, except one having a city of the first or second class, shall by resolution of its fiscal court or corresponding body, or by a vote of its citizens as herein provided, create, establish and maintain a county or district department of health, such a department of health shall include such cities having a population of ten thousand and over, and no such cities may organize a city board of health, but the health officer of the county or district department of health shall serve, as herein provided, for the entire county or district.

County boards. Appointment—term. Powers and duties. Health officer. Compensation.

Sec. 2055. It shall be the duty of the state board of health to appoint three intelligent and discreet licensed and practicing physicians residing in each county of this State who, together with the county judge and one person elected by the fiscal court of each county, shall constitute a local board of health for the respective counties in which they reside, and such persons as members of the local board shall hold their office for a term of two years from the date of their appointment or election, and until their successors are appointed or elected, and such local boards are empowered and it shall be their duty to inaugurate and execute and to require the heads of families and other persons to execute such sanitary regulations as the local board may consider expedient to prevent the

outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria and other epidemic and communicable diseases, and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of the disease, and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition, and it shall be empowered to fix and determine the location of an eruptive hospital for the county, sufficiently remote from human habitation and public highways as in its judgment is safe, and said boards are authorized and shall have power to enforce the rules and regulations adopted by the state board of health, and any person who shall fail or refuse, after written notice from the local board or state board, to observe or obey the written request shall be fined not less than ten nor more than one hundred dollars for each day he so fails or neglects, and it shall be the duty of physicians practicing their professions in any county in which a local board is organized to report all or any of the above mentioned diseases under their special treatment, to such local board; and it shall likewise be the duty of the heads of families to report any of said diseases known by them to exist in their respective families, to such local board, or to some member thereof, within twenty-four hours from his or her knowledge of the existence of such diseases, and such local board shall make report to the state board of health, at least once in every three months—first, of the character of the infectious, epidemic and communicable diseases prevailing in their county; second, the number reported as afflicted with such disease; third, the action taken by such board in arresting the progress of such epidemics, and the visible effects of such action, and shall also make special reports when they deem it expedient or when required by the state board, and the local board shall receive no compensation for such services. The local board shall appoint a competent practicing physician

who shall be the health officer of the county and secretary of the board, whose duties shall be to see that the rules and regulations provided for in this act, and the rules and regulations of the state biard of health are enforced, and who shall hold his office at the pleasure of said board, and he shall receive a salary, the amount of which to be fixed by the fiscal court at the time, or immediately after his election. In no state of case shall said health officer claim or receive from the county any compensation for his services other than the salary fixed by the fiscal court.

Quarantine established by local boards. Notice to State board and duty of. Penalty against carrier violating rules.

Sec. 2056. In the counties bordering on the Ohio and Mississippi rivers, and on the State lines separating Kentucky from the States of West Virginia and Tennessee, the local boards of health are empowered to declare and maintain quarantine in said county or counties, or in any particular place or places therein, against the introduction of any contagious or infectious diseases prevailing in any other state or county: Provided, that so soon as such quarantine is established, the local board declaring the same, through its presiding or chief officer, shall in writing, notify the state board of health of such quarantine, and the extent thereof; and thereupon the state board of health, in the exercise of its supervisory power over local boards, shall, as early as practicable, by their sanitary or executive committee, ascertain the necessity for such quarantine, and shall either approve of said quarantine, and enforce the same, or declare the same raised. The state board of health, and its agents, employes, or the local boards of health, acting under the direction and regulations of the state board, when they have reasonable ground to believe that any packet or other steamboat, barge, or other watercraft navigating the Mississippi or Ohio rivers, or any of their tributaries, is infected with any epidemic or infectious disease, are empowered to prevent the landing of such craft at any point or places on the Kentucky shore; and they are also em-

powered, when they have reasonable grounds to believe any railway train, coach, or other vehicle contains persons or articles infected with epidemic or infectious diseases, to detain, at any station or point on such railway or road, such train, coach or vehicle, for a time sufficient to disinfect or purify the same: Provided, quarantine has been established at such station or place by action of said boards; and any railway conductor, driver or person in charge of any coach or vehicle who shall willfully avoid or prevent the inspection or purification of the coaches or vehicles under his charge or control shall be guilty of a misdemeanor, and fined not less than fifty nor more than five hundred dollars, and imprisoned not less than ten nor more than sixty days, or both so fined and imprisoned.

Boards may examine into causes of disease. Notice to remove nuisance. Penalty.

Sec. 2057. The state board of health and the local boards shall have power and authority to examine into all nuisances, sources of filth and causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within any county in this state, or in any vessel within any harbor or port in any county in this state; and whenever any such nuisance, source of filth or cause of sickness shall be found to exist on any private property, or in any vessel within any port or harbor of any county in this state, or upon any water course in this state, the state board of health, or local board of health, shall have power and authority to order, in writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours or within such reasonable time thereafter as such board may order; and if the owner or occupant shall neglect so to do, he shall be fined, not less than ten nor more than one hundred dollars, and each day's continuance of such nuisance, or source of filth, or cause of sickness, after the owner or occupant thereof shall have been notified to remove the same, shall be a separate offense.

Duty of county attorney.

Sec. 2058. It shall be the duty of the county attorney of each county to prosecute any person who shall violate the provisions of this chapter.

BUREAU FOR THE REGULATION OF HOTELS AND RESTAURANTS AS AMENDED IN 1918.

Hotels. Definition of.

Sec. 2059. (1) Every building or structure, kept, used as, maintained, or advertised as, or held out to the public, to be a place where sleeping accommodations are furnished to the public, whether with or without meals, shall for the purpose of this act be deemed a hotel.

Restaurants. Definition of.

Every building or structure, and all buildings in connection kept, used, or maintained as, or advertised as, or held out to the public to be a place where meals and lunches are served, without sleeping accommodations, shall for the purpose of this act be deemed a restaurant and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act, shall be deemed proprietor of such restaurant and whenever the word "restaurant" shall occur in this act it shall be construed to mean such structure as herein described.

Bureau created. Duties defined.

A bureau of hotel inspection as herein provided is created under the supervision and control of the state board of health, which board is hereby charged with the responsibility and given the control of the enforcement of the provisions of this act. It shall keep such records as are necessary for public use and inspection, showing the condition of all hotels and restaurants, together with the name or names of the owner, proprietor or manager thereof, and showing their sanitary conditions, and any other information that may be for the betterment of the public health, and likewise, shall enforce any orders, requests, rules or regulations promulgated by the state board of health.

Application for license. Fees.

(2.) Within sixty days after the effective date of this act, and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, and every person, firm or corporation who shall hereafter engage in con-

ducting such business must procure an inspector's certificate for each hotel or restaurant so conducted, or proposed to be conducted, provided that one certificate shall be sufficient for each combined hotel and restaurant where each is conducted in the same building and under the same management. Each certificate shall expire on the 31st day of December next following its issuance. That the state board of health shall furnish to any person, firm or corporation desiring to conduct a hotel or restaurant an application blank to be filled out by such persons, firm or corporation for a certificate therefor, and which shall require such applicant to state the full name and address of the owner of the building, the lessee and manager of such hotel or restaurant, together with the full description of the building and property to be used or proposed to be used for such business, the location of the same, the name under which such business is to be conducted, and such other information as may be required therein by the state board of health, and such application shall be accompanied by the inspection fee for hotels of three dollars and an additional charge of twenty-five cents for each additional bed room in excess of ten, and for restaurants, three dollars, and an additional charge of twenty-five cents for each five chairs or stools or spaces where persons are fed in excess of ten, but no fee to exceed ten dollars, and all such fees shall be turned into the State treasury on the first day of January, April, July and October of each year.

License mandatory.

Upon the approval of such application by the state board of health, a certificate to conduct such business as such application is made for shall be issued. No hotel or restaurant shall be maintained and conducted in this state after the taking effect of this act without having secured a certificate therefor as herein provided, and no certificate shall be transferable. Provided, however, that after the making of application for a certificate herein provided, and pending the issuance of such certificate, such hotel or restaurant shall be permitted to

operate as such until the final refusal of such application by the state board of health. Provided also, that no hotel or restaurant shall be denied relief in the courts in action instituted by such hotel or restaurant by reason of the fact that a certificate has not been issued to such hotel or restaurant.

Inspection of hotels and restaurants.

(3.) It shall be the duty of the state board of health to inspect or cause to be inspected at least once annually every hotel and restaurant in this State, and for such purpose its inspectors shall have the right to enter and have access thereto at any reasonable time, and wherever upon such inspection it shall be found that such business and property so inspected is not being conducted, or is not equipped, in the manner required by the provisions of this act, or is being conducted in such manner as to violate any of the laws of this State or rules and regulations of the state board of health governing same, it shall thereupon be the duty of the inspector or board to notify the owner, proprietor or agent in charge of such business, or the owner or agent of the building so occupied, of the conditions so found, and such owner, proprietor or agent shall forthwith comply with the provisions of this act unless, otherwise herein provided, reasonable time may be granted by the said board for compliance with the provisions of this act.

Heating, plumbing, ventilation, and lighting of.

(4.) Every hotel and restaurant in this State shall be properly plumbed, heated, lighted and ventilated, and shall be conducted in every department with strict regard to health, comfort and safety of its guests. Provided that such proper lighting shall be construed to apply to both daylight and artificial illumination and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to approved sanitary principles, and such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No room shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts or courts, and all sleeping rooms shall have at least one window to the outside of the building or light wells, air shafts or courts, and shall have one door opening on a hallway.

In each sleeping room there must be at least one window with openings so arranged as to provide easy access to the outside of the building, light wells. air shafts or courts.

Toilets and sewers.

In all cities, towns and villages where a system of waterworks and sewerage is maintained for the public use, every hotel and rooming house shall within six months after the passage of this act be equipped with suitable water closets for accommodation of its guests, and such closets shall be connected by proper plumbing with such sewerage system, and the means of flushing such water closets with the water of said system in such manner as provided in the regulations of the state board of health. All lavatories, bath tubs, sinks, drains, closets and urinals in such hotels must be connected and equipped in a similar manner, both as to method and time.

Sanitary privies.

In all cities, towns and villages not having a system of waterworks, every hotel shall have properly constructed sanitary privies as provided in the rules and regulations of the state board of health.

Wash rooms.

Each hotel in this State shall be provided with a main public wash room, convenient and of easy access to guests.

Towels.

All hotels in this State shall hereafter provide each bedroom with at least two clean towels daily for each guest, and shall also provide the main public washroom with clean individual towels, maintaining same in view and reach, and for use of guests during the regular meal hour, and where no regular meal hours are maintained, then between the hours of 6:30 a. m. and 9:00 a. m. and 11:30 a. m. and 2:00 p. m. and 6:00 p. m. and 8:00 p. m., so that no two or more

guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than ten inches wide and fifteen inches long after being washed. Provided, that this shall not prohibit the use of individual paper towels in such washrooms.

Bed linen.

All hotels hereafter shall provide each bed, bunk, cot or sleeping place for the use of guests, with pillow slips and under and top sheets; each sheet, on and after the first of January, 1915, shall be made 99 inches long, and of sufficient width to completely cover the mattress and springs; provided, that a sheet shall not be used which measures less than 90 inches after it has been laundered. Said sheets and pillow slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

Disinfection. Vermin.

All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts, used in any hotel in this state must be thoroughly aired, disinfected and kept clean. Provided, that no bedding, including mattresses, quilts, blankets, pillows, sheets or comforts, shall be used which are worn out or unfit for further use.

Any room in any hotel or restaurant infected with vermin or bed bugs shall be fumigated, disinfected and renovated at the expense of the proprietor of the said hotel until said vermin or bed bugs are exterminated.

Infected rooms. How treated.

When any communicable disease shall occur in any room in any hotel or rooming house in this state, such room shall not be occupied until it has been cleaned and disinfected under the supervision of the health officer in accordance with the rules and regulations of the state and local boards of health. All notices to be served by the state board of health or one of its inspectors provided for in this act shall be in writing, and shall be either delivered personally, or by reg-

istered letter to the owner, agent, lessee or manager of such hotel or restaurant.

Penalties.

Any person, firm or corporation who shall operate a hotel or restaurant in this state, or who shall let a building used for such business without having first complied with the provisions of this act, or after conviction for any violation of this act as herein provided, or after the cancellation or revocation of such a certificate as herein provided shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail for not more than ninety days, and each day's operation of such hotel or resturant shall constitute a separate offense.

Inspectors to make reports. Notices. Hearings. Prosecutions.

(5.) The officer or inspector making the inspection or examination shall report such conditions and violations to the state board of health, or to the county or city health officer, and such officer or officers shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid to abate such condition or violation, or to make such changes or improvements as may be necessary to abate them, within such reasonable time as such order may require. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation, or by sending a copy therof by registered mail, and the receipt thereof through the post office shall be prima facie evidence that notice of said order has been received. Such person, firm, or corporation shall have the right to appear in person or by attorney before the board whose officer issued the hearing notice, or the person appointed by it for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the state board if health. If after such hearing it shall appear that the provisions or requirements of this act or the

laws of this Commonwealth, have not been violated, said order shall be rescinded. If it shall appear that the provisions or requirements of this act or the laws of this Commonwealth are being violated, and that the person, firm, or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order, within the time specified by the official of the city, county or state board of health, the facts shall be certified to the Commonwealth's, county or city attorney of the district in which such violations occurred, and said attorney or other attorney as heretofore provided shall proceed against the party or parties for the fines and penalties provided by this act, and also for the abatement of the nuisance; provided, that the proceedings herein prescribed for the abatement of nuisances as defined in this act shall not in any manner relieve the violator for other violations of the law nor from the penalties for such violation; and

Licenses to be canceled.

(6.) Whenever the owner, manager or person in charge of any hotel or restaurant shall have been convicted as provided in the preceding section, and shall for a period of sixty days after such conviction fail to comply with any provisions of this act, the certificate granted to such person to conduct business may be cancelled by the state board of health.

Posting of license.

(7.) Every hotel or restaurant securing a certificate under the provisions of this act shall keep the same posted in a conspicuous place in the office of such hotel or restaurant.

All prosecutions under this act shall be conducted by the county or district attorney of the county in which the offense was committed, or special attorney employed by the state board of health. Attorneys.

BUREAU OF PURE FOOD AND DRUGS—LABORATORIES, AS AMENDED IN 1918.

Sec. 2060. (1.) That it shall be unlawful for any person, persons, firm or corporation within this State to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale or to sell any article of food or drug which is adulterated or misbranded within the meaning of this act, and any person or persons, firm or corporation who shall manufacture for sale, expose for sale, have in his or their possession for sale or sell any article of food or drug which is adulterated or misbranded within the meaning of this act shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not to exceed fifty days or both such fine and imprisonment. Provided, that no article of food or drug shall be deemed misbranded or adulterated within the provisions of this act when intended for shipment to any other state or country, when such article is not adulterated or misbranded in conflict with the laws of the United States; but if said article shall be in fact sold or offered for sale for domestic use or consumption within this state, then this proviso shall not exempt said article from the operations of any of the other provisions of this act. Penalties for the manufacture, sale or misbranding of adulterated food or drugs.

(2.) That the term food, as used in this act, shall include every article used for or entering into the composition of food or drink for man or domestic animals, including all liquors. Definition.

(3.) For the purpose of this act, an article of food shall be deemed misbranded: False labels.

First. If the package or label shall bear any statement purporting to name any ingredient or sub-

stance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substance of which such article is made, which statement shall not give fully the name or names of all substances, contained in any measurable quantity.

Imitations.

Second. If it is labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name, or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made or as to its true nature and substance, or as to any identifying term whatsoever whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess.

Certified milk.

Third. If in the case of certified milk, it be sold as or labeled "certified milk," and it has not been so certified under rules and regulations by any county medical society, or if when so certified it is not up to that degree of purity and quality necessary for infant feeding as determined by the rules and regulations of the state board of health.

False weights or measures.

Fourth. If it be misrepresented as to weight or measure, or, if where the length of time the product has been ripened, aged or stored, or if where the length of time it has been kept in tin or other receptacle, tends to render the article unwholesome, the facts of such excessive storage, ripening, aging or packing are not plainly made known to the purchaser and to the consumer.

False or misleading labels. Liquors. Compounds. Blends.

Fifth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. Provided, that articles of liquor which do not contain any added poisonous or deleterious ingredients shall not be deemed to be

adulterated or misbranded within the provisions of this act, in the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. Provided, that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only.

Definitions as to adulterations.

(4.) For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second. If any substance be substituted wholly or packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Third. If any valuable constituent of the article has been wholly or in part abstracted; or if the product is below that standard of quality represented to the purchaser or consumer.

Coloring and staining.

Fourth. If it is mixed, colored, coated, polished, powdered, or stained whereby damage is concealed, or if it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Poisons.

Fifth. If it contains added poisonous ingredients, which may render such article injurious to health, or if it contains any antiseptic or preservative which may render such article injurious to health, or any other antiseptic or preservative not evident or not plainly stated on the main label of the package.

Contaminated or diseased products.

Sixth. If it consists of or is manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable substance produced, stored, transported or kept in

a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughter-house, or if it is the milk from an animal fed upon a substance unfit for food for dairy animals, or from an animal kept and milked in a filthy or contaminated stable or in surroundings that would render the milk contaminated. Provided, that any article of food which may be adulterated and not misbranded within the meaning of this act, and which does not contain any added poisonous or deleterious ingredient and which is not otherwise adulterated within the meaning of paragraphs four, five and six of section four of this act, or which does not contain any filler or ingredient which debases without adding food value, can be manufactured or sold, if the same be labeled, branded or tagged so as to show the exact character thereof.

Make the label tell.

And all such labels and all labeling of packages provided for in any provisions of this act shall be on the main label of each package and in such position and character of type and terms as will be plainly seen, read and understood by the purchaser or consumer. Provided, further, that nothing in this act shall be construed as requiring or compelling the proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances or ingredients to disclose their trade formulas except in so far as the provisions of this act require to secure freedom from adulteration, imitation or misbranding. But in the case of baking powders, every can or other package shall be labeled so as to show clearly the name of the acid salt which shall be plainly stated on the face of the label to show whether such salt is cream of tartar, phosphate or alum. Provided, further, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in

such manner as will advise the consumer of the real character, free from coloration or ingredient that causes it to look like butter.

Definition as to drugs.

(5.) That the term drug, as used in this act, shall include all medicines and preparations recognized in the latest revisions of the United States Pharmacopoeia or National Formulary for internal or external use, and any substance intended to be used for the cure, mitigation or prevention of diseases either of man or other animal, and shall include Paris green and all other insecticides and fungicides.

Substitutions.

(6.) That for the purpose of this act, an article of drug shall be deemed to be adulterated:

First. If, when a drug is sold under or by the name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the tests laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation. Provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that made by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If the strength or purity fall below the professed standard or quality under which it is sold.

Third. If in putting up any drug, medicine or preparation, proprietary or otherwise, used in medical practice, or if in making up a prescription or filling an order for drugs, medicines or preparations, proprietary or otherwise, one article is substituted or dispensed for a different article for or in lieu of the article prescribed, ordered and demanded, or if a greater or less quantity of any ingredient specified in such prescription, order or demand, is used than that prescribed, ordered or demanded, or if it deviates

from the terms of the prescription, order or demand by substituting one drug for another. Provided, that except in the case of physicians' prescriptions nothing herein shall be deemed or construed to prevent or impair or in any manner affect the right of the druggist or pharmacist, or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such article in lieu of an article ordered, required or demanded, with the knowledge and consent of the customer.

Definitions as to misbranding.

(7.) For the purpose of this act, an article of drug shall be deemed to be misbranded:

First. If the package or label bears any statement, design or device regarding such article or drug or regarding any ingredient or substance contained therein which shall be false or misleading in any particular, or if it is falsely branded as to state, territory or country in which it is manufactured or produced.

Second. If it be an imitation of or offered for sale under the name of another article, or if it be labeled, branded, or in any way represented or sold so as to deceive or mislead the purchaser or consumer as to the quality, purity or medicinal value.

Third. If the contents of the package as originally put up, or the contents of the package, box, bottle, phial, can or other container, sold or exposed for sale, delivered, given away, shipped or offered for shipment, shall have been removed in whole or in part, and other contents shall have been placed in such package or box, phial, can or other container, or if when a package or container has been once emptied and new contents placed therein all original labels, marks, brands, and identifying marks are not entirely removed or effaced and new labels, marks and brands truthfully describing the new product or products affixed: Provided, that such new contents shall not be like or similar to said original contents.

Labeling as to habit-forming drugs.

Fourth. If the package, box, bottle, phial, can or other container shall fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative, or any preparation of any such substance contained therein. Provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by a regularly licensed practicing physician, veterinary surgeon or dentist and kept on file by the dispensing pharmacist, or to such drugs as are recognized in the United States Pharmacopoeia and the National Formulary, and which are sold under the name by which they are recognized. And, provided, further that this provision shall not be construed as repealing or in conflict with any statute which prohibits the sale of certain drugs except upon a prescription of a physician. And provided, further, that nothing in this act shall be construed as repealing any acts regulating the practice of medicine or pharmacy not in conflict herewith. Provided, further that no prescription shall be knowingly refilled except for the person for whom it was written.

Duty as to systematic examinations of food and drugs.

(8.) It shall be the duty of the state board of health to make, or cause to be made, examinations of samples of food and drugs manufactured or on sale or dispensed in Kentucky at such time and place, and to such extent as it may determine. It shall also make or cause to be made analysis of any sample of food or drug which it or any health official or the state board of pharmacy may suspect of being adulterated or misbranded, and of any sample of food or drug furnished by any Commonwealth, county or city attorney of this State. And the said board may appoint such agent or agents or inspectors as it may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein any food or drug product is being produced, manu-

factured, prepared, kept or offered for sale or dispensed for the purpose of determining as to whether or not any of the provisions of this act are being violated, and such agent or agents upon tendering the market price of any article, may take from any person, firm or other corporation, a sample of any article desired for examination.

Inspectors. Standards to be fixed and published.

That the state board of health is hereby empowered to adopt and fix the methods by which samples taken under the provisions of this act shall be analyzed or examined and to adopt and fix standards of purity, quality or strength when such standards are necessary or are not specified or fixed herein or by statute. Provided, that such standards shall be published for the information and guidance of the trade. Provided, further, that for the purpose of uniformity, when such standards so fixed differ from the legally adopted standards of the United States Department of Agriculture, the state board of health shall arrange for a conference between the proper food control representatives of the United States Department of Agriculture and the board and the representatives of the trade to be affected, for the purpose of arriving, if possible, at a uniform state and national standard. And provided, further, that when the standard or nomenclature for any food or food product has been determined by the Supreme Court of the United States such standard or nomenclature shall govern in the enforcement of the provisions of this act. And provided that all rules and regulations for the governing and carrying out of the provisions of this act relating to drugs shall be made and established by a committee of three persons composed of the director of the experiment station, the president of the State Board of Health and the pharmacist member of said board.

Adulterated or misbranded food and drugs. Prosecutions.

(9.) Whenever any article shall have been examined and found to be adulterated or misbranded in violatiin of this act, the state board of health shall certify the facts to the Commonwealth's attorney of

the district, or to the county attorney of the county, or the city attorney of any city or town, in which the said adulterated or misbranded food or drug product was found, together with a statement of the results of the examination of said article of food or drug, duly authenticated by the analyst under oath and taken before some officer of this Commonwealth authorized to administer an oath, having a seal. And it shall be the duty of every Commonwealth's attorney, county attorney and city attorney to whom the state board of health, or the State Board of Pharmacy, or to whom the chief health officer of any county, town or city shall report any violation, to cause proceedings to be commenced against the party so violating this act, and the same prosecuted in the manner as required by law. Provided, however, that in the case of the first charge or finding, the manufacturer or dealer shall be notified of the finding and be given a hearing within fifteen days before a report is made to the Commonwealth's, county or city attorney as herein provided; provided, further, that where more than one sample of the same brand of product has been taken and examined, the first finding or charge shall be construed to apply to all samples so taken, and notice and hearing shall apply to all such samples.

Duties of District and County Attorneys.

(10.) Said board shall make an annual report to the Governor upon adulterated food or drug products in addition to the reports required by law, and such annual reports shall be submitted to the General Assembly at its first regular session, and said board may issue from time to time a bulletin giving the results of the inspections and of all analyses of samples taken or submitted for examination under this act, together with the names of the parties from whom the samples were taken, or where the inspections were made, and as far as possible, the name of the manufacturers, the number of samples found to be adulterated, the number found not to be adulterated, and other information which may be of interest to the manufacturers or

Reports to Governor and General Assembly.

dealers in food or drug products or to the consumer; provided, however, that before such publication is made the manufacturer of the article and the dealer shall be furnished a true copy of the facts to be published regarding the article at least thirty days before the publication and hearing given the dealer and manufacturer, and any true statements or explanations of reasonable length, as determined by said board, made by such manufacturers shall be included in the same place and along with the publication made regarding the article.

Hearings.

Collection and analysis of samples.

(11.) The state board of health may provide for the examination of any sample of food or drug taken or submitted in accordance with the provisions of this act, and for procuring samples of food or drugs and for making inspection into the condition and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughter-houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods; investigations for standards, expert witnesses attending the grand juries and courts, clerk hire, and all other expenses necessary for carrying out the provisions of this act, including salary of the experts employed in the work.

Duties of Experiment Station. Examination of water, ice, sewage and disease products.

That the Experiment Station of the University of Kentucky, in its chemical, bacteriological or research laboratories that are, or may be, established, shall make such analytical, chemical or bacteriological examination of samples of foods, drugs, or their labels, as herein provided; drinking waters, ice, sewage; specimens of fluids, discharges or excretions from the body of humans or other animals suspected of being diseased, to determine the presence of typhoid fever, meningitis, tuberculosis, venereal diseases, pneumonia, diphtheria and such other diseases as may be named by the state board of health; the brains of animals

for examination for rabies; that may be submitted to said station by the state board of health in the discharge of said board's duties, and shall conduct promptly and efficiently this and such other laboratory work for the state board of health as the laws of the Commonwealth require of said board.

Emergency laboratories during epidemics.

In the presence of an outbreak, or impending outbreak, of cholera, yellow fever, plague, cerebro-spinal meningitis, infantile paralysis or other pestilence said laboratory shall equip and conduct such an emergency laboratory at any place as may be needed or demanded by the state board of health for the prompt location, diagnosis and suppression of such pestilence, the cost of which laboratory to be paid out of the "contingent fund" provided herein for the use of said board for such purposes.

Director and assistants for laboratories.

The University of Kentucky shall employ a director of the laboratories for the work of the board, whose qualifications shall include technical and scientific training and experience in public health work, and if at any time, the board finds that such director is incompetent, neglectful or unsuited for the work, upon the written request of said board, the University of Kentucky shall forthwith employ another director to be chosen as herein provided. The University may appoint such assistants as may be necessary for the conduct of the work of the laboratories. The compensation of said director and assistants shall be paid in the same manner as instructors, in the University of Kentucky, from the funds provided in this act.

Shipping and mailing containers.

The director of said laboratory or laboratories, at the direction of the state board of health, shall keep and furnish such a supply of shipping and mailing containers and other laboratory equipments and supplies as may be necessary to execute the work of the board, provided the total cost to the said station as may be set forth in an itemized statement to the board shall not exceed the sum of money paid to said station by the board as provided herein.

Experiment Station. Compensation.

The said station shall be paid the sum of eighteen thousand dollars per annum for conducting the work of the state board of health as herein provided, out of the fees collected under section 2 of this act (Section 2059 of the Kentucky Statutes) and section 3 of this act (Section 2060 of the Kentucky Statutes) which amount shall be exclusive of the appropriation of seventy-five thousand dollars herein provided. And in the event the said fees do not amount to said sum of eighteen thousand dollars, the state board of health shall pay the balance out of its appropriation. Said amount of eighteen thousand dollars shall be paid in equal monthly installments of one thousand five hundred dollars by the Treasurer of this Commonwealth to the treasurer of the said University of Kentucky upon a warrant issued by the Auditor, who shall issue such a warrant upon the receipt of a voucher from the state board of health certifying to the amount due said experiment station of the University of Kentucky, as other accounts of the said board are paid.

Fees for examination of food, drugs and labels.

(12.) The said board may fix reasonable fees for the examination of samples of foods or drugs, or labels for the same, submitted by manufacturers or dealers, for the purpose of determining as to whether any such products or labels comply with the provisions of this law, and reasonable fees for the examination of labels and inquiry into other matters connected with the enforcement of this act, and which may be requested of said board. And, whenever a sample has been found to be adulterated or misbranded, the said board shall collect a fee, not to exceed fifteen dollars, to cover the costs of investigation or analysis, to be taxed as costs and paid by the magistrate, police judge, or clerk of any court in which prosecution is brought, and is in favor of the Commonwealth, to the Auditor of Public Accounts or by the state board of health, at civil suit, and all such fees, so collected, shall be paid to the Auditor of Public Accounts and set aside as a fund for the partial maintenance of the

Fees for analysis of food and drugs found adulterated or misbranded.

appropriation made herein, and for the further enforcement of the act in the event that the fees amount to more than the appropriation made herein.

Analyses to be made for county and city health officers. Health officers may be required to make inspections and to collect and send in samples. Health officers and other officials to receive instructions as to duties.

(13.) The said board shall analyze or cause to be analyzed samples submitted by county and city health officers, provided such samples are submitted in accordance with the terms of the said act; and the board shall have the right to require county and city health offieers or food and dairy inspectors to make inspections and to collect and send samples for examination and to call upon all other county and city officials for assistance in carrying this act into effect. As means for further carrying out the provisions of this act, the experts employed under the provisions of this act shall give instruction, free of cost, to any county or city health officer or employe of any county or city health department, who may request the same, in matters pertaining to the inspection and practical remedies for unsanitary conditions in the preparation, storage and sale of foods, examination of samples, and similar matters; and such courses of instruction at the laboratory of the board or State University or State Normal Schools, or at the annual school for health officers as provided by law.

Manufacturers to file brands and labels. Penalties.

(14.) When any manufacturer shall offer any article of food or drug for sale in the State, he shall file with the state board of health the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereupon. Failure to so file within thirty days shall be punished as provided herein by the laws of this Commonwealth.

Guaranties to be admitted as evidence under certain conditions. Labeling of food compounds.

(15.) In all prosecutions under this act, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this State, to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty, properly signed by the wholesaler,

jobber or manufacturer or other party residing within this State from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such article to the holder of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty, shall be a bar to prosecution of the holder of such guaranty under the provisions of this act.

(16.) Nothing in this act shall be construed to prohibit the manufacture or sale of colored oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer or purchaser of the real character of the article, providing the coloring matter or ingredient used in coloring same is harmless, not poisonous and not deleterious to health.

SANITATION OF FOOD ESTABLISHMENTS

Chapter 37, p. 420, Acts of 1916.

Food establishments. Light, drainage, plumbing and ventilation. Health of employes.

Sec. 2060b-1. That every building, room, basement, inclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughter-house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, any public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employes, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

Building, furnishings, implements, etc., to be kept clean.

2. The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery in every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products, shall at no time be kept or permitted to remain in an unclean, unhealthy or insanitary condition; and for the purpose of this act, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution or transportation of such food are not removed daily, or if all trucks, trays, boxes, buckets or other receptacles, or the chutes, platforms, racks, tables, shelves, and knives, saws, cleavers or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning or other processes are not thoroughly cleaned daily, or if the clothing of operatives, employes, clerks or other persons therein employed is unclean.

When deemed unsanitary.

Walls, ceilings, floors, etc., construction of.

3. The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

Fly screens.

4. All such factories, buildings and other places containing food shall be so provided with proper

doors and screens, adequate to prevent contamination of the product from flies.

Toilets and lavatories.

5. Every such building, room, basement, inclosure or premises occupied, used or maintained for the preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be furnished with separate ventilating flues and pipes discharging into soil pipes, or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition.

Certain conditions declared a nuisance.

6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes aforesaid, or if the floors, sidewalls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five sections of this act, the same is hereby declared a nuisance, and any toilet, toilet room lavatory, or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section 2060b-5 of this act, is hereby declared a nuisance; and any car, truck or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or insanitary condition, is hereby declared a nuisance. Whoever unlawfully maintains or allows or permits to exist a nuisance as herein defined shall be guilty of a mis-

Misdemeanor to maintain.

demeanor, and, on conviction thereof, shall be punished as herein provided.

Cuspidors. Misdemeanor not to maintain properly.

7. Every person, firm or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employes, clerks and other persons, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor and punished as herein provided.

Spitting on or about food establishments. Employes to wash hands. Penalty for violation.

8. No operative, employe or other person shall expectorate on the food, or on the utensils, or on the floors or sidewalls of any building, room, basement or cellar where the production, preparation, manufacture, packing, storing or sale of any such food is conducted. Operatives, employes, clerks and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

Sleeping in food establishments forbidden.

9. It shall be unlawful for any person to sleep or to allow or permit any person to sleep, in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

Persons affected with contagious or venereal diseases not to be employed.

10. It shall be unlawful for any employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work in a building, room, basement, inclosure, premises or vehicle

occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food.

Officials to enforce law. Power to enter buildings. Report of violation of law or unsanitary conditions. Order by health officer to abate conditions.

11. It shall be the duty of the officials in charge of the enforcement of the pure food laws of the State, and of the state board of health, and the county and city health officers, and the duly appointed agents of all such, to enforce the provisions of this act, and for that purpose such officers shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any such food producing or distributing establishment, conveyance, or any employer, employe, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detrimental to the health of the employes and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the chief pure food official, or to the state board of health, or to the chief county or city health officer, as the case may be, and such officer or officers shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid, to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation, or by sending

Hearing on order. Final order. Prosecution for violations.

a copy thereof by registered mail, and the receipt thereof through the post office shall be prima facie evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by attorney before the officer issuing the notice, or the person appointed by him for such purpose, within the time to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the state board of health. If after such hearing it shall appear that the provisions or requirements of this act have not been violated, said order shall be rescinded. If it shall appear that the provisions or requirements of this act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order within the time specified by the Food Commissioner, the facts shall be certified to the Commonwealth's county or city attorney of the district in which such violations occurred, and said attorney shall proceed against the party or parties for the fines and penalties provided by this act, and also for the abatement of the nuisance; provided, that the proceedings herein prescribed for the abatement of nuisances as defined in this act shall not in any manner relieve the violater from prosecution, in the first instance for every such violation, nor from the penalties for such violation prescribed by section 2060b-12 of this act.

Food adulterated or injurious to health to be tagged by officers. Penalty for disposing thereof thereafter. Notice by the tag.

12. 1. Whenever any of the duly authorized officers mentioned in section 2060b-11 shall find any article of milk, meat or other food which is adulterated within the meaning of this ordinance, or any other article or substance which is detrimental to public health, such article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health, and warning all persons not to remove the same until given permission by such officer, or the courts, and it shall be unlawful for any person or persons, firm or corporation to remove or otherwise dispose of same in violation of this section, and any person or persons, firm or corporation doing so shall be fined not less than ten dollars, nor more than one hundred dollars, or be imprisoned not to exceed fifty days, or both such fine and imprisonment.

2. Such tag or notice shall give notice that the article has been quarantined. The officer shall then petition the judge of the police court, county or circuit court in the district in which the food is found for the condemnation and destruction of any such product. The owners or defenders of any such product or property shall be given the right to a hearing, first before the officer, if they so desire, and before the court. The notice of a hearing to be before the officer shall also state the length of time within which such hearing may be had.

Petition for order to destroy the food. Destruction at cost of owner.

3. In case the finding of the court is with the officer the article shall be destroyed at the expense of the owner of the property, or by the owner of the property under the supervision of the officer, and in such case all other costs shall be taxed against the owners or defenders of the property, if such appear, or shall be collected, if no one appear, against the owner or agent properly ascertained.

13. Whoever violates any of the provisions of this act, or who refuses to comply with any lawful order or requirement duly made in writing as

provided in Sec. 2060b-11 of this act shall be guilty of a misdemeanor and on conviction shall be punished by fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment not to exceed thirty days, or by both fine and imprisonment, and for the second and subsequent offenses by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not more than ninety days, or both, in the discretion of the court; and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions, as ordered as aforesaid, shall constitute a distinct and separate offense.

BUREAU FOR THE PREVENTION OF TUBERCULOSIS.

Powers and duties of board.

(1.) The powers and duties of the state board of health in the study and prevention of tuberculosis shall be co-extensive with the State, and the objects of its bureau of tuberculosis shall be as follows:

a. The study of this disease in all its forms and relations, and to secure and disseminate information with reference to tuberculosis, to promote and carry on a campaign of education with reference thereto, and in general, to pursue any other activities with reference to informing the public as to the nature of tuberculosis, its dangers and the means whereby its spread may be prevented.

b. Investigation of the prevalence of tuberculosis in Kentucky, and the collecting and publishing of useful information.

c. Securing of proper legislation for the relief and prevention of tuberculosis.

Co-operation with other organizations.

d. Co-operation with the public authorities, state and local boards of health, the National Association for the Study and Prevention of Tuberculosis, medical societies, and other organizations in approved measures adopted for the prevention of the disease.

Local associations.

e. To encourage the establishment throughout Kentucky of local associations for the purpose of undertaking in their particular localities the work proposed to be carried on by this board.

f. Encouragement of adequate provision for consumptives by the establishment of sanatoria, hospitals and dispensaries.

Full authority given.

(2.) And they shall have full power and authority to carry out and execute all of the foregoing purposes, and, in addition thereto, it shall be the duty of the board to recommend to the proper authorities suitable persons for appointment by it as members of the boards of trustees of any sanatoria that may be established under the provisions of this act, and it shall further be their duty to visit at such periods as in their discretion may be sufficient, any sanatoria that may be established under the provisions of this act, and to recommend to the boards of trustees of such sanatoria any changes in management or in the employes that they may deem necessary and proper, and it shall be their duty, if in the opinion of such board any board of trustees or members of such board or employes of any sanatoria, state or county, are incompetent or neglectful of duty to prefer charges against such board or such member of such board or such employes. All charges against a board of trustees or a member thereof shall be made to the officer authorized to make such appointment, and, if he deem such charges adequate and sustained, it shall be his duty to remove such board or such member thereof, and all charges against employes shall be made to the board by whom employed, and, if in the opinion of said board such charges are adequate and sustained, such board shall at once remove such employe or employes.

It shall be the duty of the head of the bureau to visit all sanatoria, both public and privately incorporated, at least once during each calendar year and to report and file with their records a statement of the condition and efficiency of each sanatorium.

Sanatoria, hospitals and dispensaries.

(3.) That sanatoria for the treament of tuberculosis may be erected and maintained in and by districts in this Commonwealth in the following manner: A district for the erection and maintenance of a tuberculosis sanatorium may consist of one or more counties. The fiscal court of any county may by resolution declare that such county shall be a district for the erection and maintenance of a sanatorium for the treatment of tuberculosis, and said fiscal court, upon such resolution being passed, shall immediately take steps to provide for the construction, equipment and maintenance of such sanatorium. The fiscal courts of two or more counties may by resolution duly passed by each court, unite said counties into a district for the purpose of establishing therein a sanatorium for the treatment of tuberculosis. Upon the passage of said resolution, each court shall immediately take steps to provide for the construction, equipment and maintenance of said sanatorium, as is provided in this act.

Authority and duties as to appointment of employes and of management. To visit, inspect and file reports of sanatoria.

(4.) If the fiscal court of any county or counties shall fail or refuse to establish a tuberculosis sanatorium district, as herein authorized, the citizens of any county or of two or more counties may have such county or counties established as a tuberculosis sanatorium district, as herein authorized, in the following manner: A number equivalent to ten per cent of the votes cast at the last general election of such county may file their petition with the county judge of such county asking that the proposition of establishing such county as a district for the erection of a sanatorium for the treatment of tuberculosis be submitted to the voters of said county at the next general election which shall be held in said county, provided that such general election does not occur within less than thirty days after the filing of said petition. Each voter signing said petition shall state his full name and address. Upon the filing of said petition with the county judge he shall enter an order directing the publication in full of such petition

in the newspaper having the largest circulation in said county at least once a week for four consecutive weeks next preceding such general election, and shall further enter an order directing the clerk of the county court to have placed upon the ballot at such election the question, "Are you in favor of establishing a tuberculosis sanatorium district?" with underneath the words, "Yes," followed by a square, and "No," followed by a square for the placing of the stencil of the voter. If a majority of those voting on the proposition to establish such sanatorium district vote "Yes," then said district shall be established. If the contrary, then it shall not. The vote on such question shall be canvassed and returned by the board of election commissioners for such general election, and such election may be contested as provided by law for other contested elections, by a petition filed in the circuit court of such county by one or more qualified voters of said county who voted "Yes" or "No" as the contest may be had, and to which the members of the fiscal court of the county shall be made defendants, together with such other qualified voters as may have voted contrary to the contestants and desire to be made parties to the contest.

Provision for referendum.

Where the citizens of two or more counties desire to have such counties established into a district for the erection of such sanatorium, not less than a number equivalent to ten per cent. of the votes cast at the last general election of each county shall file a petition in the county of their residence asking that such district be established and naming the several counties to be united in the district. Such petition shall be filed in each county of the proposed district and the method of proceeding in each shall be the same as hereinbefore provided for one county, except that the same proceeding shall be taken in each county for the general election to be held at the same time in each county. If any one county in the proposed district shall fail to vote "Yes" on the proposition, then

Santoria. How established and maintained.

said district cannot be established unless by a contest of the election in such county it should be finally determined that such county had voted "Yes." At the time of filing the petition or petitions, as the case may be, the petitioners shall deposit with the county judge a sufficient sum of money to pay the cost of advertising hereinbefore required.

Authority of fiscal courts.

(5.) The result of any county or district election shall be certified to the fiscal court of such county or to the fiscal court of each of the counties composing said district to be established, and said fiscal court or courts shall, if the result of said election be certified to it or them as in favor of the establishment of such district, forthwith proceed to declare such county or counties a district for the establishment of a sanatorium for the treatment of tuberculosis and shall proceed to put same into effect in the same manner as a fiscal court or courts are authorized to do upon their own initiative as provided in this act, and the cost and expenses of erection and maintenance shall fall in all manners the same as provided in this act.

How popular vote may be obtained when fiscal courts fail or refuse to act. Petitions may be filed.

(6.) Where a county or counties desire to join an already established tuberculosis sanatorium district they can do so by proceeding as follows:

The consent of the district board of trustees of the already established district shall be secured. Application for such consent shall be made by the fiscal court of each county desiring to join, provided that such fiscal court shall have already declared by resolution that said county shall be a tuberculosis sanatorium district, or a part of such a district; but in the event that a county shall have become a tuberculosis sanatorium district or part of a district by action of the voters thereof, the application shall be made by the board of trustees of the district embracing the county desiring to join; and in the event that a county shall not have become a district, or part of a district, the application shall be made by a petition signed by not less than twenty qualified voters of the county.

Election. How conducted.

When it is necessary to take a vote to declare any county a tuberculosis sanatorium district to enable it to join an already established sanatorium district the ballot shall read as follows: "Are you in favor of declaring this county a tuberculosis sanatorium district, for the purpose of joining the already established tuberculosis sanatorium district of .... county (or counties)," and the result of the election shall be certified to the fiscal court of the county wherein the election was held, and if the result is favorable to the proposition submitted, the said fiscal court shall immediately declare such county a portion of the already established tuberculosis district and certify its action to the State Board of Health, whereupon said board of health shall determine the number of trustees to compose the board of said district, and the representation to be accorded each county on said board, according to the provisions hereinafter set forth.

How two or more counties may be combined. Result of election. How certified.

(7.) Upon the creation of a tuberculosis district, the fiscal court of the county or the fiscal courts of the several counties, where there are several counties in such district, shall at once notify the state board of health of the establishment of such district, and, thereupon, it shall be the duty of the said board of health to recommend to the county judge, or if more than one county, to the county judge of each county, the appointment of suitable persons for such district board of trustees. In a district of one county the county judge shall appoint as members of the district board of trustees seven persons, men and women, at least one of whom shall be a registered physician.

Where the district consists of several counties, the district board of trustees shall consist of not less than two nor more than four persons from each county; provided, however, that no board shall consist of less than seven persons. Where any county in such district shall have a population in excess of 20,000, such county shall be allowed a trustee for each 10,000 in excess

of said 20,000 population, subject, however, to the limitation hereinbefore set down. Said trustees shall consist of men and women and at least one shall be a registered physician.

The state board of health in recommending names to the county judge or county judges for such appointments shall recommend twice as many names for each county as the county shall be entitled to have trustees appointed, out of which names the county judge of each county shall immediately make his selection for that county.

How county may join in sanatoria already established.

Where a county or counties shall have joined an already established district the state board of health shall then recommend to the county judge of each county included in the new district double the number of names of persons eligible to the district board as there are trustees to be appointed by such judge and from such list the county judge shall select the trustees for his county. The trustees chosen shall, with additional members as are hereinafter provided for in case the district contains a city or cities of the second class, constitute the district board, which shall control and manage the sanatorium therein. The qualifications, length of terms and other details shall be as provided in other sections of this act. The terms of the trustees of the counties composing the previously existing district shall expire immediately upon the organization of the new board.

Consent of trustees to be obtained.

(7a.) Provided, however, that in any tuberculosis district containing a city of the second class two persons shall be appointed trustees on the tuberculosis district board by the mayor of that city and that in a tuberculosis district containing cities of the second class one person shall be appointed trustee on the tuberculosis district board by the mayor of each city, and provided, further, that each mayor shall appoint the trustee or trustees from a list submitted by the State Board of Health and containing the names of twice as many persons as such mayor shall appoint.

The number of trustees appointed by mayor or mayors shall be in addition to the number allotted for appointment by the county judge in any county containing a city or cities of the second class.

Trustees for sanatoria.

(8.) For the purpose of this act such district board of trustees and their successors in office shall be a body corporate under the name and style of district board of tuberculosis sanatorium trustees for ..... county or ..... counties, as the case may be, and they shall have all the powers necessary to carry into effect the purpose of this section of this act. Said trustees, as soon as possible after their appointment and qualification, shall adopt a seal, organize by electing a president and a secretary and a treasurer to serve for two years and until their successors are elected and qualified, but the same person may be elected to serve both as secretary and treasurer and need not be a member of the board of trustees, and said treasurer shall give bond to the people of the State of Kentucky for the faithful performance of his duties and for the proper handling of all of the properties, assets and moneys of the institution that may come into his hands at any time in such sum and in such form and with such sureties as said district board of trustees shall approve. Said treasurer may at any time be removed and a successor appointed by said district board of trustees in its discretion. A majority of said district board of trustees shall constitute a quorum.

Trustees to file estimates for maintenance of sanatoria.

(9.) When a tuberculosis district shall have been created or enlarged by any of the methods hereinabove provided, and when the district board of trustees shall have been appointed and qualified as herein above provided said district board of trustees shall annually estimate and lay before the fiscal court of each county in said district, the needs of such district for the site, erection and maintenance of a tuberculosis sanatorium equitably determining as hereinafter provided the amount to be paid by each county, and the

fiscal court of each county shall, at the next succeeding tax levy of said county, levy a tax in accordance with the estimate of the district board for such purposes, of not less than two cents and not more than eight cents on each one hundred dollars of assessed valuation of property in the county, and the sheriff shall then collect this tax as other state and county taxes are collected. The cost of site, initial construction and equipment may be covered in the first year's levy and said cost shall be covered in not exceeding three year's levy. After the cost of initial construction and equipment has been provided for by the tax levy as aforesaid, the said district board of trustees shall annually estimate and lay before the fiscal court of each county in said district the needs of such district for future construction and maintenance of said sanatorium, and the fiscal court of each county shall in accordance with the request of the district board levy a tax for such purpose of not less than two cents and not more than eight cents on each one hundred dollars of assessed valuation of property in the county, and the sheriff shall collect this tax as other state and county taxes are collected.

How taxes are levied and collected.

Where two or more counties unite to form such district, the first cost of construction of the sanatorium and equipment, and the cost of all betterments and additions thereto, shall be paid by the counties composing the district, in proportion to the taxable property of each county, as shown by their respective county assessments.

Where a county or counties shall join such a district subsequent to its establishment, there shall be paid into the treasury of the district by each of said counties joining a sum to be determined as follows, viz.: The first cost of construction of the sanatorium and equipment and the cost of all betterments and additions thereto to the date of such joining shall be apportioned among all the counties which shall compose such district, after the admission of the county or

counties joining, according to the taxable property of each county, as shown by their respective county assessments; and the amount so apportioned to each county joining shall be the sum payable by it. Said sum when paid into the treasury of the district board of trustees shall be used by it for the purpose of procuring and furnishing such additional grounds, buildings and other equipment as may be proper and necessary, so as to provide reasonably and equitably for the care of patients from all the counties of the district.

Annual expense of operating sanatoria.

The annual expense of maintaining the sanatorium, to which shall be added necessary transportation expenses of free patients admitted, shall be apportioned by the district board of trustees, borne to the counties composing the district in such proportion as said district board may determine to be reasonable and equitable in relation to the taxable property of each county.

Fiscal courts to make apportionment.

The fiscal court or courts of the county or counties composing such district shall from time to time as the taxes levied for the purposes of said sanatorium are collected, appropriate same to the use of such sanatorium and shall direct the county treasurer to pay the amount of such appropriation to the secretary of said sanatorium, and to take the receipt of said secretary, countersigned by the president of said sanatorium as his voucher therefor.

Provided, however, that in a district wherein there is a county or counties containing a city or cities of the second class the district board of trustees shall annually estimate and, prior to December thirty-first, lay before the general council or board of commissioners of such city or cities the need of such district for the site, erection and maintenance, or for improvements, additions and maintenance, or for the maintenance of the tuberculosis sanatorium for the next succeeding year.

Site of sanatoria.

In order to raise such portion of this money as the board holds to be the equitable proportion for the city or cities for the purpose or purposes above set out, such general council or board of commissioners shall at the next succeeding levy cause to be levied and collected a tax of not less than two cents and not more than eight cents on each one hundred dollars of property assessed for taxation for city purposes, and said levy shall be included in the annual appropriation ordinance for that year. And where such portion is asked of a city or cities the district board shall ask of the county or counties of the district only such portion of the total sum estimated to be necessary for the santorium district as the district board holds to be the equitable proportion for such county or counties.

(10.) When a tuberculosis district shall have been established by any county or counties, and an appropriation shall have been made, or a tax levied for the construction of a sanatorium, the board of trustees of said district shall select a site for said sanatorium, but, before any site can be finally selected, and adopted, the same shall be approved by the state board of health. The site selected by said district board of trustees shall be in such part of the district as in their judgment shall be best adapted to the wants of the institution and most economical to the district, regard being had in the selection to water supply, drainage, facility of access, with a quality of soil suitable for farming purposes, and price asked for the land. All plans and specifications for the erection of such sanatorium shall be submitted to the state board of health for its approval, and, if approved by it, such district board of trustees shall be authorized to proceed at once with the erection of same. If not approved by the state board of health, then said board shall make such recommendations as to it may seem best, and if such recommendations are accepted by the board of trustees of the district, then it shall proceed with the erection of a sanatorium in accordance with the recommendations of the state board of health.

Clinics and dispensaries.

(11.) Said board of trustees, as heretofore created, shall have the general control of the property and affairs of the sanatorium and shall take such action as shall be necessary to carry out the purposes of this act.

Said board shall also have power, in connection with said sanatorium or as part thereof, to provide for, establish, operate and maintain clinics, dispensaries, day camps, summer camps, visiting nurses, to promote and carry on campaigns of education, and to use such other suitable and adequate means and methods as may seem necessary and proper for the treatment, relief and prevention of tuberculosis; and said board may use the property, equipment and supplies of the sanatorium for said purposes, or may co-operate with anti-tuberculosis leagues, medical societies and organizations which are engaged in carrying on such work.

Trustees to have authority to borrow money.

(12.) The district board of trustees shall have power to borrow money on the credit of the board in anticipation of the revenue to be collected from the county and city taxes levied for the tuberculosis sanatorium district, for the fiscal half year in which the same is borrowed, and to pledge said taxes levied for the tuberculosis sanatorium district for the payment of the principal and interest of said loan: provided that the interest paid shall in no case exceed six per cent. per annum and the principal shall in no case exceed fifty per cent. of the anticipated revenue for the fiscal half year in which the same is borrowed.

The members of the board of trustees shall receive no compensation for their services, but they shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties, upon vouchers duly approved by the board of trustees, signed by the secretary and countersigned by the president thereof.

The district board of trustees shall appoint a medical superintendent of the sanatorium who shall not be a member of said board, who shall be a legally qualified

physician in good standing; either man or woman. The superintendent shall be a graduate in medicine and surgery from a medical college approved by the state board of health and of acknowledged skill in his profession, and must have had special training and experience in a hospital or sanatorium for tuberculosis. The superintendent shall, in all matters pertaining to the sanatorium, be under the general supervision of the board of trustees, and may be removed by such board at any time for cause upon written charges preferred and after an opportunity to appear and make defense. The board shall also have power to appoint a successor to the superintendent, and may for good cause employ some one to act temporarily as medical superintendent of the sanatorium who is not possessed of all the above mentioned qualifications, provided that such temporary employment shall be for a term not exceeding twelve months, and provided further that such employe shall at no time be a member of said board.

The medical superintendent shall be the chief executive officer of the sanatorium. He shall have the general superintendence of the buildings, grounds, furniture, fixtures, stock and the direction and control of all persons therein, subject to the by-laws and regulations prescribed by the district board of trustees. He or his representative shall daily ascertain the condition of each and all the patients and prescribe or direct their treatment. He shall cause full and fair records of all his official acts and the entire business and operation of the sanatorium to be kept regularly from day to day, in the manner and to the extent prescribed by the by-laws; and he shall see that all the accounts and records are fully made up, and present the same to the board of trustees at their annual meeting. It shall be the duty of the medical superintendent to admit any member of the board of trustees, or any member or officer of the state board of health, at any time into every part of the sanatorium, and to exhibit to him, or them, on demand, all books, papers, ac-

counts and writings belonging to the sanatorium, or pertaining to its business management, discipline, or government. He shall make at the time of reception of patients a record of the date of same, name, age, residence, occupation, and such other statistics in regard to every patient admitted to the sanatorium as the by-laws may require. The medical superintendent shall have power to appoint, with the advice and consent of the board of trustees, whenever in their discretion it seems necessary, an assistant physician or physicians, each of whom shall be a legally qualified physician, a graduate in medicine and surgery from some medical college recognized as in good standing by the state board of health and of acknowledged skill in the medical profession. The medical superintendent shall also have power to remove such assistant physician or physicians, with the consent of the board of trustees. The medical superintendent shall have the power and authority to employ any servant or employee at the sanatorium, all of whom shall be under his direct supervision, and any of whom may be removed by him at will. All moneys collected by the medical superintendent shall be immediately paid over by him to the treasurer of the sanatorium, and his receipt be taken therefor. No personal fees, charges or pecuniary compensation of any kind shall be collected by the medical superintendent or any employee of said sanatorium, for services rendered to a patient while a patient in said sanatorium.

(13.) No member of the board of trustees of said sanatorium, and no employee thereof, shall be interested directly or indirectly in any contract, or receive any benefit directly or indirectly from any contract made with said sanatorium.

(14.) The treasurer shall have the custody of all moneys, bonds, notes, mortgages and other securities and obligations belonging to said sanatorium, and moneys shall be disbursed only for the uses and purposes of the sanatorium and in the manner pre-

scribed by the by-laws on itemized vouchers allowed by the board of trustees, and signed by the secretary and countersigned by the president. He shall keep a full and accurate account of all receipts and payments in the manner directed in the by-laws, and such other accounts as the board of trustees shall prescribe; he shall render statements of accounts of the several books, and of the funds and other property in his custody whenever required so to do by the board of trustees. He shall have all accounts and records fully made up to the last day preceding the annual meeting, and present the same to the board of trustees at its annual meeting.

(15.) There shall be a thorough visitation of said sanatorium by two of the trustees thereof monthly, and by the whole board annually. On each of these occasions a written report of the state of the institution shall be submitted to them by the superintendent of the sanatorium. On a day to be fixed by the by-laws of the board of trustees of each district, there shall be held each year the regular annual meeting of the board, at which the superintendent of the sanatorium and the secretary and the treasurer thereof shall each submit a report of the affairs of the sanatorium in such form as may be prescribed by the State Board of Health, and the secretary and treasurer shall also submit a statement of his accounts, and the reports of the superintendent, secretary and treasurer, and the latter's statement of accounts shall be transmitted in duplicate by the board, with their annual report to the state board of health.

(16.) The district board of trustees shall have power to establish such by-laws as it may deem necessary and expedient from time to time for defining the duties of officers, assistants or employees, for fixing the conditions of admission to the institution, support and discharge of patients, and for conducting in a proper manner the professional and business affairs of the sanatorium, and also to ordain and enforce a

suitable system of rules and regulations for the internal government, discipline and management of the sanatorium.

(17.) No person shall be received into said sanatorium as a free patient, unless said person shall have been a resident of Kentucky and of said district for at least twelve months next preceding such person's application for admission into said sanatorium, and no person entitled to be admitted as above shall be received as a free patient in said sanatorium, unless said person shall file with his or her application for admission into said sanatorium a certificate of the county judge of the county of which such person is a resident stating that from evidence submitted to said county judge, he is of the opinion that such applicant is unable to pay for maintenance in said sanatorium. The board of trustees of said sanatorium shall have power to provide by rule, the character of examination to which any applicant for admission into said sanatorium shall submit before being admitted into said sanatorium for the purpose of ascertaining whether or not such applicant is suffering from tuberculosis. No greater number of persons shall be admitted to said institution than can be properly taken care of and treated. As nearly as it may be done, each county of the district shall have the right to have admitted its proper and proportionate number of free patients, who are unable to pay their maintenance in said sanatorium.

(17a.) Where patients who have been, or may be maintained in said sanatorium, have or shall acquire estate which can be subjected to debt, the county attorney of such county of said patient's resident is authorized and directed in every such case to sue them in the name of said sanatorium and recover the amount of such patient's maintenance, or so much thereof as such estate will suffice to pay for the time such patients shall have been kept and maintained therein, and not otherwise paid for, and by proper proceedings sub-

ject their estates, respectively, for the payment thereof; and when the husband, wife or parent of any such patient, who has been or may be supported in said sanatorium, shall have estate sufficient for the support of such patient, in addition to the support of any other persons who may be dependent on such husband or parent, in like manner to sue and recover from such husband the amount of his wife's maintenance, from such wife the amount of her husband's maintenance, from such parent the amount of his or her child's maintenance, at the rate aforesaid for the time that they shall have been respectively maintained by said sanatorium, and the statute of limitations providing the time in which actions for such recovery may be instituted shall not run against recovery herein provided for until from and after time at which said estate is acquired. Such suit shall create a lis pendens lien, and if judgment is obtained, such judgment shall constitute a lien upon so much of the patient's estate as is described in the petition, and said county attorney shall be allowed a fee of 15 per cent. of the amount collected for his services.

(17b.) If at any time the accommodations of the sanatorium will permit the treatment and care of patients in excess of the indigent patients sent by the county or counties of the district, as hereinbefore provided, persons, residents of this State whether residing inside or outside of said district may be received into such sanatorium when the cost of transportation, support, care and maintenance is paid to the sanatorium by any county, person, public health league, or any other agency whatsoever, and when such other requirement as may be established by the district board of trustees are complied with. The amount to be charged by said sanatorium for the care and maintenance of such persons shall be fixed by the district board of trustees. Before such persons shall be admitted to said sanatorium, for the purpose of determining whether or not they are afflicted with

tuberculosis, they shall submit to such an examination as the district board of trustees may by rule determine.

(17c.) The fiscal court of any county, in lieu of providing for the erection of a district sanatorium for tuberculosis, may contract with the district board of trustees of any other district where such sanatorium has been constructed for the care and treatment of its residents of such county who are suffering from tuberculosis, and the fiscal court of the county in which such patients reside shall pay to the sanatorium of the district receiving such patients the actual cost incurred in their care and treatment and other necessaries, and shall also pay for their transportation, and shall pay such further sum to such sanatorium as the board of trustees may under proper rules and regulations provide.

(17d.) All sanatoria established under this act shall at all reasonable times keep open for the inspection of the State Inspector and Examiner, all of its records and books of accounts.

(17e.) The state board of health is hereby authorized to make such rules and regulations as may be necessary to enforce any of the provisions of this act, such rules and regulations not being in conflict with the powers delegated to local boards, and such rules and regulations as may be necessary to control the action of local boards when its members fail or refuse to execute the provisions of this act as herein provided.

(18.) That it being the intention of the General Assembly in enacting this law to enact each section of this act separately, if any section or any proviso contained in any section of it shall be held to be invalid, such fact shall not affect the remaining portion of said act or section, it being the intention of the legislature to enact each section and each proviso therto separately.

(19.) That the state board of health is hereby authorized in its co-operation with the national, State

or other sanitary or philanthropic organizations, for the preservation and protection of the health and efficiency of the people of this Commonwealth, to accept funds from the National Congress, or any branch of the national health service, including the army, navy or National Red Cross, or other organizations or individuals, upon a per cent. or other basis, and to expend the same to increase the efficiency of the health service of the state, or of any county in the state where the fiscal court or other public or private organizations shall provide a fund upon the percentage or other basis for health work within such county; provided that all funds received or expended under this section shall be accounted for entirely separate from and in addition to the appropriation made for the use of the board in this act, and that itemized statements of all such expenditures shall be included in the reports made by the board to each session of the General Assembly, as required by law for other public expenditures.

SMALLPOX AND VACCINATION.

Chapter 119, Kentucky Statutes, Vol. 2, p. 2345.

Penalty for importing into State.

Sec. 4607 If any person shall wilfully or designedly import or bring the smallpox or any variolous or infected matter of said disease into this Commonwealth from any other country or place whatsoever, or shall cause the same to be done, he shall forfeit and pay the sum of one thousand dollars.

Adults to be vaccinated.

Sec. 4608. All persons of the age of twenty-one years and over, who have not been vaccinated, or, if vaccinated, not successfully, shall, within three months after this revision takes effect, procure their own vaccination or revaccination, as the case may be.

Minors and infants to be vaccinated.

Sec. 4609. All parents, guardians and other persons having the care, custody or control of any child or children, or who may have in their employ any minor or minors, shall have the same vaccinated; and

every parent, guardian and person that may have the care, custody or control of any child born hereafter, shall have said child vaccinated within twelve months after its birth, or after it comes under his or her care, custody or control.

All persons to be vaccinated.

Sec. 4610. All persons coming into this State to abide or become citizens, who have not been vaccinated, or who may have children under their care or control that have not been vaccinated, shall procure the vaccination of themselves and said children within six months after coming into the State.

City council may require persons to be vaccinated.

Sec. 4611. The city council of every city, and the board of trustees of every town in the State, are invested with full power and authority to make such ordinances, rules and regulations, with fines and penalties attached, as will secure the vaccination of all the inhabitants of said cities and towns, and to provide the necessary means to pay for the vaccination of all paupers and destitute persons in same.

Inmates of charitable instituitons and penitentiary to be vaccinated.

Sec. 4612. The superintendents of the charitable institutions of the State shall have the inmates of said institutions vaccinated. The keeper of the penitentiary shall have all the convicts in same vaccinated.

Pure vaccine matter to be used.

Sec. 4613. All vaccination performed under this article shall be with pure vaccine matter.

County court may appoint physician to vaccinate. Fees.

Sec. 4614. That it shall be the duty of the county judge of the county court of each county, whenever, in his opinion, the necessity for such action exists, to call his court together, and said court shall have power to give to some practicing physician or physicians of the county written authority to vaccinate all persons in the county who are unable to procure vaccination. The physicians so appointed shall furnish to the judge of said court a true list, under oath, of the persons vaccinated by him, with the charges thereof, which shall not exceed twenty-five cents for each successful vaccination; and the judge shall report the same to the court of claims for his county, and the court

shall order the charges to be paid out of the county levy.

Patients having smallpox. Care to be taken of.

Sec. 4615. Every person superintending a hospital or other place where a patient having smallpox is confined, shall prohibit all intercourse therewith of persons not having had the disease, and shall, before discharging a patient or suffering him to be removed, take due care that his person is thoroughly cleansed, and his clothes, such as have not been infected with the disease, under the penalty of ten dollars.

Persons going where smallpox is may be confined.

Sec. 4616. If any person who has never had smallpox shall go into a house where the disease is, or associate with a person who is afflicted therewith, any justice of the peace, on due proof of the fact, may cause such person to be conveyed to some house or place in the county where the disease will not spread, there to remain until he shall have gone through the disease, or until a physician shall certify that he will not take same. If such person be not able to pay the expense of his nursing the county shall pay the same.

Penalty for wilfully spreading.

Sec. 4617. If any person shall wilfully endeavor to spread or propagate the smallpox he shall be subject to be indicted and fined the sum of five hundred dollars, or to be imprisoned for six months.

Penalty for persons having smallpox going in public places.

Sec. 4618. Any person who, having reason at the time to believe himself afflicted with the disease of smallpox, shall voluntarily go upon any public highway or street, or to any place at which people are accustomed to collect or assemble or who shall enter or go on board any steamboat, railroad car or other public conveyance, and all persons who shall knowingly aid or assist anyone thus to offend, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred nor more than one thousand dollars.

OFFENSES AGAINST THE PUBLIC HEALTH.

Chapter 36, Subdivision IV, p. 730, Kentucky Statutes.

Selling unwholesome provisions.

Sec. 1272. If a butcher or other person shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell the flesh as of one animal knowing it to be that of another species; or if a baker, brewer, distiller, or other person, knowingly sells unwholesome bread or drink, he shall be fined not less than one nor more than fifty dollars.

Adulterating food, drink or medicine.

Sec. 1273. If any person adulterate for the purpose of sale, anything intended for food or drink, or any drug or medicine, with any substance injurious to the health, he shall be confined in jail not more than one year, or fined not exceeding five hundred dollars, or both, and the adulterated articles, by order of the court, shall be destroyed.

Adulterated milk. Selling.

Sec. 1274. Whoever shall knowingly sell or cause to be sold, to any person in this State, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or sell milk commonly known as "skimmed milk," with intent to defraud, or shall knowingly sell any milk, the product of a diseased animal, or from animals fed upon "still slop," "brewer's slop" or "brewer's grains," or shall knowingly use any poisonous or deleterious material or milk from animals diseased or fed as aforesaid, in the manufacture of butter or cheese, shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

Weights and samples of milk and cream.

Sec. 1905a-46. That it shall be unlawful for any handler of milk or cream or other person, or creamery, or other milk plant or agent, receiving milk or cream by weight or test, to fraudulently manipulate the weights of milk or cream of any patron, or to take unfair samples thereof, or to fraudulently manipulate such samples. The hauler shall weigh the milk or cream of each patron accurately and correctly and shall re-

port such weights accurately and correctly to the factory. He shall thoroughly mix the milk or cream of each patron by pouring and stirring until such milk or cream is uniform and homogeneous in richness, before the sample is taken from such milk or cream. When the weighing or sampling of the milk or cream of each patron is done at the creamery, shipping station or other factory, firm, corporation or individual buying and paying for milk or cream on the basis of the butter fat contained therein, the same rule shall apply.

Glassware for testing milk and cream for butter fat.

Sec. 1905a-47. Every person, firm, company, association, corporation or agent thereof, buying and paying for milk or cream on the basis of amount of butter fat contained therein as determined by the Babcock test, shall use standard Babcock test bottles, pipettes and weights, and accurate scales, as defined in section 13 (Sections 1905a-57--1905a-59, inclusive) of this act, and all Babcock test bottles, pipettes and weights shall have been inspected for accuracy by the Kentucky Agricultural Experiment Station, or its deputy, and shall be legibly and indelibly marked by the said Kentucky Agricultural Experiment Station, or its deputy, with the letters "S. G. K." (Standard Glassware, Kentucky). No bottle, pipette or weight shall be used for such test unless so examined and marked by said Kentucky Agricultural Experiment Station. It shall be unlawful for any person, firm, company, association, corporation, or any of their agents to use any other than standard test bottles, pipettes and weights which have been examined and marked as provided in this section, to determine the amount of fat in the milk or cream bought and paid for on the butter fat basis.

Unlawful tests.

Sec. 1905a-48. It shall be unlawful for any person, firm or corporation by himself or as the officer, servant, agent or employee of any person, firm or corporation, buying and paying for milk or cream on the basis of the amount of fat contained therein, to under-

read, overread or otherwise fraudulently manipulate the Babcock test used for determining the per cent. of fat in milk or cream, or to falsify the record thereof, or to read the test at any temperature except the correct temperature, which is 135 degrees to 140 degrees Fahrenheit, or to pay on the basis of any measurement or weight except the true measurement or weight, which is 17.6 cubic centimeters for milk and 9 grams for cream. This section further provides that in all tests the cream shall be weighed into the test bottles.

License for the tester.

Sec. 1905a-49. Every creamery, shipping station or other factory, or person, or agent, receiving, buying and paying for milk or cream on the basis of the amount of butter fat contained therein shall have in its employ a licensed tester who shall supervise and be responsible for the operation of the Babcock test of milk and cream. The license shall be issued to such person by the Kentucky Agricultural Experiment Station upon presentation by the applicant of a certificate of proficiency properly filled out and signed by the chairman of the examining board and upon payment of a license fee as provided in section 7. This license shall be valid for the term of one year and shall be revoked by the said Kentucky Agricultural Experiment Station upon recommendation of the examining board if the licensee has failed to comply with the rules and regulations under which the license was granted.

License for the creamery.

Every creamery, shipping station, milk factory, cheese factory, ice cream factory, or milk condensery, or person or agent, firm, company, association, or corporation receiving, buying and paying for milk or cream on the basis of the butter fat contained therein, shall be required to hold a license. The license shall be issued to such creamery, shipping station, milk factory, condensery, ice cream factory, cheese factory, or person, or agent, firm, company, association or corporation by the Kentucky Agricultural Experiment Station, upon complying with the provisions of sec-

tions 1 to 4, inclusive, of this act, and upon payment of a license fee as provided in section 1905a-52. This license shall be valid for the term of one year, but shall be revoked by the said Kentucky Agricultural Experiment Station if the licensee fails to comply with the rules under which the license was granted.

Prosecuting attorney. Duties.

Sec. 1905a-54. It shall be the duty of every prosecuting attorney to whom the Kentucky Agricultural Experiment Station shall report any violation of the provisions of this act to cause proceedings to be commenced against the person or persons so violating the provisions of this act, and to prosecute the same to final termination, according to the laws of the State of Kentucky.

Penalties.

Sec. 1905a-55. Any employe of a firm, company, association, corporation or person, buying and paying for milk or cream on the basis of the amount of butter fat it contains, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $25.00 nor more than $500.00, or be imprisoned in the county jail for not less than 60 days nor more than 12 months, or both. Any firm, company, association, corporation or person, buying or paying for milk or cream on the basis of the amount of butter fat contained therein, violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of $100.00 for the first offense, and in the sum of not less than $100.00 nor more than $1,000.00 for each subsequent offense.

Adulterated candies and sweetmeats. Selling.

Sec. 1275. Any person who shall manufacture or knowingly vend any candies or sweetmeats containing poisonous or noxious ingredients shall, for each offense, be fined not less than fifty nor more than one hundred dollars.

Polluting watercourse, spring or pond.

Sec. 1278. If any person shall cast or place the carcass of any cattle, or that of any other dead beast, in any water course or within twenty-five yards thereof,

or shall cast the same into any pond, such person, for every such offense, shall be fined for the first offense not less than five nor more than twenty dollars, and every subsequent offense not less than twenty nor more than one hundred dollars.

Manufactured honey. Sale of as bee honey.

Sec. 1281. Any person who shall sell or cause to be sold any manufactured honey, unless such honey is so represented and designated as manufactured honey, shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and for each repeated offense shall be fined not less than fifty nor more than two hundred and fifty dollars. Any person who shall sell, or cause to be sold, any such manufactured honey which contains any substance injurious to health, shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and for each repeated offense shall be fined not less than fifty nor more than two hundred and fifty dollars; and such adulterated articles, by order of the court, shall be destroyed.

Vinegar. Label showing component material. Selling without label.

Sec. 1282. All barrels, kegs or packages in which vinegar is placed and offered for sale in this Commonwealth shall be so labeled, branded or marked as to describe the process of manufacture of the contents, and shall, on the said label, brand or mark on the outside of said barrel, keg or package, state from what material the vinegar in said barrel, keg or package is made; whether from fruit by natural fermentation, or from malt, grain or acid. Any person selling or offering for sale, in this Commonwealth, any vinegar not so marked and described, or if the vinegar sold, or offered for sale, does not correspond, and is not as represented by the label, mark or brand on the barrel, keg or package, shall be fined not less than twenty-five nor more than one hundred dollars.

Butter and lard. Sale of impure article. Brand.

Sec. 1283. No person shall sell, supply, or offer for sale or exchange any oleaginous substance, or any compound of the same, as butter, other than that produced from unadulterated milk, or cream of the same,

or any substance as lard, other than that produced from the fat of healthy, sound hogs, unless the same, and the packages, casks or vessels containing the same, shall be marked so as to plainly show to the purchaser and establish the true character thereof, and distinguish it from the genuine butter or lard. And any person violating any of the provisions of this section shall be fined not less than twenty nor more than one thousand dollars.

Penalty.

Canned fruits and vegetables. Fraud in.

Sec. 1283a. That it shall hereafter be unlawful in this State for any packer or dealer in preserved or canned fruits and vegetables or other articles of food, to offer such canned articles for sale after July 1, one thousand eight hundred and ninety-six, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that packs the same or dealer who sells the same.

Soaked goods. Maple syrup.

2. That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by an adhesive label having on its face the word "soaked" in letters not less in size than two-line pica of solid and legible type; and all cans, jugs or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm or corporation who made or prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.

False labeling.

3. Any person, firm or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporaiton who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and punished with a fine of not less than fifty dollars, in the case of the vendors, and in the

Penalties.

case of manufacturers and those falsely fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars nor more than one thousand dollars and it shall be the duty of any board of health in this State, cognizant of any violation of this act, to prosecute any persons, firm or corporation which it has reason to believe has violated any of the provisions of this act. (This section is an act that took effect March 21, 1896; the numbers of the subsections are the same as the numbers of the sections of the act.)

PROSTITUTION AND LEWDNESS—ABATEMENT OF AS NUISANCE.

Capter 61, p. 184, Acts of 1918.

Erection or maintenance of place of prostitution or lewdness a nuisance. Shall be enjoined.

Sec. 3941m-1. That whoever shall erect, establish, continue, maintain, use, occupy, lease or sublease any building, erection or place used for the purpose of lewdness, assignation or prostitution in the Commonwealth of Kentucky shall be guilty of a nuisance, and the building, erection or place and the ground itself in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures and musical instruments therein and all other contents thereof are declared a nuisance and shall be enjoined and abated as hereinafter provided.

Action by Commonwealth on relation of attorney or citizen. Temporary injunction. Notice. Effect of order.

Sec. 3941m-2. That whenever a nuisance is kept, maintained or exists as defined in this act, the Commonwealth attorney or county attorney, or any citizen of the county wherein such nuisance exists, may maintain an action in equity in the name of the Commonwealth of Kentucky, upon the relation of such attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same and the owner or agent of the building or ground upon which nuisance exists. In such action the

court, or a judge in vacation, shall, upon the presentation of a petition therefor alleging that the nuisance complained of exists, grant a temporary injunction without bond, if the existence of such nuisance complained of be made to appear to the satisfaction of the court or judge by evidence in the form of affidavit, depositions, oral testimony or otherwise, as the complainant may elect. Three days' notice, in writing shall be given the defendant of the hearing of the application. When an injunction has been granted it shall be binding on the defendant throughout the Commonwealth of Kentucky, and any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

Evidence of general reputation. Dismissal of action. Costs.

3. In such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed, except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the Commonwealth or county attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, it may direct the Commonwealth or county attorney to prosecute said action to judgment; and if the action is continued more than one term of court, any citizen may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen, and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen.

Violation of injunction. Arrest of Defendant. Trial. Punishment.

4. That in case of the violation of any injunction granted under the provisions of this act, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an affidavit, setting out the alleged facts constitut-

ing such violation, upon which the court or judge shall cause an order of arrest to issue, under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may at any stage of the proceedings demand the production and oral examination of the witnesses. A party found guilty of contempt, under the provisions of this action, shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

Order of abatement. Removal and sale of furniture and fixtures. Closing of building for one year. Use of building ordered closed, penalty for.

5. That if the existence of the nuisance be established in an action provided in this act, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, and shall order the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. If any person shall break, enter or use a building, erection or place so directed to be closed he shall be punished as for contempt, as provided in the preceding action. The sheriff shall be allowed for sales hereunder the same fees as allowed for sales under execution. For all other services hereunder, the sheriff shall be allowed a reasonable fee by the court, to be taxed as a part of the costs in the action; provided, that no injunction shall issue against an owner, nor shall an order be entered requiring that any building or apartment or any place be closed or kept closed if it appears that such owner and his agent have in good faith endeavored to prevent such nuisance. Nothing in this act contained shall authorize any relief respecting any other apartment than that in which such a nuisance exists.

Disposition of proceeds of sale.

6. That the proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in the payment of the costs of the action and abatement and the balance, if any, shall be paid to the defendant.

Defendant may give bond and secure release of premises, when. Abatement of action. Costs.

7. That if the owner, agent or lessee of any building, erection, place or ground against which an injunction has been issued, appears and pays all costs of the proceeding and filed a bond, with surety to be approved by the clerk, qualified as required by section 684 of the Civil Court of Practice, in the full value of the property to be ascertained by the court, or, in vacation, by the judge thereof, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept within a period of one year thereafter, the court, or, in vacation, by the judge, may, if satisfied of his good faith, order the premises which had been closed under the order of abatement to be released to said owner and said order of abatement canceled so far as the same may relate to said property; and if said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said premises. The release of the property under the provisions of this section shall not release it from any judgment, lien or liability to which it may be otherwise subject by law.

Fee allowed plaintiff's attorney.

8. That wherever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purpose prohibited by this act, or when the case shall be disposed of under section 3941m-7 of this statute, the court shall allow to the attorney for the plaintiff a reasonable fee, which shall be taxed as a part of the cost of the action.

Immunity of witness for plaintiff.

9. That the Commonwealth attorney or county attorney, or other attorney representing the plaintiff in any proceeding under this statute, may, with the

approval of the court, grant immunity from prosecution to any witness who shall tsstify for plaintiff.

Costs a lien on realty. Satisfaction of.

10. That the costs of the action provided for hereunder shall constitute a lien upon any ground and improvements involved in the case, and the judgment shall provide for the enforcement thereof, but any personal property seized as herein provided shall be first sold and the proceeds applied to the payment of such costs before said ground or improvements shall be sold.

Commonwealth's or county attorney to proceed against persons convicted of keeping disorderly house. Citizen may institute action. Judgment of conviction authorizes injunction.

11. If any person be convicted in any court of this State of keeping or maintaining a bawdy or disorderly house or house of ill fame or house of assignation, the county attorney or prosecuting attorney of such court in which such conviction shall have occurred shall, or any citizen of the State may, institute injunction proceedings against such person in a court of equity, as provided in this act, and the said judgment of conviction shall be warrant for the court of equity issuing an injunction as provided therein against said person and the property unlawfully used as provided herein.

VENEREAL ADVERTISING LAW.

Advertisement relating to certain diseases prohibited.

Whoever publishes, delivers, distributes or causes to be published, delivered or distributed in a newspaper or otherwise an advertisement containing a statement, description or discussion of or concerning a venereal disease or a disease, infirmity or condition of the sexual organs caused by sexual vice or referring to a person or persons who may or will treat or give advice concerning the same or to an office or place where such disease, infirmity or condition may or will be treated or where advice may or will be given concerning the same, shall be punished by imprisonment for not more than six months or by a fine of not less than fifty dollars nor more than five hundred dollars,

or by both such fine and imprisonment. Provided, however, that this section shall not be construed to apply to didactic or scientific treatises on sex conditions, diseases or infirmities which do not advertise or call attention to any person or persons who will treat or advise concerning the same, nor to any office or place where the same may be treated or where advice will be given concerning the same, other than a person or an office or a place affiliated with a licensed hospital or dispensary or the State or county board of health of the State of Kentucky.

THE LAW FOR THE PREVENTION OF BLINDNESS.

Section 2062b, Kentucky Statutes, Vol. 1, p. 1084.

Trachoma and opthalmia; schools of instruction.

Sec. 2062b. 1. That it shall be the duty of the county board of health of each county, acting in co-operation with the county medical society and state board of health, to arrange for an annual course of instruction or school for the physicians, midwives and nurses of such county to teach the importance, and the latest and best methods for the early recognition and treatemnt of, the dangers from, and the precautions to be used against, the infection and contagion to all who come in contact with cases of trachoma and opthalmia or any other disease of the eyes of the new born, or with any towel, utensil or other thing used by or for them; and the importance and imperative duty of at once reporting all cases of such diseases to the county or city health authorities, as may be, and of keeping a true record of all such cases.

Bulletins of information.

2. That it shall be the duty of the state board of health to secure the co-operation and assistance of the national health authorities in dealing with these diseases, and to prepare and issue bulletins or other literature containing professional and popular information as to the prevalence and infectious character of

such eye diseases, and the precautions to be used against such infections; and to furnish formulae and other information for the use of physicians and midwives in the management and treatment of such diseases. It shall be the duty of the county boards of health to furnish to physicians and midwives the simple drugs to be used for the indigent in preventing and in treating such diseases.

Must be reported.

3. That it shall be the duty of every physician and of every midwife, who, while in attendance upon a baby under thirty days old or upon its mother, has observed ophthalmia in the new-born baby, and the duty of the head of a family and of a trained nurse in a family in which there is a baby under thirty days old and no physician or midwife in attendance, and the duty of the trained nurse and of the head of any institution in which there is a baby under thirty days old and no physician or midwife in attendance upon it or its mother, to report the case of opthalmia in the new-born within six hours after observing it to the city board of health, if the case shall have occurred in a city then having a city board of health, or if there be no city board of health, or if the case shall have occurred outside a city, to the county board of health within twenty-four hours after observation. And it shall be the duty of every physician to report each case of trachoma so diagnosed by him as attending or examining physician within five days after such diagnosis. And any physician, midwife, nurse, or head of family who fails to make the report required by this act, shall upon conviction, be fined not more than one hundred dollars; and presistent failure or refusal on the part of a physician, midwife or nurse to make such report or to take the necessary precautions to prevent the spread of such diseases shall be a proper ground for the revocation of the right to practice, after due notice and hearing, as now provided by law for the revocation of certificates to practice medicine in this Commonwealth.

Penalties.

4. That "Ophthalmia in the New-Born" shall be understood to be "any inflammation, swelling and redness of either eye, or of both eyes, either apart from or together with any unnatural discharge from the eye, or eyes, of a baby." Definitions.

FALSE OR FRAUDULENT ADVERTISING.

Chapter 147, p. 648, Acts of 1918.

Untrue, deceptive or misleading statements in public advertisements. Penalty for making.

Sec. 1376f. Any person, firm, corporation or association, who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating therto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public in this State, in a newspaper or other publication or in the form of a book, notice, handbill, poster, bill, circular, pamphet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars, or imprisonment in the county jail not exceeding ninety days, or both so fined and imprisoned in the discretion of the jury.

Display, exhibit, insertion in newspapers, or mailing any false or misleading advertise-

1. That it shall be unlawful for any person, firm, association, corporation or advertising agency, either directly or indirectly, to display or exhibit to the public in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise;

ment or statement for purposes of deception.

or to insert or cause to be inserted in any newspaper, magazine or other publication; or to issue, exhibit or in any way distribute or disseminate to the public; or to deliver, exhibit, mail or send to any person, firm, association or corporation any false, untrue or misleading statement, representation or advertisement with intent to sell, barter or exchange any goods, wares or merchandise or anything of value; or to deceive, mislead or induce any person, firm, association or corporation to purchase, discount or in any way invest in or accept as collateral security any bonds, bill, share of stock, note, warehouse receipt or any security; or with the purpose to deceive, mislead, or induce any person, firm, association or corporation to purchase, make any loan upon or invest in any property of any kind; or use any of the aforesaid methods with the intent or purpose to deceive, mislead or induce any other person, firm or corporation for a valuable consideration to employ the services of any person, firm, association or corporation so advertising such services.

Penalty for violations. Liability of corporate officers.

2. That any person, firm, or association violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment of not more than sixty days, or by both fine and imprisonment, in the discretion of the court. A corporation convicted of an offense under the provisions of this act shall be fined not more than $500, and its president or such other officials as may be responsible for the conduct and management thereof shall be imprisoned not more than sixty days, in the discretion of the court. (Id., Sec. 2.)

Advertisement relating to certain diseases prohibited.

Sec. 1376. Whoever publishes, delivers, distributes or causes to be published, delivered or distributed in a newspaper or otherwise an advertisement containing a statement, description or discussion of or concerning a venereal disease or a disease, infirmity or condition of the sexual organs caused by sexual vice, or referring to a person or persons as having

suffered from such a disease, infirmity or condition; which advertisement shall call attention to a medicine, article or preparation that may be used therefor, or to a person or persons who may or will treat or give advice concerning the same, or to an office or place where such disease, infirmity or condition may or will be treated, or where advice may or will be given concerning the same, shall be punished by imprisonment for not more than six months or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment; provided, however, that this section shall not be construed to apply to didactic or scientific treatises on sex conditions, diseases or infirmities which do not advertise or call attention to any person or persons who will treat or advise concerning the same, nor to any office or place where the same may be treated or where advice will be given concerning the same, other than a person or an office or a place affiliated with a licensed hospital or dispensary or the State or county board of health of the State of Kentucky.

Penalty for violation. Separate offenses.

2. Any person violating any provision of this act shall be guilty of a misdemeanor and shall be fined not less than twenty dollars ($20.00) nor more than one hundred dollars, or imprisoned in the county jail for not less than twenty nor more than sixty days, or be both so fined and imprisoned. Upon such conviction any such forbidden article shall be confiscated by and become the property of the Commonwealth, and each day any provision of this act is violated shall constitute a separate offense.

3. Any police officer of this State is hereby authorized summarily to arrest any person violating any of the provisions of this act, and if the presence of any such article be suspected on or about the premises occupied by or under the control of such alien, enter and search such premises for the purpose of ascertaining whether any such forbidden article is in the possession of or under the control of such alien.

THE ABORTION LAW.

Abortion.

Sec. 1219a. 1. It shall be unlawful for any person to prescribe or administer to any pregnant woman, or to any woman whom he has reason to believe pregnant, at any time during the period of gestation, any drug, medicine, or substance, whatsoever, with the intent thereby to procure the miscarriage of such woman, or with like intent, to use any instrument or means whatsoever, unless such miscarriage is necessary to preserve life; and any person so offending shall be punished by a fine not less than five hundred nor more than one thousand dollars, and imprisoned in the State prison for not less than one nor more than ten years.

Penalty.

2. If by reason of any of the acts described in section one hereof, the miscarriage of such woman is procured, and she does miscarry, causing the death of the unborn child whether before or after quickening time, the person so offending shall be guilty of a felony, and confined in the penitentiary for not less than two, nor more than twenty-one years.

3. If by reason of the commission of any of the acts described in section 1 hereof, the woman to whom such drug or substance has been administered, or upon whom such instrument has been used, shall die, the person offending shall be punished as now prescribed by law, for the offense of murder or manslaughter, as the facts may justify.

Woman not accomplice.

4. The consent of the woman to the performance of the operation or the administering of the medicines or substances, referred to, shall be no defense and she shall be a competent witness in any prosecution under this act, and for that purpose she shall not be considered an accomplice.

ANTI-NARCOTIC LAW.

Chapter 93b, Sec. 3766c, Kentucky Statutes, p. 1949.

Regulation of sale.

Sec. 3766c. Opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, shall be sold or dispensed only by a registered pharmacist upon the original written, dated and signed prescription of a legally licensed physician, or dentist or veterinary surgeon, and only one sale shall be made on said prescription, and each such prescription shall state upon its face the quantity of said opium, its alkaloidal salts or their derivatives, also the name of the patient and the date said prescription is filed. And opium or its alkaloidal salts or their derivatives, or any admixtures containing opium or its alkaloidal salts or their derivatives, shall be sold at wholesale only to registered pharmacists, legally qualified physicians, dentists and veterinary surgeons: Provided, however, that any preparation, patent, proprietary or otherwise, containign not more than two grains of opium or one-fourth of a grain of its alkaloidal salts or their derivatives to the ounce, or admixture of ipecac and opium, commonly known as Dover's Powder, or the anti-spasmodic mixtures of the National Formulary official at the time of sale, or lotions, liniments, suppositories, ointments and plasters plainly labeled "For External Use Only," may be sold or dispensed by registered pharmacists without any prescription. Any registered pharmacist, legally licensed physician, dentist, or veterinary surgeon or any person not a registered pharmacist, licensed physician, dentist or veterinary surgeon, who shall prescribe for, procure for, or sell, or dispense to any person opium or its alkaloidal salts or their derivatives, or any admixture containing opium or its alkaloidal salts or their derivatives, or otherwise deal in the same for any purpose other than for the legitimate use as herein provided, shall thereby render himself amenable to the penalties as in this

Definitions.

section provided. And provided, further, that the provisions of this section shall not apply to the sales made by wholesale druggists to each other or to registered pharmacists or to legally licensed physicians, dentists, or veterinary surgeons, or to hospitals, sanatoriums, colleges, public and scientific institutions, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to the sale at wholesale to general merchants or at retail by general merchants of patent or proprietary medicines containing not more than two grains of opium or one-fourth grain of morphine or one-fourth grain of heroin or three-fourths grains of codeine in one ounce. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than twenty or more than one hundred dollars.

PUBLIC DRINKING CUP LAW.

Drinking cups in public places.

Sec. 1376e. The use of the common drinking cup on railroad trains and in railroad stations, public hotels, boarding houses, restaurants, or steamboats, in stores or other publicly frequented places in Kentucky is hereby prohibited. No person or corporation in charge of the aforesaid places and no person or corporation shall permit on said railroad train in railroad stations, public hotels, boarding houses, restaurants, steamboats, stores, or any publicly frequented place in Kentucky, the use of the drinking cup in common. There must also be posted in a conspicuous place, by the individual or corporation, by the drinking water contained in any of the places mentioned in foregoing paragraphs, a warning cardboard, with the above printed thereon in large letter, so they can be easily read. Any person or corporation violating the provision of this act shall, upon conviction, be fined in any sum not less than one dollar, and not more than

Penalty.

ten dollars, and each day's violation of any of the provisions of this act shall be considered a separate offense, punishable by fine in the amount named above.

LAW AGAINST DIVISION OF FEES.

Carroll's Statutes, Vol. 3, 1918, p. 565.

Division of fees without consent of patient. Guilty of selling the patient, when.

Sec. 2618a-1. That hereafter any physician, surgeon or any other person who carries, sends or is in any manner instrumental or aids and abets in causing a patient to go to another physician or surgeon for surgical operation or advice as to or the treatment of physical or mental disease, injury or ailment, and receives therefor from such other physician or surgeon any money, gift or other thing of value for having furnished such patient or who has any agreement or understanding with such physician or surgeon to receive therefor any money, gift or other thing of value whatsoever from such physician or surgeon, without the knowledge and consent of the patient previously obtained, shall be guilty of selling the patient within the meaning of this act.

Penalty for selling patient.

2. Any physician, surgeon or other person who shall violate section 2618a-1 of this act shall be guilty of a misdemeanor and fined not less than fifty dollars nor more than one hundred dollars for each offense.

Division of fees without consent of patient guilty of buying patient; when.

3. That hereafter any physician, surgeon or any other person who knowingly receives any patient so carried, sent or caused to go to him for any surgical operation or advice as to or treatment of any physical or mental disease, injury or ailment, and such physician, surgeon or other person pays any money, gift or thing of value or promises any compensation whatsoever therefor to such physician, surgeon or other person so sending or carrying or aiding and abetting in getting such patient to him, without the knowledge or consent of the patient previously

obtained, shall be guilty of buying the patient within the meaning of this act.

Penalty for buying patient. Forfeiture of license.

4. That any person who buys a patient within the meaning of section 2618a-3 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and if he be a physician or surgeon shall, upon conviction of a second offense, forfeit his license to practice medicine and surgery in this Commonwealth; the court trying the case shall, upon conviction for the second offense, declare, as a part of the judgment entered upon the record of the court trying the case, that the license of such physician or surgeon to practice medicine or surgery in this Commonwealth be canceled, and the license so canceled shall never be renewed in this Commonwealth.

Seller not the accomplice of the buyer. Seller compelled to tesitfy. Privileged from prosecution in such event.

5. The person selling the patient and guilty of the offense under section 2618a-1 of this act shall not be deemed an accomplice of the physician, surgeon or other person who buys such patient, as provided in section 2618a-3 thereof, and may be compelled, as a witness, to disclose all the facts relative to such selling of the patient by him and the purchase thereof by the physician or other person under section 2 hereof, but no such testimony given shall be used in any prosecution against the person so testifying, and he shall stand discharged of any act so disclosed by his testimony.

THE VITAL STATISTICS LAW.

Section 2062a, Kentucky Statutes, Vol. 1, p. 1074.

Bureau of Vital Statistics.

Sec. 2062a. 1. That it shall be the duty of the State Board of Health to have charge of the State system of registration of births and deaths; to prepare the necessary methods, forms and blanks for obtaining and preserving such records and to insure the faithful registration of the same, in towns, cities, coun-

ties, and in the Bureau of Vital Statistics. The said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.

State Registrar. Term. Salary.

2. That the state board of health shall have general superivision over the Bureau of Vital Statistics, which is hereby authorized to be established by said board, and which shall be under the immediate direction of the State Registrar of Vital Statistics, whom the state board of health shall appoint within thirty days after the taking effect of this law, and who shall be a competent vital statistician. The term of appointment of State Registrar of Vital Statistics shall be four years, beginning with the first day of January of the year in which this act shall take effect, and any vacancy occurring in the office of State Registrar of Vital Statistics shall be filled by appointment of the state board of health. The State Registrar of Vital Statistics shall receive an annual salary not to exceed twenty-five hundred dollars, which sum shall be paid by the state board of health out of the annual allowance made to it by the state. The state board of health shall provide for such clerical and other assistance as may be necessary for the purposes of this act, and may fix the compensation of persons thus employed, within the amount appropriated for said board by the legislature. Suitable apartments shall be provided for the State Bureau of Vital Statistics, which shall be properly equipped with fire-proof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act. The State Registrar shall file duplicates of all returns made to him from each county with the county clerk thereof upon notice that a fire proof vault and filing cases for their permanent preservation have been provided by the fiscal officials of such county.

State to be divided into districts.

3. That for the purposes of this act the State shall be divided into registration districts as follows: Each city and incorporated town shall constitute a primary registration district; and for that portion of each county outside of the cities and incorporated towns therein, the State Board of Health shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time as may be necessary for convenience and completeness of registration.

Local registrars. Deputy.

4. That within ninety days after the taking effect of this act, or as soon thereafter as possible, the state board of health shall appoint a local registrar, deputy registrar, or both, of vital statistics for each registration district in the State, excepting such cities or towns or registration districts as are otherwise provided for.

The said board may, at its discretion, appoint as local registrar or deputy registrar, any registration official under this act, undertaker or person or persons who furnish coffins, who shall serve for the district or districts as designated by said board, any county or city official who shall serve, ex-officio, as the local or deputy registrar of the registration district or districts for which he is appointed.

Appointment and duties.

The term of the office of local and deputy registrars, appointed by said board, shall be for four years beginning with the first day in January of the year in which this act shall take effect, and their successors shall be appointed at least ten days before the expiration of their term of office.

Any local or deputy registrar, appointed by said board, who fails or neglects to efficiently discharge the duties of his office as laid down in this act, or who fails to make prompt and complete returns of births and deaths as required hereby, shall be forthwith removed from his office by the state board of health and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty.

Each local registrar, appointed by said board, shall immediately appoint one or more deputies, whose duty it shall be to act in his stead in case of absence, illness or disability, and who shall accept such appointment in writing, which shall be filed in the office of the State Registrar, and who shall be subject to all rules and regulations governing the action of local registrars; provided, that in cities or towns where health officers, or secretaries of local boards of health, or other officials, at the date of this act, are officiating as registrars of births and deaths under local ordinances to the satisfaction of the State Registrar, such officers shall be continued as registrars in and for such cities and towns, but shall be subject to the rules and regulations of the state board of health, and to all the provisions of this act.

That it shall be the duty of any deputy registrar appointed under the provisions of this act to report promptly any certificates of births or deaths, to the local registrar of the district in which the birth or death occurred; and that it shall be unlawful for any local or deputy registrar, sexton, physician or undertaker to charge a fee to any member of a family in which a death has occurred, for complying with any of the provisions of this act.

Disposition of dead bodies. Permits. Certificates filed.

5. That the body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district until a permit for burial, removal or other disposition shall have been promptly issued by the registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him as hereinafter provided: Provided, that a transit permit issued in accordance with the law and health regulations of the place where the death occurred, whether in Kentucky or outside of the State, may be accepted

by the local registrar of the district where the body is to be interred or otherwise finally disposed of, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but shall plainly enter on the face of the copy of the record which he shall make for the return to the State Registrar the fact that it was a body shipped in for interment and give the actual place of death. But when a body is removed from a district in Kentucky to another district, the registrar's burial or removal permit from the district where the death occurred may be accepted as authority for burial at the point of destination: Provided, however, that in the event that the death of a person occurs outside of the cities and incorporated towns, nothing in this act shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required, as prescribed by law, or the state board of health shall deem it necessary for the protection of the public health. And it shall be the duty of the undertaker or person acting as such to file with the local registrar or deputy registrar, prior to the interment, a provisional certificate of death which shall contain the name, date and place of death of the deceased and an agreement to furnish within five days a complete and satisfactory certificate of death, and it shall be the duty of the undertaker or person acting as such to secure a complete and satisfactory certificate of death as provided in section 9 of the act and return it within five days from the date of burial to the local registrar of the district in which the death occurred. And if there be no undertaker, or person who acts as such, then it shall be the duty of the head of the family in which the death occurred to notify, within five days of date of death, the local registrar of the district in which it occurred of the fact of the death. It shall then be the duty of the local registrar to procure, promptly, said certificate of death.

Birth and death of stillborn children must be registered.

6. That stillborn children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any; and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit in usual form shall be required.

Certificate of death. Form of.

7. That the certificate of death shall be the standard form adopted by the United States Census Bureau for the collection of mortality statistics.

The personal and statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

What facts to state.

The statement of facts relating to the disposition of the body, shall be signed by the undertaker, or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate not containing such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Cause of death, which may be the result of either disease or violence,

shall be carefully defined; and, if from violence, its nature shall be stated and whether (probably) accidental, suicidal or homicidal. And in case of deaths in hospitals, institutions or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted.

Death without physician in attendance.

8. That in case of any death occurring without a physician in attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit: Provided, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificates of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death; and, if from external causes of violence, whether (probably) accidental, suicidal or homicidal, and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.

Duties of undertakers.

9. That the undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in section eight. And he shall then state the

facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the registrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the body; or shall attach the transit permit, containing the registrar's removal permit, to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of Kentucky, it shall be taken up by the local registrar of the district in which interment is made, who shall issue a burial permit thereon.

Burial permit.

10. That if the interment, or other disposition of the body, is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased; stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

Duties of persons in charge of burial grounds.

11. That no sexton, or person in charge of any premises in which interments are made, or the owner of premises containing a private cemetery, shall inter, or permit the interment or other disposition of any body, unless it is accompanied by a burial removal or transit permit, as herein provided. And each sexton, or person in charge of any burial ground, or the owner of premises containing a private cemetery, shall endorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district, within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises

under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker; which record shall at all times be open to public inspection.

Births to be registered.

12. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

Certificate of birth.

13. That it shall be the duty of the attending physician or midwife to file a certificate of birth properly and completely filled out, giving all the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institution, in which the birth occurred, to notify the local registrar, within ten days after birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

Form of certificate.

14. That the certificate of birth shall be the standard form adopted by the United States Census Bureau. This certificate shall be signed by the attending physician or midwife, with date of signature and address; if there be no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, whose duty it shall become to notify the local registrar of such a birth, as required by section thirteen of this act. All certificates, either of birth or death, shall be written legibly in unfading ink; and no certificate shall be held to be complete and correct that does not supply all the items of information called for therein, or satisfactorily account for their omission.

Supplemental report of birth.

15. That when any certificate of birth of a living child is presented without statement of the given

name, then the local registrar shall make out and deliver to the parents, attending physician or midwife, a special blank for the supplemental report of the name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named.

Physicians, midwives and undertakers must register.

16. That every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides or may hereafter establish a residence and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the State Registrar.

Records. What must be kept. By whom kept.

17. That all superintendents or managers or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act that are required in the form of the certificate provided for by this act, as directed by the State Registrar; and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify, for entry in the record, the name of the disease, and where, in his

opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they cannot be obtained, they shall be secured in as complete a manner as possible from the relatives, friends, attending physicians and midwives.

Blanks furnished by board. Duties of State Registrar.

18. That the state board of health shall prepare, print and supply to all registrars suitable blanks and forms used in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the state board of health. The State Registrar shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, or undertakers, connected with any case, are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar. He shall, further, arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births, sickness and deaths registered; the cards to show the name of child, deceased, place and date of birth, sickness or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that, when sickness and deaths occur from such

diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

Blanks. Duties of local registrars.

19. That it shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: Provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar. And he shall, on the tenth day of each month, transmit to the State Registrar all original certificates registered by him during the preceding month. And if no births or

no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the State Registrar, on a card provided for this purpose.

Compensation of local registrar, physician and midwife.

20. That each local registrar, physician or registered midwife shall be entitled to be paid the sum of twenty-five cents respectively for each birth and each death certificate properly and completely made out and registered with or reported by him, and correctly copied and duly returned to the State Registrar, as required by this act. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report, to that effect, promptly made in accordance with this act. All amounts payable to registrars, physicians or midwives under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State Registrar. And the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars, and the amounts due each at the rates fixed herein.

Duties of State Registrar.

21. That the State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth, sickness or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth, sickness, or death, when properly certified by the State Registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certificate copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him

received under these provisions, and turn the same over to the State Treasurer: Provided, that in cities of the first class, certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid in to the treasurer of said cities.

Penalties.

22. That if any physician, who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker or sexton, or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. And if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.

And any physician or midwife, in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section thirteen of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of, the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions

of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

And any person who shall wilfully alter any certificates of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction therof, shall be fined not less than five dollars nor more than one hundred dollars.

And any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, that in case the death occurred outside of the State, and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal or transit per-

mit, may be held to authorize the transportation or carriage of the body into or through the State.

Reports by local registrars.

23. That local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law, coming to their notice by observation or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative. and all registrars shall aid him, upon request, in such investigation. When he shall deem it necessary he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or official of the proper county or municipality, with a statement of the facts and circumstances; and when any such case is reported to them by the State Registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And upon request of the State Registrar, the district attorney shall likewise assist in the enforcement of the provisions of this act.

Privileged communications.

24. For the purposes of this act, and all other matters, the confidential relations and communications between physician and patient are placed upon the same basis as those provided by law between attorney and client, and nothing in this act shall be so construed as to require any such privileged communication to be disclosed.

Repealing clause.

25. That Chapter 83, Kentucky Statutes, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

PUBLIC HEALTH NURSE ACT.

Chapter 51, p. 148, Acts of 1918.

Organizations entitled to State aid in paying for visiting nurse's services.

An act relating to public health; to provide State aid to any county, tuberculosis district, or public or private organization not operated for profit, which shall employ a visiting nurse for the cure and prevention of tuberculosis and other diseases and to render aid in times of war or emergency to the sick, afflicted, injured or distressed from any cause, under the supervision and direction of the state board of health.

Registered nurse may be employed. Duties and reports of nurse.

Sec. 4711c-1. Any county, tuberculosis district, or other organization not operated for profit, which shall employ a visiting nurse for the cure and prevention of tuberculosis and other diseases in any county or counties of this Commonwealth, shall be entitled to receive State aid in providing compensation for such nurse, in accordance with the provisions of this act.

Qualifications of nurse.

2. The fiscal court of any county, or the district board of trustees of any tuberculosis district, or any organization not operated for profit, is authorized and empowered to employ a registered nurse, whose duties shall be as follows: To give instructions to tuberculosis patients and others relating to hygenic measures to be observed in preventing the spread of tuberculosis and other diseases; to aid in making reports of existing cases of tuberculosis and other diseases; to act as visiting nurse throughout the county or the tuberculosis district, and to perform such other duties as a nurse and hygienic expert as may be assigned to her by the fiscal court or the tuberculosis district board of trustees, or other organization employing her. Such visiting nurse shall, at the end of each month, make a report in writing to the county

judge of the county, or the tuberculosis district board of trustees, and to the State Board of Health, which reports shall show the visits made during the month then ending and the requests made for her services, and such other information as may be required by the fiscal court, the district board of trustees, or the State Board of Health.

Supervision of State Board.

3. Before any nurse can be appointed within the provisions of this act, she must be a registered nurse. Such nurse shall at all times be subject to the supervision of the state board of health under such rules and regulations as said board shall prescribe.

Maximum amount of State appropriation. Not over one nurse to each county.

4. For the compensation of such visiting nurse, there shall be allowed each and every year, and paid out of the State Treasury from funds not otherwise appropriated, to every county, tuberculosis district or other organization employing a visiting nurse within the provisions of this act, a sum equal to one-third of the money actually paid to such nurse as compensation for her services; however, in case the sum of money actually paid to such nurse as compensation for her services exceeds $75.00 (seventy-five) dollars per month, the amount to be paid by the State shall not exceed $25.00 (twenty-five) dollars per month for each nurse, and be limited to one visiting nurse to each county.

The money hereby appropriated shall be paid in installments regularly, as is done in the case of charitable institutions maintained by the State of Kentucky, upon the filing of due proof, of facts in accordance with the forms and regulations which may be prescribed by the State Board of Health.

Payment of funds.

5. No part of the appropriation herein made shall be paid to any public or private sanatorium or organization other than that established by a tuberculosis district, until the sanatorium or organization to which the payment is to be made shall have exe-

cuted, by its proper officers, a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said money so paid to such sanatorium or organization shall be applied to the payment of the salary of the visiting nurse. There shall be attached to, as part of said bond, an attested copy of the articles of incorporation under which said sanatorium or organization is established and maintained, and further, a statement under oath, made by the chief officer, and the treasurer of said sanatorium or organization, showing the actual amount of money expended by said sanatorium or organization as salary for the visiting nurse.

Bond to secure proper use of appropriation. Details of bond. Approval of State Examiner.

Said bond, articles of incorporation and statement under oath, and the approval of the state board of health signed by its president and attested by its secretary under seal, shall be first submitted to the State Inspector and Examiner to examine into the verify conditios embraced within said bond and statement. And when he shall have approved same, and further shall have ascertained that said sanatorium or organization is not being operated for profit, he shall certify such examination and approval to the Auditor of Public Accounts.

Report of Auditor.

6. Any county, tuberculosis district, sanatorium or other organization availing itself of this act shall make an annual report to the Auditor of Public Accounts, showing when, where and in what manner the money received by such county, tuberculosis district, sanatorium or organization under this act has been applied and disbursed, and such report shall be subscribed by and sworn to by the chief officer of the sanatorium or organization, or by the county judge of the county, or by the chairman of the board of trustees of the tuberculosis district.

Books open to inspection. Visitation by State Board.

7. Any county tuberculosis dstrict, sanatorium or other organization receiving any of the benefits of this act shall at all reasonable times keep open for the inspection of the State Inspector and Ex-

aminer its records and books of accounts, and the state board of health, or their duly authorized representative, shall each year visit such county, tuberculosis district, sanatorium or organization is observing the provisions of this act.

Nurse to act under orders of State Board of Health in case of war or emergency. Penalties for failure so to act. Time limit on such employment.

8. That it shall be the duty of any county, tuberculosis district, sanatorium or other organization receiving any of the benefits of this act, when requested by the state board of health in times of war or emergency, to require such nurse as may be employed under the provisions of this act to perform the duties imposed herein, under the rules and regulations of the state board of health, and it shall be the duty of such nurse to perform such duties as may be required by the state board of health, under its supervision and direction, and in the event such county, tuberculosis district, sanatorium or organization in observing ing any of the benefits of this act shall fail or refuse to require such nurse to perform the duties herein imposed, the benefits of this act shall be withdrawn for not less than one nor more than two years, in the discretion of said board, and if such nurse fails or refuses, except in case of severe illness or disability, to perform the duties herein imposed, she shall be suspended without salary for three months. Provided, that in any period of twelve months the state board of health shall not require more than twenty days' services for such war or emergency work.

LAW RELATING TO THE FEEBLE-MINDED.

Chapter 54, p. 156, Acts of 1918.

Definitions.

1. The term "feeble-minded person" means a person with a defect in mental development, which is due to causes operating at birth, or at an early age, and which is of such a degree that he is incapable therefrom of caring for himself or managing his affairs

and requires supervision, care, training, control or custody for his own welfare or for the welfare of others or the community.

The term "epileptic person" means a person who has epileptic attacks and is known to be losing his mental capacity as a result of these attacks, and is so distinctly enfeebled that he needs care and custody for his own welfare, or for the welfare of others, or for the community.

The term "Board of Control" means the State Board of Control of Charitable Institutions.

Home and farm colony for feeble-minded.

The farm provided for by this act shall be known as "The Farm Colony for the Feeble-Minded," and the present institution in Frankfort for the feeble-minded shall be known as "The Training School for the Feeble-Minded," and the colony and training school shall be known collectively as "The State Institution for the Feeble-Minded."

2. There shall be established and maintained a farm colony for the feeble-minded and epileptic persons to be located on land suitable, or which may be made suitable for farming, stock raising and fruit growing, and equipped with dormitories and other buildings sufficient to accommodate at least five hundred inmates, the farm colony to be conducted as a part of the training school and under the general supervision of the superintendent with the approval of the Board of Control. The farm colony shall be located in the same county or in a county adjoining that in which the training school is located.

Objects and purposes.

3. The object and purpose of said State instituiton for feeble-minded and epileptic persons shall be the mental and physical training, the treatment and custody of feeble-minded and epileptic persons, the promotion of their happiness and well-being and the study of mental deficiency; and such institutions shall have all rights and powers which may be necessary and proper for carrying out the purpose for which they are established.

Management of institutions.

4. The Kentucky State Board of Control for Charitable Institutions shall have the management and control of the State institution for the feeble-minded and epileptic and shall appoint the superintendent for such institution.

Superintendent. Qualifications.

5. The superintendent shall be an expert in the care and management of feeble-minded persons, shall be a graduate in medicine and shall have had at least two years' experience upon the medical staff of an institution devoted to the care and treatment of feeble-minded persons. Fitness for the service as superintendent of such institution shall be the only factor in his selection.

Residence at institution.

6. The Superintendent shall reside at the institution and shall devote his entire time to the conduct of its affairs. Subject to the approval and direction of the State Board of Control, he shall have entire charge of the management, control and training of all the inmates of such institution. He shall give a bond to the State for the performance of his duty as superintendent of such institution in such sum and with such sureties as may be satisfactory to the Board of Control.

Employment of help.

7. The superintendent shall, subject to the approval of the Board of Control, employ two assistant superintendents, a principal teacher and such other officers and employees as he may deem proper and necessary for the efficient conduct of said institution. The Board of Control shall have power to designate their titles, fix their compensation and prescribe their duties, and all such appointees shall hold their office at the pleasure of the board. The first assistant shall be a competent physician and psychologist, who has had at least two years' experience in the care of the feeble-minded and who shall have full charge under the superintendent of the medical care and sanitation of inmates and of the sanitation of the institution; shall examine all the present and future inmates

and determine their fitness for training and for labor; and shall assist the superintendent with advice as to the reception of inmates. The second assistant shall be a competent farmer who has had experience in the supervision and employment of feeble-minded; and who shall have charge under the superitendent of the farm colony as herein provided for.

The principal shall be a trained educator with at least three years' experience in the control and education of the feeble-minded, and said principal may be either a man or woman. He shall have full charge of the educational and industrial employment of the inmates, excepting those on the farm colony; and the industrial work of the institution so far as it is performed by the inmates shall be under the supervision and direction of the principal, subject in all cases, to the advice of the assistant and supervision and approval of the superintendent. The purpose of the educational training of the inmates shall be at all times to promote their happiness and well-being and to render them capable of useful labor.

Compensation of superintendent.

8. The State Board of Control shall fix the compensation of the superintendent whose salary shall be not more than three thousand dollars ($3,000.00) per year.

Construction of building. Plans and material.

9. The superintendent, with the approval of the Board of Control, shall employ such architects and assistants as may be necessary in making the plans and constructing the buildings for said institution, and shall arrange for the purchase of building material; may make and let contracts for the construction of buildings, or may, where possible, employ any available harmless insane feeble-minded from any of the institutions in such work; the work on said buildings to begin as soon as possible. Said new buildings shall be constructed upon the colony and cottage plan and shall provide for complete separation of the inmates according to color and sex, and as far as practicable

for the separation of the epilepties from the non-epilepties.

Location and size of farm.

10. The farm colony shall be located upon a site duly selected by the State Board of Control and the superintendent, consisting of at least five hundred (500) acres and selected with due regard to the purposes for which it is intended; said farm to cost not in excess of fifty dollars ($50.00) an acre. But the board in its discretion may lease a farm with an option to purchase the same at a specified price.

Examination and report on sites.

11. The University of Kentucky shall at the request of the State Board of Control examine and report on any and all sites which the board may wish to investigate so that the board may be fully advised as to the quality and character of the soil, water supply, sanitation and other agricultural and engineering problems. The said board and superintendent and said university shall be entitled to receive their necessary expenses in connection with said investigation, selection and purchase of said site or sites.

Admitting to institution.

12. There shall be received into said State institution, subject to such rules and regulations as the Board of Control may adopt and pursuant to the provision of this act, feeble-minded and epileptic persons of not less than six years of age.

Care, custody and training.

13. It shall be the duty of the superintendent of said institutions to provide such care and training for each inmate as may be necessary to render him more useful and happy and to make him as nearly self-supporting as his mental capacity may permit. The inmates of said institution may manufacture and produce for their use, or for the use of other State institutions, such articles, furniture, clothing, tools, products and other supplies and engage in such labor or work of construction as may be approved by the State Board of Control.

Surplus products.

14. The Board of Control shall make such disposition of any surplus products of the farm or other in-

dustry of the institution as they deem proper, and may use the same for the benefit of the patients of the State asylums for the insane, or otherwise in their discretion.

Jurisdiction. Trial by jury.

15. The circuit courts of the several counties of this State shall have exclusive jurisdiction in all cases coming within the terms and provisions of this act. When no circuit court is in session in the county, inquests of insane persons may be held by a judge of a circuit court, or by the presiding judge of the county court, but in no case shall an inquest upon an idiot be held except in the circuit court. In proceeding under this act the person alleged to be feeble-minded, epileptic, or insane and appearing before the court, or any person interested in such person, shall have the right to demand for such alleged feeble-minded, epileptic or insane person a trial by jury, which shall be granted as in other cases, unless waived; or the court on its own motion may call a jury to try such case. The court in its discretion may conduct the trial or inquest in chambers.

Proceedings. How instituted.

16. Any reputable person being a resident of the county and having knowledge of a person in the county who appears to be either feeble-minded, epileptic or insane who is not in a state or private institution for the care of such persons, may file with the clerk of the circuit court a petition in writing for the trial and commitment of such person and setting forth facts verified by affidavit. It shall be sufficient if the affidavit is upon information and belief. The petition shall set forth the name and residence of the parent or parents, if known, and of the husband or wife, if any, and the name and residence of the person having the custody, control and supervision of such person; or if no such person is known to the petitioner, then of some near relative or that such is unknown to the petitioner. All persons named in said petition including the alleged feeble-minded, epileptic or insane

person, if legal age, shall be notified of such proceedings as hereinafter provided.

Examining physicians' certificate.

17. When a petition for the trial and commitment of an alleged feeble-minded, epileptic or insane person has been properly filed with the clerk of the court, the court shall appoint two physicians to examine such person and to certify to the court as to their findings in the case. These physicians shall be selected where possible because they have made special study of feeble-mindedness and mental diseases and shall be entitled to a fee of $3.00 each for such examination and certificate, to be paid by the county in which the commitment is made, upon a certified copy of the order of allowance made by the circuit court holding the inquest. The certificate shall state that the person has been examined by each of the medical examiners making the certificate within three days prior to the date of the certificate and that in their judgment he is feeble-minded, epileptic or insane in the sense of this act, if such be the fact, and requires supervision, control and care for his own welfare or for the welfare of others or of the community; and it shall further state whether such supervision, control and care can best be provided by commitment to an institution for the feeble-minded and epileptic or for the insane, or by commitment to guardianship. The certificate shall be in the form prescribed by the State Board of Control, and shall state the facts and circumstances upon which the judgment of the medical examiners is based, and shall be sworn to before a notary or the clerk or judge of the court.

Service of summons. Notice.

18. Upon the filing of the petition a summons shall issue requiring the parent or parents, guardian or other person having the custody, control or supervision of such person or with whom such person may be, to appear with such person at a time and place to be stated in the summons, which time shall be not less than three (3) days after service. The parent

of such person, if living, if their residence be known to the petitioner, or the legal guardian, if one there be, and his residence is known to the petitioner, or if there may be neither parent or guardian whose residence is known to the petitioner, then some near relative, if his or her residence be known to the petitioner, shall be notified also of the proceedings; and in any case the court shall appoint some member of the bar to represent and protect the interests and rights of the person alleged to be of unsound mind, and it shall also be the duty of the attorney for the Commonwealth to prevent the finding of any person to be of unsound mind who, in his opinion, is not such. If a person summoned as herein provided shall fail without reasonable cause to appear and abide by the order of the court, he may be proceeded against as in case of contempt of court. On the return of the summons or other process, or on the appearance of such alleged feeble-minded, epileptic or insane person with or without summons or other process in person before the court, together with the return of the service of notice, if there be any person notified, or upon the personal appearance or written consent to the proceedings of the person or persons, if any be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case. The court may in its discretion require other evidence in addition to the petition and the certificates of the examining physicians, and he may require the attendance at the hearing of said physicians and of any other witnesses. The alleged feeble-minded, epileptic or insane person or any one representing him, shall have the right to summon witnesses and to present evidence as in other cases made and provided.

Presence of persons charged. When dispensed with.

19. No inquest shall be held unless the person charged to be insane, feeble-minded or epileptic is in court; provided, however, that the personal presence of such person may be dispensed with when it shall

appear by the oath or affidavit of two regular practicing physicians that they have personally examined such person and that they verily believe that his condition is such that it would be unsafe to bring him into court.

Necessary orders.

20. The judge who presides at such inquest may make all orders for the care of the person found to be feeble-minded, epileptic or insane or incompetent to manage his estate; and if it is found upon the inquest that such person has an estate, or it is for any other reason necessary, it shall be the duty of the court to make all necessary orders for the appointment of a committee and the security of the estate of such person. The court may order such person to an asylum for the insane, or to the institution for feeble-minded, as the facts may warrant or the court may commit such person to a properly licensed private institution, or to a committee whom the court may find to be proper, able and competent to minister to the welfare of such person, except as otherwise provided in the next succeeding section.

Pauper imbeciles. Institutional care.

21. From and after the date of the taking effect of this act and until January 1, 1921, every pauper imbecile or feeble-minded person over six years of age and being a male below the age of eighteen or a female below the age of forty-five, shall be committed to the institution for the feeble-minded, if there is room therein for him or her in a proper department thereof; and no such person shall be committeed to the care of a committee to be placed on the pauper imbecile pension list, unless the superintendent shall first have notified the judge of the circuit court that there is no room for such person in the institution. After January 1, 1921, every pauper imbecile or feeble-minded person shall be committed to the institution for the feeble-minded if there be room therein in the proper department for such person. This section, however, shall not apply to pauper imbeciles who have heretofore been

committed to a committee and placed on the pension list for the five-year period, until the expiration of such period, unless such committee shall voluntarily surrender such guardianship and request the court to commit such person to the institution for the feeble-minded, in which case the pension shall at once cease.

When pension may be paid for pauper imbeciles.

22. Except as otherwise provided in the preceding section, feeble-minded persons who are paupers and who in the opinion of the court, may be safely and properly kept by a committee within the county, may by order of the court, be committed to the custody of a committee or other person or institution. But no pension shall be granted for a period beyond January 1, 1921, upon any inquest held after the passage and taking effect of this act.

Pauper imbecile defined. General allowance. How made.

23. A person is a pauper imbecile or feeble-minded person within the meaning of this act who has been found by the court to be feeble-minded and that he has no estate sufficient for his support and also that his parents, if alive have not sufficient estate to maintain him, and if a wife, that her husband has not sufficient estate to support her; and that he is unable to work for her support. Upon the filing with the Auditor of a certificate setting forth such facts and other facts required to be found by this act, properly signed by the judge holding the inquest, the Auditor shall issue his warrant upon the treasury for the amount allowed by law. But no allowance shall be made for the maintenance of any person under the age of eight years, nor for one who is only at times by epileptic fits or other malady enfeebled in mind, nor shall any warrant be issued by the Auditor until the committee for such person in charge has filed an affidavit stating what income, if any, has been received during the previous year from the labor of such pauper imbecile, and whether such pauper imbecile has been able to do any manual labor; and to what extent, if at all, the said pauper imbecile has been able to work for his support.

Any knowingly false statement in such affidavit shall subject the person making the same to prosecution for perjury.

The Auditor before issuing such warrant, shall submit to the Board of Control said affidavit and all other papers with reference to such claim; and it shall be the duty of the Board of Control to make an independent investigation of said commitment and of the financial and other condition of the person committed, and in its discretion the Board may authorize the Auditor to deduct from said allowance the reasonable value of the work done, if any, or money or property received for or by said feeble-minded person, during the preceding twelve months; or in its discretion the board may request the committing court to hold another inquest before authorizing Auditor to issue his warrant. And upon the further inquest the board shall produce before the court such additional evidence as it may have bearing upon said case. No warrant shall be issued by the Auditor until authorized by the Board of Control, in accordance with the provisions of this section.

History of patient's case to be prepared and sent to institution.

24. When a person shall be found feeble-minded or insane under the provisions of this act, the judge who presides at the inquest shall endeavor to ascertain and draw up a brief history of such person's case embracing the following points:

1. Age; occupation; married or single; habits; education. 2. What relations, if any, have been insane, feeble-minded or epileptic. 3. Date of first attack or symptoms; how exhibited; whether trouble has since changed in character. 4. Supposed cause; what illusions or hallucinations, if any; whether subject to fits, and if so, of what character or duration, natural temper and kind of affection toward relations. Any attempt at suicide; what propensity to mischief, or violence, if any exhibited. 6. Periodical frenzy and lucid intervals and duration of each. 7. What restraint has

been imposed and what treatment used. 8. What injury, if any, about the head received; what bodily injury, defect or disease. 9. What estate, if any, the person has in possession, reversion or remainder, and what estate his parents, if any, have; and if a married woman, what estate her husband has; together with whatever else may be deemed material to enable the superintendent of an institution to understand the case. Said statement or copy shall be sent with the record to the institution to which the person may be assigned.

Notice of commitment.

25. Upon the commitment of a feeble-minded or epileptic or insane person to an institution for the feeble-minded, epileptic or insane, a copy of the petition, the certificate of the physicians and the order of commitment, together with a written statement of the judge as to the financial condition of the feeble-minded, epileptic or insane person and of the persons legally liable for his support as far as such condition can be ascertained, and any other material facts found by the court upon the inquest shall be sent to the superintendent of such institution. The superintendent shall at once notify the judge whether or not a vacancy in the institution exists, and if a vacancy exists he shall immediately send a competent and suitable attendant, who shall bring the person to the institution. Each female committed to any institution shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son. The superintendent shall thereupon file certified copies of the papers in the office of the State Board of Control. If a vacancy does not exist the superintendent shall return the papers to the judge and thereupon without further proceedings the judge shall, unless otherwise specially provided by law, issue a supplementary order committing the feeble-minded, epileptic or insane person to guardianship until a vacancy exists in the institution. In such case the judge shall

send to the superintendent a copy of the supplementary order of commitment to guardianship and shall send to the State Board of Control a copy of the original order of commitment, the petition, the certificate of mental deficiency or epilepsy and his written statement. The superintendent shall notify the State Board of Control as soon as a vacancy exists in the institution, and thereupon the board may transfer to such institution the person so committed to guardianship. If such person has been placed on the pension list, the pension shall cease or be prorated upon the transfer of such person to such institution.

Refusal to receive.

26. The superintendent or person in charge of any institution for the feeble-minded or insane may refuse to receive any person upon an order of commitment, if the papers presented do not comply with the provisions of this act, or if in his judgment the person is not feeble-minded or insane within the meaning of this act.

Inquests to be held every third year after the first inquest.

27. Before any order shall be granted by the court for the maintenance of a feeble-minded person out of his own estate or out of the State Treasury, an inquest shall be held as provided by this act, said order to remain in force not longer than three years, when another inquest shall be necessary.

Private institutions. License.

28. Any person, association or corporation having established at the time of the passage of this act, or then or later intending to establish an institution, home or school for the care, custody and treatment of feeble-minded, epileptic or insane persons for compensation, or hire, shall obtain a license therefor from the State Board of Control. Every application for such a license shall be accompanied by information and be in such form as the board may require. The board shall not grant any such license without first having made an examination of the premises proposed to be licensed and being satisfied that they are substantially as described and are otherwise fit and suit-

able for the purposes for which they are designed to be used and that such license should be granted. The board may at any and all times examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution and an opportunity for it to be heard, the board having made a record of the proceedings upon such a hearing may, if the interests of the patients in the institution so demand, for just and reasonable cause then appearing and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee as the board shall determine.

Institutional and private care. Transfers.

29. A feeble-minded, epileptic or insane person, unless it be otherwise specially provided by law, may be committed only to a State institution for the feeble-minded, epileptic or insane, to a private institution licensed by the Board of Control, or to the guardianship of a relative or other persons designated by the court. Any feeble-minded or epileptic person committed to a State institution and becoming insane may be transferred to a State hospital for the insane by the Board of Control, and any feeble-minded or epileptic person confined at a State hospital for the insane, and who is not insane, may be transferred by the State Board of Control to the institution for feeble-minded and epileptic persons.

Duties of health officers.

30. It shall be one of the special duties of every health officer and of every public health nurse to institute proceedings to secure the proper segregation and custody of feeble-minded persons, likely to become fathers or mothers of other feeble-minded persons.

Females in poor houses.

31. It shall be unlawful for any county poor farm or poorhouse, or any home or institution providing primarily for poor or infirm persons to receive or permit to remain in its shelter a feeble-minded female under forty-five years of age, provided there is room

in the institution for the feeble-minded for such person, in which case such person must be transferred to such institution.

Aiding marriage of feeble-minded.

32. It shall be unlawful to aid or abet the marriage of any feeble-minded person, and any person found guilty of aiding or abetting such marriage shall be fined not less than fifty dollars, nor more than five hundred dolars.

Admissions for compensation.

33. The State Board of Control may authorize the superintendent of any State institution for the feeble-minded and epileptic to admit thereto under a special agreement mentally defective persons who are residents of the State, other than poor or indigent persons, when there is room for such persons therein. But no person so admitted shall be permitted to occupy more than one room in any such institution. Such persons shall be subject to the general rules and regulations of the institution. The State Board of Control shall fix the rates to be charged for the maintenance of such persons, the payment of which shall be secured by a surety company bond approved by the board, or by other adequate security or by a deposit, and bills therefor shall be collected monthly. The superintendent may recommend to the board the removal of such persons to duly licensed private institutions and the board shall have power in its discretion to compel such removal.

Support of inmates.

34. All poor or indigent feeble-minded or epileptic persons committed to the State institution for the feeble-minded and epileptic shall, while therein, be wholly supported by the State. The costs necessarily incurred in the transfer of such persons to such institutions shall be a charge upon the State. The board shall have power to take all necessary steps to secure from relatives and friends who are liable therefor, or who may be willing to assume the cost of support of any person supported by the State, reimbursement, in whole or in part, of the money so expended. The

board may fix the rate to be paid for the support of a person by his committee or by relatives liable for such support, or by those not liable for such support, but willing to assume the cost thereof; but such rate shall be sufficient where possible to cover a proper proportion of the cost of maintenance and of necessary repairs and improvements.

Non-residents.

35. If an order be issued by any judge committing to a State institution for the feeble-minded, epileptic or insane a poor or indigent person who has not acquired a legal residence in this State, the State Board of Control shall return such mentally defective person, either before or after his admission to the institution, to the country or State to which he belongs, and for such purpose may expend so much money appropriated for the care of feeble-minded and insane persons as may be necessary.

Discharge of inmates.

36. Whenever in the judgment of the superintendent of a State institution for the feeble-minded, epileptic or insane a person committed as a feeble-minded, epileptic or insane person is not feeble-minded, epileptic or insane, or the condition of an inmate has sufficiently improved so that his discharge will not be injurious to him or detrimental to the public welfare, the superintendent, may, on filing his written certificate with the State Board of Control, discharge such person, unless the person is held upon an order in an action or proceeding arising out of a criminal offense, issued by a court having criminal jurisdiction; provided, however, that before making such certificate, the superintendent shall satisfy himself by sufficient proof that friends or relatives of the person are willing and financially able to receive and properly care for such person after his discharge, if he is unable to care for himself. When the superintendent is unwilling to discharge a person upon request, and so certifies in writing, giving his reasons therefor, the judge of the county court in the county in which the institution

is situated may, upon such certificate and an opportunity for a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such person, upon such security to the people of the State as he may require, for the good behavior and maintenance of the person so discharged. The State Board of Control may, by order, discharge any inmate in its judgment improperly detained in any institution. A poor or indigent person discharged by the superintendent because he is not a feeble-minded or insane person, or because he is not a proper case for treatment within the meaning of this act, shall be returned to the county judge in the county from which he was committed. A person held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding arising from a criminal offense, may be discharged upon the superintendent's certificate approved by the court which committed him.

Discharge from private institution.

37. The superintendent or physician in charge of a licensed private institution, on filing his written certificate with the State Board of Control, may discharge any inmate whose discharge will not be detrimental to the public welfare, or injurious to the inmate. The superintendent or physician in charge of such institution may, subject to the approval of the board, refuse to discharge any inmate, if, in his judgment, such discharge will be detrimental to the public welfare or injurious to the patient; and if the committee or relatives of such inmate refuse to provide properly for his care and treatment, the superintendent or physician in charge of such institution may apply to the board for the transfer of such inmate to a State institution for the mentally defective. The Board of Control is authorized to make transfers from private to State institutions or physicians in charge of a licensed private institution may grant a parole to an inmate not exceeding six months, under general conditions prescribed by the board.

Penalties for violation.

38. Whoever shall bring or cause to be brought into any county or city of this Commonwealth from any State or county any feeble-minded, epileptic or insane person with the intent to make him a charge upon this Commonwealth shall be fined $100 or imprisoned three months or both, and shall further be liable at the suit of the Commonwealth for all damages incurred thereby, including the cost of transportation; and any person who shall fraudulently secure any adjudication that a person is a pauper imbecile with the purpose of securing the pension provided by this act, or shall knowingly conspire or contrive to have one unlawfully adjudged feeble-minded or insane, shall be subject to like penalties and damages; and any person who shall otherwise violate any provision of this act shall be fined not exceeding $100 or imprisoned not exceeding three months or both.

Clerk to furnish list of pauper idiots.

39. The circuit clerk of each county shall transmit to the Auditor on or before the tenth of September in each year a list of the feeble-minded paupers in his county; and if he fails to do so without good cause he shall be fined fifty dollars.

Appropriations and per capita allowance. Present allowance to pauper idiots to cease, when.

40. There is hereby appropriated out of the State Treasury from moneys not otherwise expended the sum of $25,000 for the year 1918 and $25,000 for the year 1919, to be expended in the purchase or rental of land for a farm colony for the feeble-minded, and in the erection of dormitories thereon; and in addition to the aforesaid appropriation and the presently existing appropriations for the care and maintenance of the feeble-minded, there shall be paid to the Board of Control for the erection of additional dormitories and buildings the sum of $75.00 per year for each and every pauper idiot or feeble-minded person hereafter committed, under the provisions of this act to said institution, the $75.00 to be in lieu of the like allowance now paid to the parents or committees of such persons, the said payment of $75.00, however, to cease on January 1, 1921.

Invalidity.

41. The invalidity of any part or parts of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the part or parts found to be invalid.

Repeals.

42. Sections 264, 265, 266, 267, 268, 269, 270 and 271 of the Kentucky Statutes, Carroll's Edition 1915, which concern the Kentucky Institute for Feeble-Minded Children, and also sections 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170 and 2171, of the Kentucky Statutes, Carroll's Edition of 1915, which concern idiots and lunatics, are hereby repealed, and also all other acts or parts of acts inconsistent with this act, are hereby repealed.

Approved March 26, 1918.

RULES AND REGULATIONS.

Effective in any county only when adopted by its board of health.

Under authority conferred by law upon the state board of health of Kentucky, the following rules and regulations are hereby made, established and published by it, in order to restrict the dissemination of disease among the people of the Commonwealth, and all persons and corporations are requested and directed to comply with each and all of them under the pains and penalties of law.

Publication of.

It is recommended that they also be adopted by each city and county board of health in the State, and that rules having special local application be published in the newspapers from time to time for the information and guidance of all concerned.

Election and duties of county health officer. Minutes to be kept and reports of election made.

Rule 1. Each local board of health, county or city, shall elect a competent physician as the health officer of the territory under its jurisdiction, and he shall, by such election, become secretary of such board. The name and post office address of such officer shall at once be sent by him to the state board of health. Such officer shall enforce the rules and regulations of the state board of health and his own board; he shall keep a correct report of its proceedings, and of his official

acts, in a book provided by the local board for that purpose; he shall report quarterly and at such other times as may be required by the state board of health, and perform such other duties as may be required by his own or the state board. Local boards of health shall in writing, recommend to their respective fiscal courts and councils the value of the services of the health officer, to be paid under section 2060 of the statutes.

Sanitary surveys. Care of public buildings. Nuisances.

Rule 2. The health officer shall, upon request of the state board of health, make a sanitary survey of the territory under his jurisdiction, for the purpose of ascertaining the existence of conditions detrimental to health, including in such survey, swamp lands, stagnant ponds, collections of manure, imperfect drainage, sewerage, cesspools and water closets; the construction, ventilation and drainage of public buildings, schoolhouses, prisons, hospitals, eleemosynary institutions, and such nuisances as might prove detrimental to the public health, and shall take proper steps to secure the abatement of such nuisance or conditions. No privy vault, or cesspool shall open into any stream, ditch or drain except common sewers. No human excrement removed from privy vaults, street scrapings or other refuse of any kind from within a city or town shall be deposited on the ground within one mile of the corporate limits of such city or town, and only then upon a written permit from the health officer of the county in whose jurisdiction the territory lies.

Supervision over school and other buildings.

Rule 3. City and county boards of health shall exercise especial supervision over the location, construction, drainage, water supply, heating, ventilation, plumbing and disposal of excreta of the school, schoolhouses, moving picture theatres, and all other public buildings within their jurisdiction, and where any hygiene faults exist it shall be the duty of said board of health, upon notification of the proper authorities, to immediately examine the same and advise and require such changes as will result in a correction of all existing defects.

Dangerous, Contagious, Infectious, Communicable and Reportable Diseases.

Communicable disease designated.

Rule 4. **Communicable and reportable diseases designated.** For the purpose of these rules the term communicable disease shall be held to include the following diseases, which are hereby declared to be communicable through the conveyance of infective organisms. The communicable diseases, for convenience of administration, are divided into two groups:

Chickenpox or other eruptive disease in vaccinated persons.
Cholera, Asiatic.
Diphtheria or Membranous Croup.
Dysentery, Amoebic and Bacillary.
Epidemic Cerebrospinal Meningitis.
Influenza.
Epidemic or Streptococcic, Septic, Sore Throat.
German Measles.
Measles.
Suppurative Conjunctivitis, or Ophthalmia Neonatorum of the New-Born.
Para-typhoid Fever or other fever continued seven days.
Pellagra.
Plague.
Pneumonia.
a. Acute Lobar.
b. Bronchial or Lobular.
Poliomyelitis or Infantile Paralysis.
Puerperal Septicaemia.
Rabies.
Scarlet Fever or Scarlatina.
Smallpox.
Trachoma.
Tuberculosis.
Typhoid Fever.
Typhus Fever.
Whooping Cough.

B. Syphilis.
Gonorrhoea.
Chancroid.

Maximum period of incubation.

Rule 5. **Maximum period of incubation.** For the purpose of this rule, the maximum period of incubation, that is, between the date of the exposure to disease and the date of its development, of the following communicable diseases is hereby declared to be as follows:

Chickenpox	21 days
Measles	14 days
Mumps	21 days
Poliomyelitis, or Infantile Paralysis	14 days
Scarlet Fever, or Scarlatina	7 days
Smallpox	20 days
Whooping Cough	14 days

Minimum period of isolation.

Rule 6. **Minimum period of isolation.** The minimum period of isolation, within the meaning of these rules shall be as follows:

Chickenpox, until twelve days after the appearance of the eruption and until the crusts have fallen and the scars are completely healed.

Diphtheria, mebranous croup, until two successive negative cultures have been obtained from the nose and throat at intervals of not less than twenty-four hours, the first of such cultures being taken not less than nine days from the day of the onset of the disease.

Epidemic cerebrospinal meningitis, until two weeks after the temperature has become normal or until three successive cultures, obtained from the nasopharynx at intervals of not less than five days, shall be found free of meningococci.

Measles, until at least five days after the appearance of the rash.

Mumps, until two weeks after the appearance of the disease and one week after the disappearance of the swelling.

Poliomyelitis, acute anterior or infantile paralysis, until three weeks from the day of the onset of the disease.

Scarlet fever, until thirty days after the development of the disease and until all discharges from the nose, ears and throat, or suppurating glands have ceased.

Smallpox, until fourteen days after the development of the disease and until scabs have all separated and the scars completely healed.

Typhoid or para-typhoid fever, if the patient's occupation involves the handling of milk, dairy products, or other food, until all signs of the disease, or all secondary or complicating infections incited by the agents of these diseases, have disappeared, and until two successive specimens of the intestinal discharges of the patient have been taken at an interval of not less than seven days and have been examined in State health laboratories or another laboratory approved by the state board of health and found to be free from typhoid or para-typhoid bacilli.

Whooping cough, until eight weeks after the development of the disease or until one week after the last characteristic cough.

Communicable disease to be reported by physicians and heads of families.

Rule 7. Any physician who treats or examines a sick person in any county in Kentucky and who makes a diagnosis of, or has reasonable grounds for suspecting the existence of, any one of the diseases named in Rule 4, shall report the same to the county or city health officer within whose jurisdiction the case occurs, and where a physician is not called, the head of the family shall make said report, and any head of a family who wilfully fails or refuses, or any physician who shall fail or refuse to report to the local board of health any case of any of the above named diseases, shall be fined not less than $10 nor more than $100 for each day he neglects or refuses to report, and repeated failure to report as herein provided, including reports

Penalties.

of births and deaths, shall be sufficient cause for the revocation of a physician's certificate to practice medicine in this Commonwealth.

Facts to be reported. Free postage.

Rule 8. The report of the existence of any of the diseases named in the preceding rule shall be sent in writing on blank cards not requiring postage to the local county or city board of health by mail, or in emergency may be telephoned, but in all such cases shall be confirmed by mail. Each such report for each case shall include the following facts: Date, name of disease, patient's name, address, age, sex, color, school and teacher, if any, place of employment, name and address of the physician or other person making the report.

Eye diseases in the newborn. Imperative duties of physicians, midwives and nurses.

Rule 9. Whenever a person is known, or is suspected, to be afflicted with a reportable and notifiable disease, or whenever the eyes of an infant under two weeks of age become reddened, inflamed or swollen, or contain an unnatural discharge, and no physician is in attendance, an immediate report of the existence of the case shall be made to the local health officer by the midwife, nurse, attendant or other person in charge of the child.

Teachers to report suspected cases in schools. Blanks to be furnished.

Rule 10. Teachers, or other persons employed in, or in charge of, public or private schools, shall report immediately to the local health officer each and every known or suspected case of a notifiable disease in persons attending or employed in their respective school; provided, the local health officer shall furnish such teacher or other person with blanks for mailing, which shall not require the expenditure of money for postage.

State Board of Health to furnish blanks. County and city health officers to report weekly, including measures of prevention adopted.

Rule 11. The written reports of the cases of notifiable and reportable diseases required by the statutes and these rules and regulations of physicians, shall be made upon blanks supplied, for the purpose, through the local health authorities, by the state board of health. These blanks shall conform, in general, to those adopted and approved by the State and Territor-

ial Health Authorities in conference with the United States Public Health Service. Each county or city health officer shall mail to the state board of health in an addressed envelope, which shall be furnished him for the purpose, all original reports received by him at the close of business on each and every Saturday, and at the proper place on each said report he shall note what measures were taken to prevent the spread or occurrence of additional cases. Each violation of these rules which becomes known to the health officer of any city or county shall be brought to the attention of the county or district attorney having jurisdiction, with the request to prosecute the same.

Reporting communicable disease in institutions.

Rule 12. **Reporting cases of communicable disease in institutions.** It shall be the duty of the superintendent or person in charge of every hospital, other institution, or dispensary, to report to the local health officer, within whose jurisdiction any such hospital, other institution, or dispensary is located, the full name, age, and address of every person under his charge affected with a communicable disease, together with the name of the disease, and the name and address of the person or organization in whose care the case was immediately prior to admission or by whom the case was referred, within twenty-four hours from the time when the case first develops or is first admitted to such hospital, other institution, or dispensary. Such report shall be by telephone or telegram, when practicable, and shall also be made in writing.

Teacher to report disease presumably communicable. Principal to report to health officer.

Rule 13. **Reporting cases of disease presumably communicable in schools.** When no physician is in attendance, it shall be the duty of every teacher to report forthwith to the principal or person in charge of the school all facts relating to the illness and physical condition of any child in such school who appears to be affected with a disease presumably communicable. It shall be the duty of the principal or person in charge of any school to report forthwith to the local health officer all facts relating to the illness and physical

condition of any child attending such school, who appears to be affected with any disease presumably communicable, together with the name, age, and address of such child. Such child shall be at once sent home or isolated.

Householder to report cases of disease presumably communicable.

Rule 14. **Reporting cases of disease presumably communicable in private households, hotels, boarding and lodging houses.** When no physician is in attendance, it shall be the duty of the head of a private household or the proprietor or keeper of any hotel, boarding house, or lodging house, to report forthwith to the local health officer all facts relating to the illness and physical condition of any person in any private household, hotel, boarding house or lodging house under his charge, who appears to be affected with any disease presumably communicable, together with the name of such person.

Nurses and persons in charge of camps to report cases of disease presumably communicable.

Rule 15. **Reporting cases of disease presumably communicable by nurses and persons in charge of camps or health resorts.** It shall be the duty of every visiting nurse and public health nurse and of the person in charge of any health resort or labor or other camp, having knowledge of any person affected with any disease presumably communicable, who by reason of the danger to others seems to require the attention of the public health authorities, to report at once to the local health officer, within whose jurisdiction such case occurs, all facts relating to the illness and physical condition of such affected person.

Reporting cases of disease presumably communicable on vessels.

Rule 16. **Reporting cases of disease presumably communicable on vessels.** It shall be the duty of the master or person in charge of any vessel lying within the jurisdiction of the State to report or cause to be reported immediately in writing to the local health officer having jurisdiction at such ports or landings all facts relating to the illness and physical condition of any person in or on such vessel affected with any disease presumably communicable, together with the name of such affected person.

Reporting communicable disease on dairy farms, by physicians.

Rule 17. **Reporting cases of communicable disease on dairy farms by physicians.** When a case of Asiatic cholera, diphtheria, amoebic or bacillary dysentery, epidemic cerebrospinal meningitis, epidemic or septic sore throat, para-typhoid fever, poliomyelitis, acute anterior, scarlet fever, smallpox, or typhoid fever exists on any farm or dairy producing milk, cream, butter, or other dairy products for sale, it shall be the duty of the physician in attendance to report immediately to the local health officer the existence on such farm or dairy of such case.

It shall be the duty of the health officer to report immediately to the state board of health, by telephone or telegram, the existence on such farm or dairy of such case, together with all facts as to the isolation of such case, and giving the names of the localities to which such dairy products are delivered.

Reporting disease presumably communicable on dairy farm, by owner or person in charge.

Rule 18. **Reporting cases of disease presumably communicable on dairy farms by owner or person in charge.** When no physician is in attendance, it shall be the duty of the owner or person in charge of any farm or dairy producing milk, cream, butter, cheese, or other food products likely to be consumed raw, to report forthwith to the local health officer the name and address and all facts relating to the illness and physical condition of any person, who is affected with any disease presumably communicable, and who is employed or resides on or in such farm or dairy, or comes in contact in any way therewith or with its products.

Cultures when there is reason to suspect diphtheria.

Rule 19. **Diphtheria; material for cultures to be submitted.** In every case of illness which there is reason to suspect is diphtheria, it shall be the duty of the attending physician or, if the local health authorities so require, of the health officer promptly to take material for cultures from the throat of the suspected person and submit the same for examination to a State, county, or municipal bacteriological laboratory, or to a laboratory approved by the State Board of Health.

How to obtain free antitoxins and vaccines.

Rule 20. Whenever any legally registered physician practicing in any county or city shall certify to the local health officer having jurisdiction that any indigent person or any other person in whom disease endangers the public health in, or residing within, its jurisdiction is suffering from any contagious and infectious disease which requires antitoxin or vaccine for its treatment, such as diphtheria, or has been exposed thereto or is in imminent danger of contracting it, thereby endangering the health and lives of the people of county or city, the health officer shall, with the approval of the county judge or mayor, provide and furnish such person or persons with diphtheria or other antitoxin or vaccine at the expense of the county or city in such amount as may be deemed necessary by the health officer.

Rule 21. **Typhoid or para-typhoid fever; samples of blood to be submitted.** In every case of illness which there is reason to suspect may be typhoid or para-typhoid fever it shall be the duty of the attending physician to take a sample of the blood of the suspected person and submit the same for an agglutination test to a State, county or municipal bateriological laboratory or to a laboratory approved by the State Board of Health.

Isolation in cases of communicable disease.

Rule 22. **Isolation of persons affected with communicable diseases.** It shall be the duty of every physician, immediately upon discovering a case of communicable disease, to secure such isolation of the patient, or to take such other action, as is required by the special rules and regulations which from time to time may be issued by the local health authorities or by the State Board of Health.

Adults not to be quarantined in certain cases.

Rule 23. **Adults not to be quarantined in certain cases.** When a person affected with a communicable disease is properly isolated on the premises, except in cases of smallpox, adult members of the family or household, who do not come in contact with the patient or with his secretions or excretions, with the

approval of the health officer, may continue their usual vocations, provided such vocations do not bring them in close contact with children, nor require that they shall handle food or food products intended for sale.

Removal of cases of communicable disease. From hotel, boarding or lodging house. From vessels.

Rule 24. **Removal of cases of communicable disease.** After isolation by the local health officer no person, without permission from him, shall carry, remove, or cause or permit to be carried or removed from any room, building, or vessel any person affected with diphtheria, scarlet fever, smallpox, or typhus fever.

Without permission from the local health officer no person shall carry, remove, or cause or permit to be carried or removed from or to any hotel, boarding house, lodging house, or other dwelling, any person affected with chickenpox, diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, mumps, poliomyelitis, or infantile paralysis, scarlet fever, smallpox, typhus fever, or influenza or whooping cough.

Without permission from the local health officer no master of any vessel or other person shall remove or aid in removing, or permit the removal, from any such vessel to the shore of any person affected with any communicable disease.

Removal of articles contaminated with infective material. From vessels.

Rule 25. **Removal of articles contaminated with infective material.** Without instruction from the health officer no person shall carry, remove, or cause or permit to be carried or removed from any room, building, or vessel, any article which has been subject to contamination with infective material through contact with any person or with the secretions of any persons affected with Asiatic cholera, diphtheria, scarlet fever, smallpox, typhoid fever, influenza, pneumonia or typus fever, until such article has been disinfected according to the special rules and regulations of the state board of health.

Without permission of the local health officer no master of any vessel or other person shall remove or

aid in removing or permit the removal from any such vessel to the shore of any article which has been subject to contamination with infective material through contact with any person or with the secretions of any person affected with Asiatic cholera, diphtheria, scarlet fever, smallpox, typhoid fever, or typhus fever.

Right of entrance and inspection, health officer, nurse, etc.

Rule 26. **Right of entrance and inspection.** No person shall interfere with or obstruct the entrance to any house, building, or vessel by any inspector or officer of the State or local health authorities, in the discharge of his official duties, nor shall any person interfere with or obstruct the inspection or examination of any occupant of any such house, building, or vessel by any inspector or officer of the State or local health authorities, in the discharge of his official duties.

Physician to give instructions in regard to disinfection and disposal of excreta.

Rule 27. **Instructions as to disinfection of excreta in Asiatic cholera, dysentery, para-typhoid fever, and typhoid fever.** It shall be the duty of the physician in attendance on any case suspected by him to be Asiatic cholera, dysentery, para-typhoid fever, or typhoid fever, to give detailed instructions to the nurse or other person in attendance in regard to the disinfection and disposal of the excreta. Such instructions shall be given on the first visit, and shall conform to the special rules and regulations of the State Board of Health. It shall be the duty of the nurse or person in attendance to carry out the disinfection in detail until its discontinuance is permitted by the local health officer.

Physician to give instructions as to disinfection of discharges.

Rule 28. **Instructions as to disinfection of discharges in diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, whooping cough, influenza and pneumonia.** It shall be the duty of the physician in attendance on any case suspected by him to be diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, whooping cough, influenza and pneu-

monia, to give detailed instructions to the nurse or other person in attendance in regard to the disinfection and disposal of the discharges from the nose, mouth and ears of the patient. Such instructions shall be given on the first visit and shall conform to the special rules and regulations of the state board of health. It shall be the duty of the nurse or person in attendance to carry out the disinfection in detail until its discontinuance is permitted by the local health officer.

Precautions by physicians and attendants.

Rule 29. **Precautions to be observed by physicians and attendants.** The physician or nurse or other neeessary attendant upon a case of diphtheria, measles, or scarlet fever in and after attendance upon the case, shall in their discretion wear robes and take all precautions and practice measures of cleansing or disinfection of his or her person or garments to prevent the conveyance to others of infective material from the patient.

Health officer to distribute circulars. Tenants to be notified.

Rule 30. **Distribution of circulars.** It shall be the duty of every health officer, as soon as a case of diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis, or infantile paralysis, scarlet fever, smallpox, typhoid fever, typhus fever, influenza, pneumonia, or whooping cough is reported to him, or as soon thereafter as possible, to give every family or individual living in the house or building, in which such case is, the circulars of information and copies of any rules and regulations, printed in a language understood by such individual concerning such diseases which may be issued by the state board of health or the local health authorities. The health officer shall also notify every family or individual living in the house of the existence of such disease.

Posting placards.

Rule 31. **Posting placards.** When a case of diphtheria, epidemic cerebrospinal meningitis, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, whooping cough, or typhus fever exists in any house, or apartment, or room, it shall be the duty of

the health officer to post upon such house, or apartment, or room, or rooms, in which such case is isolated, near the entrance thereof, a placard stating the existence therein of a communicable disease.

Interference with placards.

Rule 32. **Interference with placards.** No person shall interfere with or obstruct the posting of any placard by any health authority in or on any place or premises, nor shall any person conceal, mutilate, or tear down any such placard, except by permission of the health authority.

In the event of such placard being concealed, mutilated, or torn down, it shall be the duty of the occupant of the premises concerned immediately to notify the local health officer.

Preventing spread of communicable disease in institutions.

Rule 33. **Preventing the spread of communicable diseases in institutions.** It shall be the duty of the superintendent or person in charge of any hospital, or other institution, or dispensary, in which there is a person affected with any communicable disease, to take such steps as will, so far as practicable, prevent the spread of infection and trace its original source.

Isolation wards required for institution for children.

Rule 34. **Isolation wards required for institutions for children.** Every institution for children, in which twenty or more children sleep, shall be provided with at least one isolation ward, or room or apartment or tent, so related to the rest of the building as to make proper isolation therein practicable.

Exposure of persons affected with communicable disease.

Rule 35. **Exposure of persons affected with communicable disease.** No person shall permit any child, minor or other person under his charge, affected with diphtheria, measles, poliomyelitis, acute anterior or infantile paralysis, scarlet fever, smallpox, typhus fever, influenza or pneumonia, to associate with others than his attendants.

No person affected with any of said diseases shall expose himself in such manner as to cause or contribute to, promote or render liable their spread.

Needless exposure to communicable disease forbidden.

Rule 36. **Needless exposure to communicable disease forbidden.** No person shall expose or permit the visiting, association, or contact of any child, minor, or other person under his charge, with any person affected with influenza, pneumonia, diphtheria, measles, scarlet fever, smallpox, typhus fever, whooping cough, syphilis, gonorrhoea, or chancroid in the infective stages, or with discharges of any kind from the person of a patient affected with any of said diseases.

No person shall needlessly expose himself, or visit, or associate, or come in personal contact with, a case of any of said diseases, or the discharges therefrom, or in any manner cause or contribute to, promote or render liable, the spread thereof.

Exclusion from schools or Sunday school, disease presumably communicable.

Rule 37. **Exclusion from school of cases of disease presumably communicable.** It shall be the duty of the principal or other person in charge of any public, private, or Sunday school to exclude therefrom any child or other person affected with a disease presumably communicable until such child or other person shall have presented a certificate issued by the health officer or medical inspector, or by the attending physician and countersigned by the health officer or by the medical inspector, stating that such child or other person is not liable to convey infective material.

Exclusion from schools and gatherings, certain communicable diseases.

Rule 38. **Exclusion from schools and gatherings of cases of certain communicable diseases.** No person affected with chickenpox, diphtheria, epidemic cerebrospinal meningitis, influenza, epidemic or septic sore throat, German measles, measles, mumps, poliomyelitis or infantile paralysis, scarlet fever, small-pox, trachoma, or whooping cough, shall attend or be permitted to attend any public, private, or Sunday school, or any public or private gathering. Such exclusion shall be for such time and under such conditions as may be prescribed by the local health authorities, not inconsistent with the provisions of the rules and regulations of the state board of health.

Exclusion from schools of children of households.

Rule 39. **Exclusion from schools and gatherings of children of households where certain communicable diseases exist.** Every child who is an inmate of a household in which there is, or has been within fifteen days, a case of influenza, chickenpox, diphtheria, epidemic cerebrospinal meningitis, German measles, measles, mumps, poliomyelitis or infantile paralysis, scarlet fever, smallpox, or whooping cough, shall be excluded from every public, private, or Sunday school and from every public or private gathering of children for such time and under such conditions as may be prescribed by the local health authorities, not inconsistent with the provisions of this code or the special rules and regulations of the state board of health.

Chickenpox German measles, mumps, whooping cough.

Rule 40. **Precautions to be observed in chickenpox, German measles, mumps, and whooping cough.** No person affected with chickenpox, German measles, mumps, or whooping cough shall be permitted to come in contact with or to visit any child who has not had such disease or any child in attendance at school.

Smallpox, removal, or isolation,

Rule 41. **Isolation or removal in smallpox.** It shall be the duty of every health officer, in his discretion, whenever a case of smallpox occurs in his jurisdiction, if a suitable isolation hospital is available, to remove or cause to be removed such case promptly thereto. Every inmate of the household where such case occurs, and every person who has had contact with such case, or with his secretions or excretions, shall be either vaccinated within three days of his first exposure to the disease or placed under quarantine, and, when vaccinated, the name and address of such inmate or other person shall be taken and such inmate or other person shall be kept under daily observation. Such observation shall continue until successful vaccination results, or for at least twenty days. If such inmate or other person refuse to be vaccinated, he shall be quarantined until discharged by the local health officer.

Vaccination or quarantine of inmates of household.

If there is no isolation hospital available, the patient shall be isolated and every inmate of the house-

hold shall be vaccinated or strictly quarantined until discharged by the local health officer.

Vaccination or quarantine of contacts.

Whenever a case of smallpox occurs in his jurisdiction, it shall be the duty of the local health officer to use all diligence in securing the names and addresses of all persons who have had contact with such case, and in causing such persons to be either vaccinated or placed under quarantine.

Board of health to provide free vaccination.

Rule 42. **Provision for free vaccination.** It shall be the duty of the board of health of every county or municipality to provide, at public expense, free vaccination for all indigent persons in need of the same.

Removal to hospital or isolation. Restriction of visiting.

Rule 43. **Removal to hospital or isolation and restriction of visiting in certain cases.** It shall be the duty of the health officer to remove, or cause to be removed, every case of diphtheria, measles, scarlet fever or poliomyelitis, acute anterior, infantile paralysis promptly to a suitable hospital, or to see that such case is properly isolated. Such isolation shall be maintained until its discontinuance is permitted by the health officer. No person, except the physician and the nurse or other person in attendance, shall be permitted to come in contact with or to visit a case of diphtheria, measles, scarlet fever or poliomyelitis, acute anterior, or infantile paralysis, except by permission of the health officer.

Quarantine of entire household, in emergencies.

Rule 44. **Quarantine in certain emergencies.** When any case of diphtheria, epidemic cerebrospinal meningitis, measles, scarlet fever, smallpox, poliomyelitis, acute anterior, or infantile paralysis, or typhus fever is not or cannot be properly isolated on the premises and cannot be removed to a suitable isolation hospital, it shall be the duty of the local health officer to forbid any member of the household from leaving the premises, except under such conditions as provided by these rules.

Handling of food forbidden.

Rule 45. **Handling of food forbidden in certain cases.** No person affected with any communicable disease shall handle food or food products intended for

sale, which are likely to be consumed raw or liable to convey infective material.

No person who resides, boards or lodges in a household where he comes in contact with any person affected with bacillary dysentery, diphtheria, epidemic or septic sore throat, measles, scarlet fever, poliomyelitis, acute anterior, or infantile paralysis, or typhoid fever, shall handle food or food products intended for sale.

No waiter, waitress, cook, or other employee of a boarding house, hotel, restaurant, or other place where food is served, who is affected with any communicable disease, shall prepare, serve, or handle food for others in any manner whatsoever.

Carriers of disease subject to rules and regulations of state department.

Rule 46. **Carriers of disease germs.** Any person who is a carrier of the disease germs of Asiatic cholera, bacillary dysentery, diphtheria, epidemic cerebrospinal meningitis, poliomyelitis or infantile paralysis, or typhoid fever, shall be subject to the special rules and regulations of the state board of health.

Duties of physicians and others concerning tuberculosis.

Rule 47. **Duties of physicians and other persons concerning tuberculosis.** It shall be the duty of every physician or other person required to perform any duty under any section of the Kentucky Statutes, providing for the reporting and control of cases of tuberculosis, to take all steps incumbent on him and necessary to carry into effect the provisions of the said law.

Duties of health officer concerning apparent case of tuberculosis.

Rule 48. **Duties of health officer on receiving report of apparent case of tuberculosis.** Upon receiving a report in writing of an apparent case of tuberculosis, as authorized by the public health law, the health officer shall thereupon take the following steps:

Previously reported by physician.

1. If the alleged case has been previously reported to him by a physician as having tuberculosis and the latter has elected to assume the sanitary supervision thereof as permitted in the public health law, the health officer shall ascertain promptly whether

such physician is maintaining proper sanitary supervision.

Not previously reported by physician.

2. If the alleged case has not been previously reported to him as having tuberculosis, the health officer shall, in conjunction with the reporting or family physician, if any, take proper measures to determine whether there is reason to believe such person is affected with pulmonary tuberculosis and if by suitable physical or sputum examination, or both, he ascertains that the person is affected with pulmonary tuberculosis he shall then proceed in accordance with the provisions of the public health law and the rules of the state board of health.

Delinquent physicians to be reported to state department.

3. It shall be the duty of every health officer, if he ascertains that a physician has failed to report a case of communicable disease, to inform the physician of his failure to conform with the law, and to report to the State Board of Health the name of every physician failing to report cases of communicable diseases.

Cleansing, at expense of occupant of premises.

Rule 49. **Cleansing, renovation, and disinfection required.** Adequate **cleansing** of rooms, furniture and belongings, when deemed necessary by the local health officer, or required by law, shall immediately follow the recovery, death, or removal of a person affected with a communicable disease. Such cleansing shall be performed by and at the expense of the **occupant** of said premises, upon the order and under the direction of the local health officer or his assistants.

Cleansing, methods and precautions.

Rule 50. **Methods and precautions in cleansing, renovation and disinfection.** The following methods and precautions shall be observed in cleansing, renovation and disinfection:

(a) **Cleansing** shall be secured by the thorough removal of dust and other contaminating material in such a way as to prevent the entry thereof, as far as may be possible, into other rooms or dwellings; washing with soap and water; scouring; airing; and ex-

posure to sunlight; in accordance with the special rules and regulations of the state board of health.

Renovation, methods and precautions.

(b) **Renovation** shall be secured by removing old paper from walls and ceilings and repainting, recalcimining, or repapering of walls, ceilings, and woodwork as may be ordered by the local health officer in accordance with the special rules and regulations of the state board of health.

Disinfection, methods and precautions.

(c) **Disinfection** of rooms shall be secured by the use of such disinfecting agents in such quantities and in such manner and of such sterilizing procedures as may be ordered by the local health officer, in accordance with the special rules and regulations of the state board of health. When gaseous disinfectants are to be used, all cracks, crevices, and openings into the room shall first be pasted over with paper. Thereafter all rugs, carpets, upholstered furniture, and such textile fabrics in the said room as cannot, in the opinion of the local health officer, be washed or soaked in a disinfecting solution, may be removed for disinfection by steam when ordered by the local health officer, in accordance with the special rules and regulations of the state board of health. Thorough cleansing, the use of soap and water, and full exposure to fresh air and sunlight for a few days are most efficient means of removing infective material, not only from the walls and floors of rooms, but also from furniture and other articles.

Destruction of furniture, clothing, etc., upon order of health officer.

Rule 51. **Destruction of furniture, clothing and other articles.** Furniture, bedding, clothing, carpets, rugs, and other articles, which may have been contaminated with infective material from any case of diphtheria, scarlet fever, or smallpox, and which are of such a nature or in such condition that they cannot, in the opinion of the local health officer, be properly cleansed, disinfected, or sterilized, shall upon his order be destroyed in the manner designated by him.

Cleansing and disinfection of

Rule 52. **Cleansing and disinfection of the person.** It shall be the duty of the patient, upon con-

valescence or recovery from any communicable disease, and of the nurse or persons in attendance on such case, throughout the course of the disease as well as at its close, suitably to cleanse and, when necessary, to disinfect their persons in accordance with the manner prescribed by the special rules and regulations of the state board of health.

Person by patient, nurse, etc.

Rule 53. **Letting of rooms forbidden while contaminated with infective material.** No proprietor of a hotel, boarding house, or lodging house shall let for hire or cause or permit anyone to occupy a room or apartment previously occupied by a person affected with influenza, pneumonia, diphtheria, epidemic cerebrospinal meningitis, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, tuberculosis, or typhus fever, until such room or apartment has been cleansed, renovated, or disinfected, under the direction of the local health officer.

Occupation of rooms forbidden until cleansed, renovated or disinfected.

When an order requiring the cleansing, renovation, or disinfection of articles or premises is not complied with, the local health officer shall post a placard on the premises, reading as follows:

Health officer may placard premises.

"Notice: These apartments have (or this room has) been occupied by a person affected with..... They or it must not again be occupied until orders for cleansing, renovation, or disinfection have been complied with. This notice must not be removed under penalty of the law.

Date.....

.....Health Officer."

Rule 54. **Duties of common carriers during epidemics.** Whenever the state board of health shall make public declaration of the existence of an epidemic of a communicable disease in any municipality, and shall notify the local health board or officer of such declaration the state board of health may declare, and its declaration shall have the force and effect of law, that no common carrier shall receive or

Duties of common carriers during epidemics.

admit any person for carriage or transportation in such municipality except upon the presentation and surrender to the agent, conductor, or other person in charge of the conveyance, in which such person desires to travel, or a certificate by the local health officer to the effect that such person is, in the opinion of the officer issuing the same, free from the disease then epidemic, and that such person may be received and carried without danger to the general public health, and giving in plain, legible writing the name, residence, and place of destination of such person; and said declaration may further provide that no person shall board or enter any such conveyance without such certificate.

Such certificate shall be filed in the office of the state board of health by the common carrier receiving the same within thirty-six hours after the receipt therof.

The provisions of this regulation shall not apply to common carriers carrying passengers wholly within the limits of the municipality affected.

Placarding by common carriers.

Rule 55. **Placarding by common carriers.** When the declarations are made as provided in the preceding regulation, and a common carrier of passengers or an officer or agent thereof is notified by the state board of health or by the local health officer of such declaration, it shall be the duty of such common carrier of passengers operating public conveyances in any such municipality to forthwith conspicuously place or post in every station, within such area as the state board of health may designate, and in every conveyance the placard herinafter described, and to keep the same posted until the epidemic is declared ended by the state board of health:

"Warning

There is an outbreak of.....in.....
(give name of the disease and of city, town or village)
Passengers are cautioned.
State Board of Health."

Said placard shall be in heavy block letters in red ink on a white background, with each letter not less than two inches in height and one and a half inches in width, and shall be posted so that the same shall be in plain view of passengers when they are seated.

Any common carrier aforesaid entering any such municipality shall post such placard in such conveyance in the manner aforesaid at least one hour before arriving in any municipality in which an epidemic is declared to exist, and shall keep the same posted not less than half an hour after departing therefrom.

Duties of undertakers.

Rule 56. **Duties of undertakers.** It shall be the duty of every undertaker taking charge of the preparation for burial of the body of any person to ascertain whether such person died of a communicable disease and if such person died of Asiatic cholera, diphtheria, epidemic cerebrospinal meningitis, glanders, plague, scarlet fever, smallpox, or typhus fever it shall be his duty to cause it immediately to be wrapped in a sheet saturated with disinfecting solution and promptly thereafter placed in a coffin or casket, which shall then be immediately and permanently closed. This regulation shall not be construed to prohibit the embalming of any such body, but the undertaker shall cause such embalming to be done immediately upon taking charge of the body, except that, when a permit for embalming is required, this shall not proceed until the receipt of such permit. But immediately after the embalming he shall cause such body to be wrapped in a sheet and placed in a coffin or casket as hereinabove directed.

Embalming.

After handling, embalming, or preparing for burial the body of a person dead of any of the communicable diseases enumerated in this regulation, such parts of the persons, garments, and utensils or other articles of the undertaker or his assistants, as may have been liable to contamination with infective material, shall be immediately cleansed or disinfected or sterilized in the

manner prescribed by the rules and regulations of the State Board of Health.

Public funerals forbidden in certain cases.

Rule 57. **Public funerals forbidden in certain cases.** A public or a church funeral shall not be held of any person who has died of diphtheria, measles, scarlet fever, smallpox, or typhus fever, unless the body is enclosed in a properly sealed casket, and the consent of the local health officer has first been obtained.

THE VENEREAL DISEASES.

All venereal diseases to be reported.

Rule 58. Any physician or other person who makes a diagnosis in, or treats, a case of syphilis, gonorrhea or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution, in which there is a case of venereal disease, shall report such case immediately in writing to the local health officer, stating the name and address or the office number, age, sex, color and occupation of the diseased person, and the date of onset of the disease, and the probable source of the infection, provided, that the name and address of the diseased person need not be stated except in a sealed envelope and sent to the local health officer, who shall report weekly on the prescribed form to the state board of health, all cases reported to him.

Information to be given patient.

Rule 59. **Patients to be given information.** It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea or chancroid, to instruct him in measures for preventing the spread of such disease, and inform him of the necessity for treatment until cured, and to hand him a copy of the circular of information obtainable for this purpose from the state board of Health.

Health officer to investigate. Syphilis, gonorrhea and chancroid.

Rule 60. **Investigation of cases.** All city, county, and other local health officers shall use every available means to ascertain the existence of, and to investigate, all cases of syphilis, gonorrhea and chancroid within

their several territorial jurisdictions, and to ascertain the sources of such infections. Local health officers are hereby empowered and directed to make such examinations of persons reasonably suspected of having syphilis, gonorrhea, or chancroid, as may be necessary for carrying out these regulations Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons are to be considered within the above class.

Reporting by physicians.

Rule 61. **Submitting specimens for laboratory examination in cases of syphilis, gonorrhoea and chancroid.** It shall be the duty of every physician to submit promptly to the laboratory of the state board of health or to a laboratory approved by such board for this purpose, such specimens for laboratory examination and such data relating thereto, as may be prescribed in the special rules and regulations issued by the state board of health, from every person affected with any one of the communicable diseases mentioned in rule 4, group B, or from any person in whom suspicion of such disease exists.

Rule 62. **Protection of others from infection by venereally diseased persons.** Upon receipt of a report of a case of venereal disease it shall be the duty of the local health officer to institute measures for the protection of other persons from infection by such venereally diseased person.

a. Local health officers are authorized and directed to quarantine persons who have, or are reasonably suspected to have syphilis, gonorrhea or chancroid whenever, in the opinion of the said local health officer, or the state board of health or its secretary, quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define the limits of the area in which the person known to have or reasonably suspected of having, syphilis, gonorrhea, or chancroid and his immediate attendant are to be quarantined and no persons other than the attending physician

shall enter or leave the area of quarantine without the permission of the local health officer.

No one but the local health officer shall terminate said quarantine, and this shall not be done until the diseased person has become non-infectious, as determined by the local health officer or his authorized deputy through the clinical examination and all necessary laboratory tests, or until permission has been given him so to do by the state board of health or its its secretary.

b. The local health officer shall inform all persons who are about to be released from quarantine for venereal diseases, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured before release from quarantine shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

I, ... residing at..... hereby acknowledge the fact that I am at this time infected with ..... and agree to place myself under the medical care of ..... (name of physician or clinic, and address) within .....hours, and that I will remain under treatment of said physician or clinic until released by the health officer of ..... or until my case is transferred with the approval of said health officer to another regularly licensed physician or an approved clinic.

I hereby agree to report to the health officer within four days after beginning treatment as above agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the health officer.

I agree, further, that I will take all precautions recommended by the health officer to prevent the spread of the above disease to other persons, and that

I will not perform any act which would expose other persons to the above disease.

I agree, until finally released by the health officer, to notify him of any change of address and to obtain his consent before moving my abode outside his jurisdiction.

.....Signature.

Date.....

All persons signing the above agreement shall observe its provisions and any failure so to do shall be a violation of these regulations. All such agreements shall be filed with the health officer and kept inaccessible to the public as provided in Rule 68.

When name of patient is to be reported.

Rule 63. **Conditions under which the name of a patient is required to be reported.** a. When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person consulted to inquire of and ascertain from the person seeking such treatment or diagnosis, whether such person has theretofore consulted with or has been treated by any other physician or person and, if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of these regulations. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted, of the change of advisers. Should the physician or person previously consulted fail to receive such notice within 10 days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the local health officer the name and address of such venereally diseased person.

b. If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhea or chancroid is so conducting himself or herself as to expose other persons to infection, or is about to so conduct himself or herself, he shall notify the local health officer of the name and address of the diseased person and the essential facts in the case.

Druggists must not prescribe or treat cases.

Rule 64. **Druggists forbidden to prescibe for venereal diseases.** No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drugs, medicines or other substances to be used for the cure or alleviation of gonorrhea, syphilis or chancroid, or shall compound any drugs or medicines for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State.

Spread forbidden.

Rule 65. **Spread of venereal disease unlawful.** It shall be a violation of these regulations for any infected person knowingly to expose another person to infection with any of the said venereal diseases or for any person to perform an act which exposes another person to infection with venereal diseases.

Prostitution to be suppressed.

Rule 66. **Prostitution to be repressed.** Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea, and chancroid, and the repression of prostitution is declared to be a public health measure. All local and State health officers are therefore directed to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

Restriction of certificates to venereals.

Rule 67. **Giving certificates of freedom from venereal diseases prohibited.** Physicians, health officers and all other persons are prohibited from issuing certificates of freedom from venereal disease, provided this rule shall not prevent the issuance of necessary

statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible.

Secrecy of records.

Rule 68. **Records to be kept secret.** All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public except in so far as publicity may attend the performance of the duties imposed by these regulations and by the laws of the State.

SCHOOLS.

Tuberculous teachers or pupils not admitted.

Rule 69. No person afflicted with tuberculosis or any other communicable disease shall be admitted into any public or private school, as teacher or pupil.

Rule 70. No parent, guardian or other person, having charge or control of any child or children, shall allow or permit any such child or children to go from any house or building infected with influenza, scarlet fever, diphtheria, smallpox, measles, whooping cough, cholera or other contagious or infectious disease dangerous to public health, to attend any public or private school.

No teacher or pupil recently affected by, or from houses where contagious disease exists admitted.

Rule 71. No person shall be admitted into any public or private school who may recently have been affected with smallpox, scarlet fever, diphtheria, cholera, whooping cough, measles or other contagious or infectious diseases dangerous to public health, nor from any of the diseases named, until twenty-one days after complete recovery, and without first presenting a certificate signed by a legally registered physician that all danger of communicating such disease to others is passed.

Health officers to exercise special supervision over.

Rule 72. The county, city and town health officers shall exercise special hygienic supervision over the schools and school houses within their respective jurisdictions, and where defects are found it shall be the duty of said officers to immediately call the at-

tention of the school authorities thereto, and see that they have them removed, by legal action if necessary.

All school houses not connected with sewers to be provided with septic tank privies.

Rule 73. All school houses not connected with an approved system of sewers shall be provided with a Kentucky sanitary privy, proportioned in size to the number of persons likely to use it. The house on it to have one compartment for girls and one for boys, with a dead wall between them, located below the level of or draining away from or remote from the well or spring; to be under the charge of some reliable person to keep them constantly clean and provided with toilet paper, and who will daily pour at least four gallons of water through each hole in the seat and the urinal, and follow the other printed instructions, to be furnished by the board for posting in each privy.

VACCINATION.

Vaccination compulsory.

Rule 74. Every child shall be vaccinated before it becomes one year of age, and this board recommends that all persons be revaccinated as often as once in seven years.

Employment of unvaccinated persons unlawful.

Rule 75. All corporations, partnerships, companies or persons within the jurisdiction of this board shall require each employe for any kind of service to be vaccinated previous to employment, unless proof is furnished of successful vaccination within seven years or that the employe has had smallpox, and any one employing a person in violation of this rule shall be guilty of a separate offense for each day that such employe shall be sick with smallpox, and liable for the cost of his maintenance. Every person in Kentucky is required by law to be vaccinated. (Sec. 4608, Ky. Stats.) This rule is to provide that no one violating the statute shall be employed.

Unvaccinated persons excluded from schools.

Rule 76. No person shall become a member of any public or private school within the jurisdiction of this board, as teacher or scholar, without furnishing a certificate from some reputable physician that he or

she has been successfully vaccinated, and has been re-vaccinated at least once each seven years.

Vaccination to be done by physicians with all aseptic care.

Rule 77. Vaccination, a very imporant procedure, should be done by a competent physician with the cleanliness and septic precautions observed in all surgical operations, at three points an inch and a half apart on a clean arm, should dry for 30 minutes, and be left open. No so-called shields of any kind should ever be put on.

DAIRIES AND DAIRY CATTLE.

Dairy buildings, ventilation and drainage.

Rule 78. No building shall be used for stabling cows for dairy purposes which is not well lighted, ventilated, which is not provided with a suitable floor, laid with proper grades and channels to carry off all drainage, and drain constructed. If a public sewer abuts the premises upon which such buildings are located, they shall be connected therewith and furnished with proper sanitary traps. No building shall be used for such purposes which is not provided with good and sufficient feeding troughs or boxes, and with a covered, water tight receptacle, outside the building for the reception of dung or other refuse.

Care of water closets, urinals.

Rule 79. No water closet, cesspool, urinal, inhabited room or workshop shall be located within any building or shed used for stabling cows for dairy purposes, or for the storage of milk or cream, nor shall any fowl, hog, horse, sheep or goat be kept in any room used for such purpose. No space in buildings or sheds used for stabling cows shall be less than five hundred cubic feet for each cow, and the stalls therefor shall not be less than four feet in width.

Cows to be cleaned daily; pure water

Rule 80. It shall be the duty of each person using any premises for keeping cows for dairy purposes to keep such premises thoroughly clean and in good repair, and well painted or whitewashed at all times. Every person keeping cows for the production of milk for sale, shall cause every cow to be cleaned every day,

and to be properly fed and watered and every person using any premises for keeping cows, shall cause the yard used in connection therewith to be provided with a proper receptacle for drinking water for such cows, none but fresh, pure water to be used in such receptacle.

Premises, cows, ice boxes and refrigerators to be safeguarded.

Rule 81. Any enclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry and to prevent accumulation of water therein, except as may be permitted for the purpose of supplying drinking water; no garbage, urine, fecal matter or similar substances shall be placed or allowed to remain in or near such enclosure; and no open drain shall be allowed to run through it. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles, made of non-absorbent materials, for the reception of, storage, and delivery of milk, and shall cause all milk to be removed without delay from the room in which the cows are kept. No milk shall be kept in ice boxes or refrigerators which are in any way connected with sewers or cesspools; nor shall any milk be kept in the same compartment of any ice box or refrigerator in which meats or any other articles of food are kept.

Care of bottles, cans, measures and chemicals.

Rule 82. All bottles, cans, measures and other receptacles for milk shall be scalded with boiling water or live steam daily; they must not be rinsed in cold water before using, for the water may not be pure, and some of it remaining in the vessels may contaminate the milk. All milk cans coming from the dairies to dealers must be properly cleaned as above before returning to the producer, thoroughly aired and kept turned upside down in a cool place. All milk shall be strained through wire-cloth or sterlized cotton strainers, and shall be cooled to 58 degrees within forty-five minutes after it is drawn from the cow. In winter weather the cooler should be guarded against freezing. The milk shall not exceed sixty degrees when delivered to the customer or dealer. All milk cans de-

livered to creameries or dealers in the city shall be covered with air tight lids, and when conveyed in open wagons, shall be covered with canvas while being so conveyed, said canvas to be kept clean by frequent washing.

Whole milk to be delivered. Period for calving. Ventilation.

Rule 83. All strippings, as well as the first part of milk, shall be delivered. The night's and morning's milk shall not be mixed. No milk shall be delivered that is taken from a cow that has calved within twelve days or from a cow that will come in or calve inside of forty-five days. Cows shall not be fed on feed which will impart a disagreeable flavor to milk, or upon any food that will not produce milk of a standard richness, or any sour, damaged ensilage or other feed.

Every dairy in state not connected with approved sewers to have septic tank privies.

Rule 84. All dairy farms or plants not connected with an approved system of sewers, and each residence within a quarter of a mile of such plant, shall be provided with septic tank privies modeled after the Kentucky Sanitary Privy, located below the level, draining away from or as remote as possible from the well or spring, to be under the charge of some reliable person to keep them clean, provided with toilet paper and daily pour at least four gallons of water through each hole in the seat and the urinal.*

Prompt notice of contagious diseases in herd to be given.

Rule 85. It shall be the duty of any person having charge or control of any premises upon which dairy cows are kept to notify the health officer having jurisdiction of the existence of any contagious or infectious diseases among such cows immediately upon the discovery thereof and to thoroughly isolate any cow or cows affected and to exercise such other precautions as may be directed by said health officer.

Tuberculin test for all dairy cattle.

Rule 86. It shall be the duty of any person owning or having control of cows used for the produc-

---

By reference to Rule 198, it will be seen that the same requirement is made for all public buildings in the state not on lines of sewers. This form of tank and privy not being patented is inexpensive, if constructed and operated in strict accordance with instructions, is self-cleaning, fly-proof and will last forever, and has been adopted and is in extensive use in many other states and countries. Bulletins with plans and full directions will be sent free upon application.

tion of milk for sale or exchange to submit said cows for the tuberculin test for tuberculosis, on the written order of the State Board of Health or of the local board of health having jurisdiction. No person having his herd tested by the tuberculin test shall add any cows to the herd that have not been tuberculin tested by the proper authorities under penalty of having his permit revoked.

Notice of communicable disease on farm or in employes required.

Rule 87. It shall be the duty of any person having charge or control of any premises upon which milk or cream is produced, handled, stored or distributed to notify the health officer immediately upon the discovery of any case of influenza, pneumonia, diphtheria, measles, membranous croup, scarlet fever, smallpox, typhoid fever, or any other contagious or infectious disease, upon such premises. No milk or cream shall be sold, exchanged, given away, or in any other manner distributed from such infected premises until all danger of the spread of the disease shall be removed and the health officer certifies to that effect. No person who attends to cows or milks them, or who has the care or handling of vessels for the sale, storage, or distribution of milk or cream, shall enter any place or premises wherein any of the diseases mentioned herein exists; nor shall any such person have any communication, direct or indirect, with any person who resides in or is an occupant of such infected place. Strict cleanliness of hands and persons of milkers, and those engaged in the handling of milk or cream, and of the bodies of cows, especially of the udders and teats, must be enforced at all times, to the end that no impurity or foreign substance may be added to the milk or cream, such addition being declared adulteration by the statute.

Only whole cream and undiluted milk to be marketed unless plainly labeled.

Rule 88. No person shall have in his possession, sell or offer for sale, any milk or cream to which has been added water or any foreign substances or from which any portion of the cream or butter fat has been removed, unless labeled plainly on the container "skim

milk." No person shall add water or any other foreign substances to milk or cream offered or intended for sale or exchange. Milk offered for sale as whole milk, or sold as such, which contains more than eighty-seven (87) per cent of watery fluid, or less than thirteen (13) per cent of milk solids, including three and seventh-tenths (3.7) per cent of butter fat, is prima facie watered, and such watering is declared an adulteration by the State statutes, the punishment for which is a fine of not less than twenty-five dollars ($25.00) for each and every offense.

MILK AND CREAM—AND OTHER SOFT DRINKS.

Permit required for sale of milk or cream. Renewable. May be revoked after hearing.

Rule 89. **Permit required for sale of milk in municipalities.** No corporation, association, firm or individual shall sell or offer for sale at retail milk or cream in any municipality without a permit from the health officer thereof, which shall be issued subject to such conditions as may be imposed by these rules or by the local health officer. Such permit shall expire on the thirty-first day of March, unless another date is designated by the local authorities, and shall be renewable on or before such date in each year, and may be revoked at any time for cause by the state board of health or the local officer after a hearing hearing on due notice.

Application required.

Rule 90. **Application for permit required.** No permit for the sale at retail of milk or cream in any municipality shall be issued unless written application, sworn to by the applicant, has been made therefor in the form prescribed by the State Board of Health.

Information required for permit.

Rule 91. **Information required in application for permit.** Every application for a permit to sell at retail milk or cream in any municipality shall contain the name of each producer from whom the applicant receives or expects to receive milk or cream for sale, together with the approximate amount of milk or cream to be furnished by each such producer, and upon

change in the source or amount of supply notice thereof.

Inspection and scoring of dairy farms.

Rule 92. **Dairy farms to be inspected and scored.** Previous to the first day of January, 1920, the health officer or his representative in every municipality shall make a sanitary inspection of every dairy farm where milk or cream is produced for sale at retail in such municipality and shall score each such dairy farm on the score card prescribed by the State Board of Health.

On or after the first day of July, 1919, each such health officer or his representative shall make such inspection and scoring at least once in each year and before the thirty-first day of July in each year unless another date is designated by the local authorities.

The local health officer of such municipality may, however, in his discretion, accept the inspection and scoring by the health officer or his representative of another municipality.

Conditions of issuance of permit.

Rule 93. **Conditions of issuance of permit.** On and after the first day of January, 1920, no permit to sell at retail milk or cream in any municipality shall be issued unless the premises, where it is proposed to handle such milk or cream, shall, in the opinion of the local health officer or his representative after inspection, have been rendered clean and sanitary; and unless each farm or dairy, where such milk or cream is produced, shall have been rated after inspection by a health officer or his representative, or, in case of protest, by a sanitary supervisor of the State Board of Health, at least forty per cent. on the score card prescribed by the State Board of Health.

Conditions of renewal of permit.

Rule 94. **Conditions of renewal of permit.** No permit to sell at retail milk or cream in any municipality shall be renewed unless inspection has been made within the preceding six months by the local health officer or his representative of the premises where such milk or cream is handled and unless each farm or dairy where such milk or cream is produced has been rated by a health officer or his representa-

tive, or, in case of protest, by a sanitary supervisor of the State Board of Health, within the preceding six months after inspection at least forty per cent on the score card prescribed by the State Board of Health.

Display of permit.

Rule 95. **Public display of permit.** Permits to sell milk or cream shall be publicly displayed in such manner as may be prescribed by the local health authorities.

Milk and cream or other soft drinks to be kept only under sanitary conditions.

Rule 96. **Milk and cream or other soft drinks to be kept only under sanitary conditions.** No milk or cream or other soft drinks shall be sold or kept for sale under any conditions which in the opinion of the local health officer are not clean and sanitary. All vessels containing such milk or cream for sale shall at all times be covered, kept cool, and so placed that the contents will not be exposed to sun, dust, dirt, flies or other insects.

Conditions of bottling.

Rule 97. **Conditions of bottling of milk and cream.** No milk or cream or other soft drinks shall be served or sold in bottles or offered for sale in bottles, unless the bottling is done under clean and sanitary conditions at the place of production or collecting or distributing station. Each bottle shall be capped and each cap shall show the name of the producer or dealer and the place of bottling.

Receptacles to be kept clean. When to be condemned and seized.

Rule 98. **Receptacles to be kept in sanitary condition; when to be condemned and seized.** Every can or other vessel, which is used to contain milk or cream or ice cream or other soft drinks intended for sale, shall be constantly kept in a clean and sanitary condition. When emptied and before being returned by the person to whom it was last delivered full or partly full every such can or other vessel shall be effectively cleansed. The local health officer or his representative shall condemn any such can or other vessel found by him to be in such condition that it cannot be rendered by washing clean and sanitary as a receptacle for milk or cream, or ice cream or other soft drinks, and shall destroy or so mark the condemned vessel as to show that it has been

condemned. When so condemned and marked, such can or other vessel shall not be used again to contain milk or cream, or ice cream or other soft drinks, for sale. The local health officer or his representative may seize and hold as evidence any can or other vessel returned or otherwise used in violation of this regulation.

Utensils to be cleansed.

Rule 99. **Utensils to be cleansed.** All dippers, glasses, spoons, measures or other utensils used in the handling of milk or cream, or ice cream or other soft drinks intended for sale shall be maintained in a cleanly condition.

Pasteurization.

Rule 100. **Pasteurization.** Except where a different standard of pasteurization has been adopted previous to the first day of September, 1914, by the local health authorities, no milk or cream shall be sold or offered for sale as pasteurized unless it has been subjected to a temperature of 142 to 145 degrees fahrenheit for not less than thirty minutes; and no milk or cream which has been heated by any method shall be sold or offered for sale unless the heating conforms to the provisions of this regulation.

After pasteurization the milk or cream shall be immediately cooled and placed in clean containers and the containers shall be immediately sealed.

Designations restricted.

Rule 101. **Designations of milk and cream restricted.** All milk sold and offered for sale at retail, except milk sold or offered for sale as sour milk under its various designations, shall bear one of the designations provided in this regulation, which constitute the minimum requirements permitted in this State.

No term shall be used to designate the grade or quality of milk or cream which is sold or offered for sale, except:

"Certified."
"Grade A raw."
"Grade A pasteurized."
"Grade B raw."
"Grade B pasteurized."
"Grade C raw."
"Grade C pasteurized."

"Certified" milk defined.

Certified. No milk or cream shall be sold or offered for sale as "Certified" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd. The reports of such tuberculin tests must be filed with the local health officer and the milk commission of the county medical society in the municipality and county respectively in which such milk is delivered to the consumer.

Such milk must not at any time previous to delivery to the consumer contain more than 10,000 bacteria per cubic centimeter and such cream not more than 50,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health, not less than thirty-five per cent for equipment and not less than fifty-five per cent for methods.

Such milk and cream must be delivered within thirty-six hours of the time of milking.

Such milk and cream must be delivered to consumers only in containers filled at the dairy or central bottling plant.

The caps must contain the word "Certified" and bear the certification of a milk commission appointed by the county medical society organized under and chartered by the Kentucky State Medical Association, and must also contain the name and address of the dairy as well as the date of milking.

Every employe before entering upon the performance of his duties shall be examined by a duly licensed physician and the reports of such examination shall be sent to the milk commission certifying the milk from such dairy.

The milkers and all persons handling the milk must be provided with suits and caps of washable material which shall be worn while milking or handling the milk and shall not be worn at other times. When not in use these garments must be kept in a clean place free from dust. Not less than two clean suits and caps must be furnished weekly. The hands of the milkers must be washed with soap and hot water, and well dried with a clean towel, before milking.

Grade A raw milk defined.

Grade A raw. No milk or cream shall be sold or offered for sale as "Grade A raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd.

Such milk must not at any time previous to delivery to the consumer contain more than 60,000 bacteria per cubic centimeter, and such cream not more than 300,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than twenty-five per cent for equipment, and not less than fifty per cent for methods.

Such milk and cream must be delivered within thirty-six hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or a bottling plant. The caps or tags must be white and contain the term "Grade A raw" in large black type, and the name and address of the dealer.

Grade A pasteurized milk defined.

Grade A pasteurized. No milk or cream shall be sold or offered for sale as "Grade A pasteurized" ununless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 200,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 30,000 bacteria per cubic centimeter, and such cream not more than 150,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than twenty-five per cent for equipment and not less than forty-three per cent. for methods.

Such milk and cream must be delivered within thirty-six hours after pasteurization, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or at a bottling plant. The caps or tags must be white and contain the term "Grade A pasteurized" in large black type.

Grade B raw milk defined.

Grade B raw. No milk or cream shall be sold or offered for sale as "Grade B raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk must not at any time previous to delivery to the consumer contain more than 200,000 bacteria per cubic centimeter. and such cream not more than 750,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than twenty-three per cent for equipment and not less than thirty-seven per cent for methods.

Such milk and cream must be delivered within thirty-six hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B raw" in large, bright green type, and the name of the dealer.

Grade B pasteurized milk defined.

Grade B pasteurized. No milk or cream shall be sold or offered for sale as "Grade B pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 1,500,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 100,000 bacteria per cubic centimeter, and such cream not more than 500,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than twenty per cent for equipment and not less than thirty-five per cent for methods.

Such milk must be delivered within thirty-six hours after pasteurization between April first and November first and within forty-eight hours after pasteurization between November first and April first, and such cream within forty-eight hours after

pasteurization, unless a shorter time is prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B pasteurized" in large, bright green type, and the name of the dealer.

Grade C raw milk defined.

Grade C raw. No milk or cream shall be sold or offered for sale as "Grade C raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than forty per cent.

Such milk and cream must be delivered within forty-eight hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags affixed to the containers must be white and contain the term "Grade C raw" in large red type.

Grade C pasteurized milk defined.

Grade C pasteurized. No milk or cream shall be sold or offered for sale as "Grade C pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State Board of Health not less than forty per cent.

Such milk and cream must be delivered within forty-eight hours after pasteurization, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags affixed to the containers must be white and contain the term "Grade C pasteurized" in large red type.

The bacterial count herein required shall be made only at State, county or municipal laboratories or such

other laboratories as may be approved by the State Board of Health.

In those municipalities where a bacterial count of the milk is, in the opinion of the local health authorities, impracticable, they may in their discretion grade milk and cream according to the score of the dairies producing it, as prescribed in this regulation, but no such milk shall be designated "certified," "Grade A raw," or "Grade A pasteurized."

This regulation shall not be construed to rescind or modify any existing local regulation or ordinance controlling the grading of milk or cream established prior to the first day of September, 1914

Local authorities may increase stringency of regulation.

Rule 102. **Supplementary regulations by local authorities.** The health authorities of any municipality may in their discretion increase the stringency of these regulations or add to them in any way not inconsistent with the provisions thereof, and may prohibit the sale, or the keeping for sale, within the municipality of any of the grades of milk herein defined.

Milk or cream in cold storage warehouses.

Rule 103. **Milk or cream in cold storage warehouses.** Nothing contained in this chapter in reference to the time of delivery of milk and cream shall be deemed to prohibit the keeping of such milk and cream in cold storage in a duly licensed cold storage warehouse for a period of not more than ten calendar months; provided, such milk and cream is placed in such cold storage warehouse within twenty-four hours after milking or pasteurization, as the case may be.

BAKERS AND BAKERIES.

Requirements for bakery buildings.

Rule 104. Every building, room or other place occupied or used as a bakery shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operator, employes, clerks or other persons therein employed, and wholesomeness of the food therein produced, kept, handled or sold. Every

such bakery shall be provided with adequate plumbing and drainage facilities including suitable wash sinks and water closets. No water closet shall be entered from or shall be in direct communication with the rooms in which the bakery products are handled. All such sinks and closets shall be kept in a clean and sanitary condition. The walls and ceilings of the rooms in which the dough is mixed or the pastry prepared for baking or in which the bakery products or ingredients of such products are otherwise handled or stored, shall be kept in a clean or wholesome condition, and shall be washed, painted, calcimined, or lime washed as often as necessary, and all interior woodwork of such rooms shall be kept clean by washing with soap water or otherwise, so as to be kept in a good sanitary condition. All floors of such rooms shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable, non-absorbent material which can be flushed and washed clean with water. Sewerage pipes shall not be laid through such rooms, and all openings into such rooms, including windows and doors, shall be properly screened to exclude flies.

Rooms to be for no other purpose. Care of the person in employes and employment of those having cutaneous or contagious diseases forbidden.

Rule 105. The working rooms shall not be used for purposes other than those directly connected with the preparing and baking of food, and shall not be used as washing, sleeping or living rooms, but shall at all times be separated and closed from the living and sleeping rooms. Separate rooms shall be provided for changing and hanging clothes. The working rooms shall be furnished with cuspidors, at least one in each room, which cuspidors shall have a disinfectant therein and shall be cleaned daily. There shall not be in such rooms any spitting on the floor or walls, smoking, snuffing or chewing of tobacco. No employe or other person shall sit or lie upon any of the tables, benches, troughs, shelves, etc., which are intended for the dough or baked articles. Chairs or benches shall be provided in sufficient number to sit upon. Before beginning work

and before preparing and mixing the ingredients, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly in clean water and for this purpose sufficient wash basins together with soap and clean towels, shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms or water closets. Persons employed in the bakery or bakery rooms shall wear sufficient clothing while working, and such clothing shall be clean and sanitary.

Employes or other persons having any cutaneous, contagious or infectous disease shall not be employed in any such bakeries, nor be permitted to handle any of the products therein.

Certificate of purity of water required. Care in storing flour, eggs, and all other ingredients used.

Rule 106. All water used for mixing the dough or for any other use in connection with bakery products shall be pure and wholesome, and shall not be taken from any pipe which pipe also leads into a water closet or into a sewer. In case the water supply is taken from a well, the baker shall have a certificate from the Kentucky Agricultural Experiment Station, or from the State Board of Health, or from the city or county health officer, that such water is pure and wholesome and free from contamination. The supplies of flour shall be stored in a dry, clean place and be protected from vermin and all other contamination. The supplies of other materials used in the preparation of bakery products including eggs and egg products, fruit and fruit products, shall be kept in a clean place and in clean receptacles, and shall be protected from dust or other contamination.

Cleanliness of all receptacles for raw and baked products. Protection from flies and dust.

Rule 107. All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans or other receptacles used for holding materials from which bakery products are prepared, or for holding bakery products shall be kept clean and wholesome at all times, and shall be constructed so as to be easily and conveniently cleaned. All show cases, shelves, or other places where

bread or other bakery products are exposed for sale, including the bread, cake and pie boxes, or cases in any grocery store, or other retail place, and in restaurants, or other places where bakery products are sold, shall be kept well covered or screened, well protected from dust and flies, and shall be kept in a sweet, clean and wholesome condition at all times. No bread or other bakery product shall be exposed during the time that it is intended or offered for sale to the dust of the street, or to other contamination.

All bakery products to be wrapped or otherwise protected from contamination in handling or transportation. Tags, slips and pasters.

Rule 108. No person shall handle any unwrapped bakery product with unclean hands, and no bread, cake, pie or other bakery products shall be hauled, transported or delivered without being safely protected from dust and other contamination by wrapping or covering. Unwrapped bread, cakes, or pies shall not be handled by drivers, deliverymen, grocers or other dealers with unclean hands. The wagons, boxes, baskets and other receptacles in which bread, cakes, pies or other bakery products are transported, shall be kept in a clean and wholesome condition at all times and free from dust and other contamination. No bread, cakes, pies or other bakery products shall be handled or fingered by intended purchasers unless such product shall in fact be purchased by such persons and not intended for further sale. No tag or slip shall be put upon any loaf of bread or upon any pie or cake which such tag has been licked, or which is affixed with commerical glue, or which is made from paper containing material of a poisonous or deleterious character, or which has been stamped or branded with ingredients that may rub off on to the bread or other bakery product.

All wastes and garbage to be removed daily.

Rule 109. All waste products and garbage shall be removed from the bakery rooms or other rooms where food is kept or prepared at least once daily, and shall not be allowed to remain in such proximity to the bakery rooms as will give occasion for contaminating odors.

Standard of purity of all raw materials including lard, butter and eggs.

Rule 111. All ingredients used in the manufacture or preparation of bakery products shall be pure and wholesome, and shall be up to the standard required in the other provisions of the Kentucky Food and Drug Laws. No unwholesome or unclean butter, lard, oleomargarine or oil shall be employed. No eggs of a spoiled or unwholesome character shall be used, and no egg product whether frozen or desiccated, and which has been prepared from spoiled, unsound or unwholesome eggs shall be used in such bakery products. No flour which has been bleached with poisonous materials or which has been bleached so as to affect its quality or strength, or which has been bleached so as to make it appear better or of greater value than it is shall be used. No jellies, jams, fruit pulp, pie fillings, flavoring extracts or other ingredients shall be used in the mixing or preparation of bakery products which do not comply with the other provisions of the said food and drugs act. In case where imitation jellies, jams, flavors, or other such ingredients are used, and in case where such imitation products are wholesome, bakery products made out of such ingredients may be sold if the pie, cake, bread or other bakery product is labeled so as to show that it is made from such imitation ingredients or flavors, and so as to show that it is not made from the true fruit.

Health officers and experts of board to co-operate with bakers in enforcement of rules.

Rule 112. As far as possible and appropriate the food and drug bureau of the state board of health will assist bakers in determining the purity and quality of the ingredients sold to any baker for use in the preparation of food, provided, however, any baker seeking such assistance gives to the said division full information with respect to the labeling upon the original packages of such ingredients, the parties from whom purchased and the date purchased, and any other information which the said division may require.

All health officers throughout the State, and all bakers and other persons engaged in the production and sale and handling of bakery products are requested

to co-operate in the enforcement of these regulations to the end that all bakery products will be produced and handled in a wholesome and sanitary manner, and to the end that the confidence of the consumer in such products will be increased.

REGULATION OF THE TRAFFIC IN AND HANDLING OF EGGS.

Handling of eggs on candling basis only in warm seasons.

Rule 113. Between May 15 and January 15 of each year, all eggs in the market, or intended for market, shall be handled only on a candling basis, and no payment either in cash or merchandise shall be made for those unfit for food. A statement shall be made in duplicate by the buyer of each purchase of eggs, showing the number of good, damaged and bad eggs in each lot, one copy of which shall be given to the person from whom the purchase is made, and the other to be kept on file for one year, and subject to inspection at all times by any health or food inspector.

Storing and packing of eggs.

Rule 114. During the warm season all eggs shall be kept in a cool place, all lots of greater than 30 dozen shall be packed in strong, standard egg cases and fillers, well protected from breakage, all cracked ones being packed in separate cases from those with sound shells. From May 15 to January 15 of each year each case of eggs shall contain upon the top layer a properly dated and signed candling certificate.

Unfit eggs not to be offered or exposed for sale. Definitions.

Rule 114a. No person, firm or corporation shall sell, offer or expose for sale, or have in possession for the purpose of sale, any eggs unfit for human food, unless they are broken in the shell and then denatured in such a way that they cannot be used for food. An egg shall be deemed unfit for food if it be addled or moldy, have black or white rot or a blood ring, has a bloody, white or adherent yolk, or if it consists even in part of a filthy, decomposed or putrid substance.

Penalties.

Any person violating any of these rules or provisions will be subject to the pains and penalties provided by the statutes.

STOCK YARDS, ABATTOIRS, SLAUGHTER-HOUSES AND DISEASED ANIMALS.

Slaughter or sale of flesh of diseased animals forbidden.

Rule 115. It shall be unlawful for any person, firm or corporation owning or operating stockyards, abattoirs, or slaughterhouses in this State to sell or offer for sale or to have in their possession for sale or slaughter for food any cattle, sheep, hogs, or other animals which are diseased or in any way unhealthy or unfit for food, and such animals shall be at once killed and the carcass disposed of as provided by law for diseased animals, or put in quarantine and reported to the State veterinarian. It shall be the duty of all stock yards to set aside and maintain at the expense of the owners or operators thereof, a quarantine pen of such size and construction as may be prescribed by this board, which shall be provided with a suitable lock, and in which pen shall be at once placed all animals, failing to pass inspection, or suspected to be diseased and awating inspection, and all such stock yards, abattoirs and slaughterhouses as are regularly inspected by an official veterinarian shall furnish such officer proper office or desk room for the performance of his duties without expense to him.

Quarantine pens. Sanitary cleanliness imperative. Toilet facilities. Water and sewer connection.

Rule 116. Every slaughterhouse or other place in which meat or meat products from cattle, swine or poultry are slaughtered, handled or stored within this State shall be constructed so as to constantly meet all sanitary requirements: shall be suitably lighted and ventilated; and shall have the equipment and methods necessary to maintain such a place and to handle all products in a sanitary condition. It shall be provided with efficient drainage and have proper sewage connections; it shall have equipment and methods necessary to take care of all the offal in a sanitary manner; it shall be located and operated so as to not only produce wholesome food but also so as to commit no nuisance whatsoever which might affect the public health. The work in such estbalishments shall be performed in a cleanly and sanitary manner; strict re-

gard shall be paid to the cleanliness and health of employes. There shall be properly located toilet facilities and there shall be proper facilities to enable the employes to keep themselves clean and there shall be proper facilities to enable them to observe personal cleanliness during their handling of food. There shall be convenient and adequate facilities for keeping the plant clean. No slaughtering shall be done in any barn or other building not suitable for slaughtering animals and for the handling and dressing and killing of meats.

II. All such slaughterhouses shall have an efficient system of drainage with proper sewer connections, and in any case, so that no water or other refuse of any kind may soak into the ground underneath and around the building, or be led from the building in such a way as to produce odors or otherwise become a nuisance. There shall not be any blind wells, cesspools or privy within the slaughtering house. Sewage connections shall not be made of wood but shall be made of closed vitrified tile, or cast iron together with tight joints or of some similar material and construction. Liquid wastes, where possible, shall either be run into the city sewer, provided that this does not place an undue burden upon existing purification works, or upon the stream into which the city sewage empties; or there shall be provided adequate means for the purification of the wastes. The site selected, the disposal of sewage or means for sewage purification, must be according to plans approved by the state board of health or its agents.

Water and refuse not to be fed to hogs.

III. The feeding of hogs or other animals on the refuse of slaughterhouses shall not be permitted on the premises, nor shall any such refuse be fed to any animals intended for slaughter. No use incompatible with the proper sanitation shall be made of any part of the premises on which such establishment is located. All yards, fences, pens, chutes, alleys, etc., belonging to the premises of such establishment, whether they are used or not shall be maintained in

a sanitary condition, and no nuisance whatsoever shall be allowed in the establishment or on its premises.

Hot and cold water.

IV. All slaughterhouses shall have an abundant supply of water from a well, spring or other source which is free from contamination from any slaughterhouse or surrounding pens or enclousure, and which water may be applied, both hot and cold, with adequate pressure from a hose to any part of the room or rooms used for the purpose of slaughtering or preparing meats for consumption as human food, and shall be so designed and built as to be readily and thoroughly cleaned.

Floors.

V. All slaughterhouses shall have suitable floors constructed preferably of concrete and in such a manner as to be water tight and which shall carry off into tubs or reservoirs provided for that purpose, all blood and wastes; which floors shall be thoroughly scrubbed and cleaned each day after the slaughtering has been completed.

Care of walls and ceilings.

VI. Ceilings, walls, pillars, partitions, etc., shall be so constructed as to be kept, and shall be kept, in a sanitary condition, and when necessary they shall be washed, scraped, painted or otherwise treated as required. Where floors or other parts of a building or tables or other parts of the equipment, are so old or in such poor condition that they cannot be readily made sanitary, they shall be removed and replaced by suitable materials. All floors upon which meats are piled during the process of curing, shall be of concrete or similar material, and be so constructed that they can be kept in a sanitary condition, and all meat piled upon floors shall be suitably protected from trucks, etc. Walks and platforms or approaches leading into establishments shall be kept clean to prevent tracking dirt into the same.

Cleanliness of al vehicles and appliances.

VII. All trucks, trays and other receptacles, all chutes, platforms, racks, tables, etc., and all knives, saws, cleavers and other tools, and all utensils, machinery and vehicles used in moving, handling, cutting,

chopping, mixing, canning or other processes shall be thoroughly cleaned before using.

Care of hands and clothing.

VIII. Managers of establishments must require employes to be cleanly. The aprons, smocks or other outer clothing worn by employes who handle meat or meat food products shall be of a material that is readily cleansed and made sanitary, and only clean garments shall be worn. Persons who handle meat or meat food products shall be required to keep their hands clean, and they shall be required also to pay particular attention to the cleanliness of their boots or shoes.

All employes to be healthy.

IX. Persons affected with tuberculosis or any other communicable disease, shall not be employed in any of the departments of establishments where carcasses are dressed, meat is handled, or meat food products are prepared.

Toilets to be well separated.

X. All water closets, toilet rooms, and dressing rooms, shall be connected with the sewer when located on a line of sewers, otherwise with the tank of a Kentucky sanitary privy, and be entirely separated from compartments in which carcasses are dressed, or meat or meat food products are cured, stored, packed, handled or prepared. Where such rooms open into compartments in which meat or meat food products are handled, they must, when this is considered necessary, be provided with properly ventilated vestibules, and with automatically closing doors. They shall be conveniently located, sufficient in number, ample in size, and fitted with modern lavatory accommodations including toilet paper, soap, running hot and cold water, towels, etc. They shall be properly lighted, suitably ventilated and kept in a sanitary condition. Convenient and sanitary urinals shall be provided; and washstands near at hand, shall also be provided.

Flies, odors and vermin to be rigidly excluded.

XI. The rooms or compartments in which meat or meat food products are prepared, cured, stored, packed or otherwise handled shall be free from odors from toilet rooms, catch basins, casing departments, tank rooms, hide cellars, etc., and shall be kept free

from flies and other vermin by screening or other methods. All rooms or compartments shall be provided with cuspidors of such shape as not readily to be upset and of such material and construction as to be readily disinfected and employes who expectorate shall be required to use them.

Handling of diseased carcasses conducted as a separate business. Disinfection of hands and implements.

XII. Butchers who dress or handle diseased carcasses or parts shall cleanse their hands of all grease and then immerse them in a proper disinfectant and rinse them in clear water before dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be sterilized either in boiling water or by immersion in a prescribed disinfectant followed by rinsing in clear water. Facilities for such cleansing and disinfection approved by the inspector in charge, shall be provided by the establishment. Separate sanitary trucks, etc., which shall be appropriately and distinctly marked, shall be furnished for handling diseased carcasses and parts. Following the slaughter of any animal affected with an infectious disease, a stop shall be made until the implements have been cleansed and disinfected, unless other clean implements are provided.

Protection from soiling.

XIV. Due care must be taken to prevent meat and meat food products from falling on the floor; and in the event of their having so fallen, they must be condemned or the soiled portions removed and condemned. When meat or meat food products are being emptied into tanks, some device, such as a metal funnel, must be used.

To be protected from saliva.

XV. Carcasses shall not be inflated with air from the mouth, and no inflation of carcasses except by mechanical means shall be allowed. Carcasses shall not be dressed with skewers, knives, etc., that have been held in the mouth. Skewers shall be cleaned before being used again. Spitting on whetstones or steels when sharpening knives shall not be allowed.

Water to be tested.

XVI. Only good, clean and wholesome water and ice shall be used in the preparation of carcasses, parts,

meat or meat food products. Whenever there is any doubt regarding the sanitary condition of the water supply, notice shall be immediately sent to the secretary of the State Board of Health, or to the county or city health officer of the locality.

Care of meat in transit.

XVII. Wagons or cars in which meat or meat food products are transported shall be kept in a clean and sanitary condition. The wagons used in transporting loose meat shall be so closed and covered that the contents shall be kept clean and free from contamination.

Offal removed daily. Storing of fertilizer and tankage.

XVIII. All offal shall be cleaned up and disposed of daily, either by tanking or removal from the premises of the plant. The system for, and operations connected with, the treatment of offal for fertilizer, grease or other purposes shall be in a separate building, or in a different part of the building from that in which the products intended for food are handled, separated by masonry, and no fertilizer or other product of the tanked offal shall be stored or brought into any place or room where products intended for food are handled or stored. Such tankage operations shall be conducted in a sanitary manner, and the rendering and other rooms and equipment shall be cleaned daily.

Tallow: refrigeration and ice boxes.

XIX. Tallow and other fats shall be rendered or removed from the premises before decomposition; and all meat trimmings, etc., intended for ingredients in food products, shall be worked up while the same are fresh, unless stored in proper refrigeration. All chill rooms, refrigerating chambers, ice boxes and so on shall be properly constructed to meet all sanitary requirements necessary for the purpose for which used, and shall be carefully operated with respect to the temperature, humidity and general sanitary condition necessary to the wholesomeness of the product or products stored therein.

Sanitary handling and delivery.

XX. All deliveries of meat or poultry from a slaughterhouse, refrigerating room, or other produc-

ing or wholesale plant in which such meat or meat products are produced or stored shall be in a cleanly and sanitary manner, and the product be fully protected from dust, flies and other dirt and contamination.

Retail handling. Protection from flies and dust.

XXI. All retail establishments in which any meat, poultry or other meat food products are kept for sale shall be suitable for such purpose, free from odors, screened and free of flies, shall have facilities for cleaning ice boxes, meat blocks, cleavers, saws, knives, etc., and shall have refrigerating rooms or ice boxes, with the temperature necessary for the proper preservation of such fresh products. Such ice boxes or refrigerating rooms shall be constantly kept in a clean and wholesome condition and free from odors, and no spoiled meat or poultry shall be kept therein. No poultry or meat product shall be exposed on counters or other places where it would be subjected to flies, street dust or other contamination, and no fresh meat or poultry products shall be exposed on counters or otherwise during the spring, summer or fall months. or at other times, when the temperature is high enough to cause any deterioration, without proper icing facilities. And all such exposure with icing facilities shall also be in such manner as to be fully protected from flies, dirt and other contamination. No fresh meat, poultry or meat products shall be offered for sale in a retail market which have been fingered by intending purchasers. All deliveries of fresh meat, poultry or meat products shall be so protected as to reach the consumer free from contamination from flies and dust.

Same rules apply to similar products in hotels and restaurants.

XXII. These regulations, or so much of them as is applicable, will also apply to restaurants, hotels and other places in which food is prepared for sale.

HOTELS, RESTAURANTS AND ROOMING AND BOARDING HOUSES.

Care of dishes and containers. Linen. Cooks and waiters. Food so prepared and served as to be attractive and digestible. Soft drink and lunch stands.

Rule 154. A person or corporation engaged in the preparation or sale of food in any hotel, public restaurant, public dining room, dining car or steamboat in this State, or an officer of any public, penal or charitable institution in this State, shall not use in the preparation or service of any food utensils, dishes or other containers which have not been previously cleansed in a sanitary manner; and shall not serve any food or beverage which is not prepared of clean, wholesome ingredients properly cooked so as to be digestible; nor shall the table linens in any such place be soiled at time of service of meals, and, where table linens are not provided, the surface of tables and counters shall be so constructed that they can be kept clean and be of uniform color. Cooks and waiters shall be clean in person and wear clean clothing, must carefully wash their hands before cooking or serving any article of food or meal and must keep their hands from contact with any article of food after it is cooked so far as possible. Tables and dining room shall be kept clean at all times, and food shall be served in an attractive manner so as to aid in its digestion. This rule applies equally to soda fountains, soft drink and lunch stands of all kinds.

Sanitary condition kitchen, dining room and cellars. Receptacles to be cat, dog and insect proof. Utensils to be sterilized daily.

Rule 155. The sanitary condition of the hotel kitchen, dining room, cellar, office, ice boxes, and all places where foods are kept, prepared or stored, shall be literally observed. Places and receptacles where food is kept or stored are required to be kept insect, mouse and rat proof and properly screened. Serving tables, trucks, trays, boxes, buckets, knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing or serving foods are required to be thoroughly sterilized daily by hot water or steam and thorough cleansing, and the clothes and hands of cooks, stewards and waiters to be clean and sanitary. Canned goods when

opened, or prepared foods containing any of the fruit acids, are not permitted to be stored in tin or zinc containers.

Separation of kitchens and store room from barber shops.

Rule 156. No beds, bedding, cots or other furniture used for sleeping purposes shall be used or stored in the kitchen or other places where food is stored, kept or prepared in restaurants, hotels or other public eating places. All bedrooms in hotels, restaurants or other public eating places shall be kept tightly partitioned and kept closed from any place where food is prepared and stored. No door from a bedroom in hotels, restaurants and other public eating places shall enter directly into the kitchen or place where food is prepared for the public. Lunch counters in connection with a barber shop are prohibited unless the barber shop is tightly partitioned without door or other connection from such eating place.

Covered garbage cans. Contents removed daily.

Rule 157. All garbage and kitchen refuse must be kept in tight cans, with a metal cover encircling the top of the can, and which, with tin cans, paper and other trash, must be removed once daily.

Cold storage eggs to be indicated on menu, cards.

Rule 159. No eggs which have been kept in cold storage or refrigeration shall be served to the patrons of any hotel or restaurant without notice on the bill of fare, or verbally if no bill of fare is used, that such eggs have been so kept.

Screening and flies to be actually kept out of all eating places.

Rule 160. The dining room and kitchen of all hotels, restaurants and boarding houses shall be fitted with self-closing wire screen doors and window screens of not coarser than 14 mesh gauze, and the flies actually kept out, and no food to be served in such rooms shall be exposed outside of such rooms or in transit without full protection against flies, dust or other contamination.

Proper windows imperative.

Rule 161. There shall be at least one window in each room opening to the outside of the house or to a roomy well lighted court, which may be raised and lowered at the convenience of the guest, at least one door opening into a hallway or to the outside of the

house with a transom over the door, extending the full width of the same, and not less than twelve inches in height, the windows be kept in good order at all times, so that they may be raised or lowered at the convenience of the guest, thus affording sufficient daylight and ventilation for the health and comfort of those occupying such room, and no room shall be let, or even furnished as a bedroom which does not meet these requirements.

Heating.

Rule 162. For the "comfort and safety of the guests," all hotels, restaurants, rooming houses and apartment houses must be properly heated in the winter time and during the cool or cold weather in late fall and early spring seasons. Heat in sitting rooms of places under the hotel department must be provided during the above mentioned seasons, if the weather is such as to make it necessary, or guests request their rooms to be heated.

Floors and wood work. Wash bowls.

Rule 163. For washing the floors and woodwork in the halls, offices, dining room, sleeping rooms, kitchen or other rooms and closets, and for general disinfection of the chambers, washbowls and water pitchers, a good scouring soap or powder and warm water containing two ounces of creolin or lysol to each six quarts of warm water will aid in keeping such vessels, rooms and furniture in a condition favorable to the health and comfort of the guests of such hotel.

Infected rooms.

Rule 164. Whenever a room has been occupied by a guest sick with or exposed to any communicable disease, it shall be completely fumigated in accordance with the directions of the local health officer before being occupied by another guest.

Vermin.

Rule 165. Whenever a room in a hotel is infested with bedbugs or other vermin, such means of extermination may be used as may be found expedient by the proprietor, but must be continued until all evidences of such vermin, or bedbugs are removed; and when fumigation and disinfection are required, the following practical method will be found beneficial:

Method of fumigation for infection or for vermin.

Instructions for disinfecting a room. First seal up the openings in the room to be fumigated by stuffing cotton or linen strips into the cracks of the windows, doors and transoms; also stop up chimney holes, if any; then take an enameled vessel of not less than six quarts capacity, and for each one thousand cubic feet of air space in the room use four fluid ounces of forty per cent formaldehyde. Place the vessel in the center of the room and put the formaldehyde into it; then when everything is in readiness for a hurried exit, put one-half ounce of permanganate of potassium into the formaldehyde, and get out of the room, and close up the door tightly. Allow the room to remain thus sealed for six hours, after which the room should be opened—all the doors and windows—to allow a free circulation of air and sunlight, continued for at least six hours. During such fumigation the bedding and mattresses should be placed over chairs or hung up endwise, so that the fumes may pass through and around each piece.†

Sewer connections. Septic tank privies.

*Rule 166. All hotels and restaurants in this State not located upon a line of and actually connected with an approved system of sewers, shall, on or before November 1, 1919, be provided with septic tank sanitary privies, with which toilet and bath rooms and closets shall be connected where water supplies for flushing purposes are available, or for outdoor privies where such water supplies do not exist, proportioned in size and arrangement to the number and sex of the persons likely to use them, such tanks to be located nearby, but below the level of or draining away from or as

---

†There is absolutely no danger from fire from such fumigation, and as it is inexpensive, should be given each room at least four times a year.

*By reference to Rule 198, it will be seen that the same requirement is made for all public buildings in the state not on lines of sewers. This form of tank and privy not being patented is inexpensive if constructed and operated in strict accordance with instructions, is self-cleaning, fly-proof and will last forever, and has been adopted and is in extensive use in many other states and countries. Bulletins with plans and full directions will be sent free upon application.

remote as possible from the nearest wells or springs, such tanks to be modeled after those of the Kentucky Sanitary Privy, or some other plan approved by the state board of health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions which will be furnished by the board for posting in each of such toilet or privy rooms.

Hearings and appeals.

Rule 167. When any person, firm or corporation conducting a hotel or restaurant in this State shall make an appeal from an order of an officer or inspector of the state board of health directing said person, firm or corporation, to abate any condition or violation of the statutes or of these rules, it shall file notice in writing of such appeal with the state board of health at its office within ten days after the service of the order. Thereupon the state board of health shall designate a person in its employ who shall hear such appeal and he shall take such evidence by affidavit, by witnesses presented or otherwise as will best bring out the facts after giving due notice to the parties concerned. Upon the completion of this investigation he shall report in writing to the state board of health, which shall notify the person, firm or corporation of its finding as provided by the statutes. (Subsection 5, Section 2059, Kentucky Statutes.)

RAILWAY AND SLEEPING CARS AND STATIONS

Care of day coaches. Rugs, mattings and seats.

Rule 168. All day coaches engaged for regular or interurban travel shall be thoroughly cleansed after each trip at such points as facilities for same have been provided, or are ordered by the state board of health, In no case shall such cleansing be less frequently performed than on every third day of use. In such cleansing, all rugs, mattings and upholstered seats and backrests when practicable, shall be removed from the coach to the open air for mechanical cleansing, and be exposed to sunlight when the prevailing meteorological conditions will permit.

Method of cleansing.

Rule 169. All interior surfaces in coaches are to be mopped, scrubbed or cleansed, at intervals of not more than ten days, with solutions of mercury bichloride, carbolic acid, tricreosol or other disinfecting preparation preferred by any corporation and approved by this board as to ingredients and strength.

Anti-spitting provision. All trainmen made inspectors.

Rule 170. Spittoons are to be provided in numbers of not less than one for each seat in all smoking cars and toilet rooms, and one at each end of all other day coaches and in all waiting rooms. Placards provided by this board shall be displayed at each end of all such coaches and in all waiting rooms, indicating the importance of using the spittoons, and it shall be a violation of these rules for any person to spit upon the floor, or platform, of any railway car, or other public conveyance, or upon the floor of any waiting room or platform in any station or depot; all conductors and other train and station men within this Commonwealth are hereby appointed special sanitary inspectors of the state board of health to assist in securing the proper enforcement of this rule.

Treatment of infected coaches.

Rule 171. All coaches of any kind in which an actute infectious disease has been carried shall remain closed and unoccupied after such person has been removed until it has been thoroughly cleansed and disinfected. All day coaches in regular use for through travel are to be disinfected after cleansing, by some method approved by this board, at intervals of not more than ten days.

Care of toilet rooms. Disinfected after each trip.

Rule 172. All toilet rooms, water closets, urinals, spittoons and toilet appliances are to be scrubbed with soap and hot water and disinfected with formalin, or other approved method, after each trip's use, and kept as clean as possible when on the road and all similar rooms and applianees in stations shall be cleansed daily in the same way.

Apply to sleeping, chair and dining cars.

Rule 173. All preceding regulations in regard to cleanliness and disinfection shall apply equally to

sleeping, dining, buffet and parlor cars used in the service of the public.

Blankets, hangings and mattresses to be disinfected each 10 days.

Rule 174. All blankets, curtains and hangings used in sleeping cars shall be exposed to superheated steam or other means of disinfection, approved by this board, at intervals of not more than ten days, and all mattresses shall be so treated at intervals of not more than thirty days.

Spittoons for upper berths.

Rule 175. In each sleeping car there shall be carried spittoons of any approved sanitary type, meeting the approval of this board, which shall, upon the occupancy of any upper berth, be placed therein by the car attendant, whose duty shall also be to notify the occupant of its readiness for use. Owners of sleeping cars must provide proper supports and buckets for such spittoons.

Sweeping of cars.

Rule 175½. No railway or sleeping car company operating cars within the limits of this State shall permit, and no porter or other employe shall sweep, any such car while en route or occupied by passengers, or shall brush or dust the clothing or belongings of passengers in the aisles or body of the cars while so occupied.

Sewer connections. Septic tank privies.

Rule 176. All railway and trolley depots or stations in this State not located upon a line of and actually connected with an approved system of sewers, shall on or before November 1, 1919, be provided with septic tank privies upon or convenient to their premises, proportioned in size and arrangements to the number and sex of the persons likely to use them; such tanks to be located nearby, but below the level of, or draining away from, or as remote as possible from, the nearest wells and springs, such tanks to be modeled after those of the Kentucky Sanitary Privy or some other plan approved by the State Board of Health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions which will be furnished by the board to be posted in each room of the privy houses.

PUBLIC WATER SUPPLIES AND THE CONTAMINATION OF STREAMS

Plans for water supplies and sewers to be approved.

Rule 177. No municipality, corporation, institution or person shall install or enter into contract for installing, any public water supply or system of sewerage until complete plans and specifications fully describing such water supply or system of sewerage have been submitted to and received the approval of the state board of health in writing.

Change of plans to be approved. Sewer contracts.

Rule 178. No municipality, corporation, institution or person shall make or enter into contract for making any additions or alterations in any public water supply which involve a change in the source of supply or change in the method of treating the water for purification purposes until complete plans and specifications fully describing such additions or alterations have been submitted to and received the approval of the state board of health in writing.

Rule 179. No municipality, corporation, institution or person shall make or enter into contract for making any additions or alterations in any system of sewerage which involve any change in the outfalls or change in the methods of disposing of the sewage until complete plans and specifications fully describing such additions or alterations have been submitted to and received the approval of the state board of health in writing.

Sites and plans of certain manufacturing plants.

Rule 180. No municipality, corporation, institution or person shall adopt a site for the location of any manufacturing or other industry, which produces putrescible or otherwise objectionable liquid wastes, until said site is approved by the state board of health, and some method for adequately purifying such wastes, satisfactory to the board, has been adopted.

Protection of streams, lakes or reservoirs.

Rule 181. No person shall put the carcass or any part thereof of any dead animal or the offal from any slaughterhouse, butcher house or fish house or any other spoiled meat or fish or any putrid animal sub-

stance upon the bank of or into any river, stream, pond, lake, reservoir, water works, well, cistern or other place connected with a domestic water supply, or permit any such things to remain on any such premises owned by him which endangers the water supply of any family or community.

NUISANCES WHICH MAY AFFECT LIFE AND HEALTH.

Health officer to investigate.

Rule 182. The local health officer, upon receiving a complaint of the existence within his jurisdiction of a nuisance which may affect health, or is so offensive to the senses as to interfere with the comfort or enjoyment of life, or when the probable existence of any such nuisance comes to his attention, shall make an immediate and thorough investigation, and if such nuisance exists he shall take all measures within his power and authority to secure its abatement.

Duties of health officer on receipt of complaint.

Rule 183. The health officer shall within five days of the receipt of the complaint file with the local board of health:

(a) The complaint, if made in writing, or, if not made in writing, a summary thereof; or, if no complaint has been made, a statement of the facts; and

(b) A report showing:

(i) His findings.

(ii) His opinion as to whether or not the conditions amount to a nuisance likely to affect health.

(iii) The action, if any, taken by him; and

(iv) Whether such nuisance has been abated.

Board to convene.

Rule 184. If said report of the health officer states that there is a nuisance likely to affect health which has not been abated, the local board of health shall convene promptly, investigate the alleged nuisance, and take the necessary steps provided by law for its abatement, or, within a reasonable time from

the filing of the health officer's report, enter on its minutes its decision, giving its reason for not taking action.

Rule 185. Within forty-eight hours after the entry of such decision, the health officer shall forward a copy thereof to the state board of health, together with the original or copies of the papers filed by him with the local board.

Duty of health officer if board fails to act.

Rule 186. If, in the pinion of the state board of health, the conditions complained of constitute a nuisance likely to affect health and the abatement or removal thereof is necessary for the public good and for the protection of life and health, the said board may by notice to the presiding officer of the local board of health direct him to convene such local board to take certain definite proceedings concerning which the said board is satisfied that the action recommended by him is necessary for the public good and is within the jurisdiction of such local board of health.

Notice to convene board.

Rule 187. Upon the receipt of such notice from the state board of health, the presiding officer of the local board of health shall promptly convene such local board, which shall take the action directed by the said board.

FORM OF NOTICES FOR NUISANCES.

Rule 188. The following shall be the form for the abatement of nuisances after they have been declared such by the local board of health having jurisdiction:

Office of the.....County (or City) Board of Health.

.....Ky., 19.....

To.....owner (or occupant) of ..... Under the authority conferred upon this board by section 2057 of the Kentucky Statutes, you are hereby notified that, after examination, the board has decided that a nuisance dangerous to the public health (or source of filth or

cause of sickness) exists on the above described premises, as follows..... and, under the express power and authority conferred by said statute, you are hereby ordered to remove the same in ..... hours (days) after the service of this notice, which time this board has decided is a reasonable time for the removal of said nuisance (source of filth, or cause of sickness), and you are warned that if you shall fail or neglect so to do, that the law provides that you shall be fined not less than ten nor more than one hundred dollars, and that each day's continuance of such nuisance (or source of filth, or cause of sickness) shall be a separate offense.

Done by the .....County (or City) Board of Health, at a meeting held at..... Ky., at..... o'clock, a. m. (p. m.),..... 19....., a quorum of said board being present and voting.

.....

Secretary and Health Officer.....County.

Such a notice shall be prepared in duplicate, and one copy shall be served on the owner or occupant of the property containing the nuisance, or source of filth, or cause of sickness, and one retained by the health officer, sheriff or constable serving said notice, who shall note thereon the exact hour and day, and the manner in which and upon whom it has been served and when so served and noted, said copy shall be prima facie evidence that a nuisance exists on such premises as such notice recites.

MISCELLANEOUS.

MOVING PICTURE AND OTHER THEATERS AND ASSEMBLY ROOMS.

Rule 189. Moving picture and other theater and assembly rooms shall be well ventilated, with ample provision for inlet of clean, fresh air and for keeping it in motion during all performances. They shall be

heated when necessary to between 68 degrees and 75 degrees F. The walls and floors shall be kept clean, and, at the discretion of the local board of health having jurisdiction, they may be closed by written order during any epidemic of disease likely to be spread by crowds. After August 1, 1919, no motion picture or other theater or assembly room shall be built or used or occupied as such without first submitting plans to and securing a permit from, the state board of health.

HOUSING.

Rule 190. Every person, firm or corporation employing labor and providing housing for same or for renting, leasing or housing, shall provide for each house or group of houses a pure, abundant and accessible drinking water supply; shall prevent soil pollution by connection with or installation of a sanitary sewage system, or by the installation of Kentucky sanitary privies; shall provide fly-proof screens for dining rooms and kitchens, and shall provide adequate housing room for each family. All plans for new installations and alterations of existing ones shall be submitted to the state board of health for approval of their sanitary conditions before beginning work on same, and owners of houses whose unsanitary condition or surroundings cause disease to their inmates or neighbors shall be liable for the expense caused thereby.

Spitting in public places forbidden. Unguarded coughing and sneezing forbidden.

Rule 191. **Spitting in public places forbidden.** Spitting upon the floor of schools, court houses or other public buildings or buildings used for public assemblage, or upon the floors, walls or platforms or any part of any railroad or trolley car or stations or boat, or any other public conveyance, is forbidden. In order to prevent the conveyance of infective material to others, all persons are required, in coughing and sneezing, properly to cover the nose and mouth with a handkerchief or other protective substitute. It shall also be the duty of every person to observe all such regulations as may be issued by the

state board of health to prevent the transfer of infective material from the nose and mouth.

Common towel forbidden.

Rule 192. **Common towel forbidden.** No person, firm or corporation owning, in charge of, or in control of any lavatory or wash room in any hotel, lodging house, restaurant, factory, store, office building, railway or trolley station, or public conveyance by land or water shall provide in or about such lavatory or wash room any towel for common use. The term "common use" in this regulation shall be construed to mean, for use by more than one person without cleansing.

Rule 193. **Common drinking cups and drinking and eating utensils forbidden.** The use of common drinking cups, and of common drinking or eating utensils in any public place or public institution, except in hospitals for the insane, or in any hotel, saloon, lodging house, theatre, factory, store, school or public hall or in any railway or trolley car or ferry boat; or in any railway or trolley station or ferry house; or the furnishing of any such common drinking cup or drinking or eating utensil for common use in any such place is prohibited.

The term "common use" in this regulation shall be construed to mean, for use by more than one person without adequate cleansing.

Barbers and barber shops.

Rule 194. **Barbers and barber shops.** Every barber or other person in charge of any barber shop shall keep such barber shop at all times in a clean and sanitary condition.

Methods and precautions.

No person shall act as a barber who is affected with syphilis in the infective stage or with any other communicable disease enumerated in this code, in an acute form, or with any communicable affection of the skin.

The hands of the barber shall be washed with soap and water before serving each customer.

No shaving or lather brush shall be used in any barber shop unless the hair or bristles thereof have been immersed for one hour in a solution of 1 to 1,000

corrosive sublimate as a safeguard against anthrax germs.

Brushes and combs shall frequently be cleansed with soap and water.

Shaving mugs and brushes shall be thoroughly rinsed after each use thereof.

There shall be a separate clean towel for each customer. The head rest shall be covered by a clean towel or paper.

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

After the handling of a customer affected with any eruption, or whose skin is broken out, or is inflamed or contains pus, the hands of the barber shall be immediately disinfected. This shall be done by thorough washing with soap and water, followed by rinsing in alcohol (70 to 80 per cent.) or in a solution of corrosive sublimate (1 to 1,000), or by the use of some equally efficient disinfectant.

The instruments used for a customer affected with any of the above named disorders shall be made safe immediately after such use by washing with soap and water and dipping for one minute in a ten per cent. solution of commercial (40 per cent.) formalin; or dipping for three minutes in alcohol (70 to 80 per cent.), or by use of some equally efficient disinfectant.

No cup or brush which has been used in the shaving of a customer affected with any of the above infectious disorders of the face shall be used for another customer unless the cup shall have been emptied and cleansed by boiling water and furnished with fresh soap, and the brush has been sterilized by a three minutes' exposure to alcohol (70 to 80 per cent.), or to a corrosive sublimate solution (1 to 1,000), or by the use of some equally efficient disinfectant.

Manucures and Chiropodists.

Rule 195. **Manicures and chiropodists.** The utensils and instruments employed by manicures and chiropodists in pursuit of their occupations shall be kept in a clean and sanitary condition.

Regulations to be posted.

After serving customers affected with a visible skin disease the hands and instruments of the operators shall be immediately cleansed and sterilized. Every barber or other person in charge of any barber shop or place where manicuring or chiropody is done shall post a copy of this and the preceding rule in such shop.

Food and drug regulations.

Rule 196. All matters pertaining to the enforcement of the drug section of the Food and Drug Act will be referred to a committee of the president and secretary of the State Board of Pharmacy, the president and secretary of the State Board of Health and the drug inspector of the State Board of Health with power to act with this board. This committee will report to the board and its action will be ratified by it.

Spitting in public places forbidden.

Rule 197. No person shall spit upon the floors, walls or entrances of any court house, school house, church or other place of public assembly, upon the sidewalks of any city or town, or upon the floors, walls or platforms of any railroad or trolley car or station.

No hogs in town and city limits in warm seasons.

Rule 198. No hogs shall be kept or fed in confinement, or permitted to run loose on the streets, within any incorporated city or town, or within a half mile of the limits thereof; both city and county boards of health, within their respective jurisdiction, may grant permits for the keeping of hogs upon lands actually in use as farms or pastures where the space and the cleanliness constantly maintained are such as to prevent offensive odors or other conditions inimical to the health or comfort of persons living adjacent to such lands or fields.

Sale of coffins and caskets to be based on burial certificates.

Rule 199. No person, firm or corporation shall sell or furnish any coffin or casket for the burial or other disposition of dead bodies unless the purchaser shall present at the time of the transaction a burial permit duly signed by a local or deputy registrar of vital statistics, provided that this rule shall not apply to persons, firms, or corporations engaged in the wholesale selling of coffins or caskets or manufacturers of same.

KENTUCKY SANITARY PRIVY.*

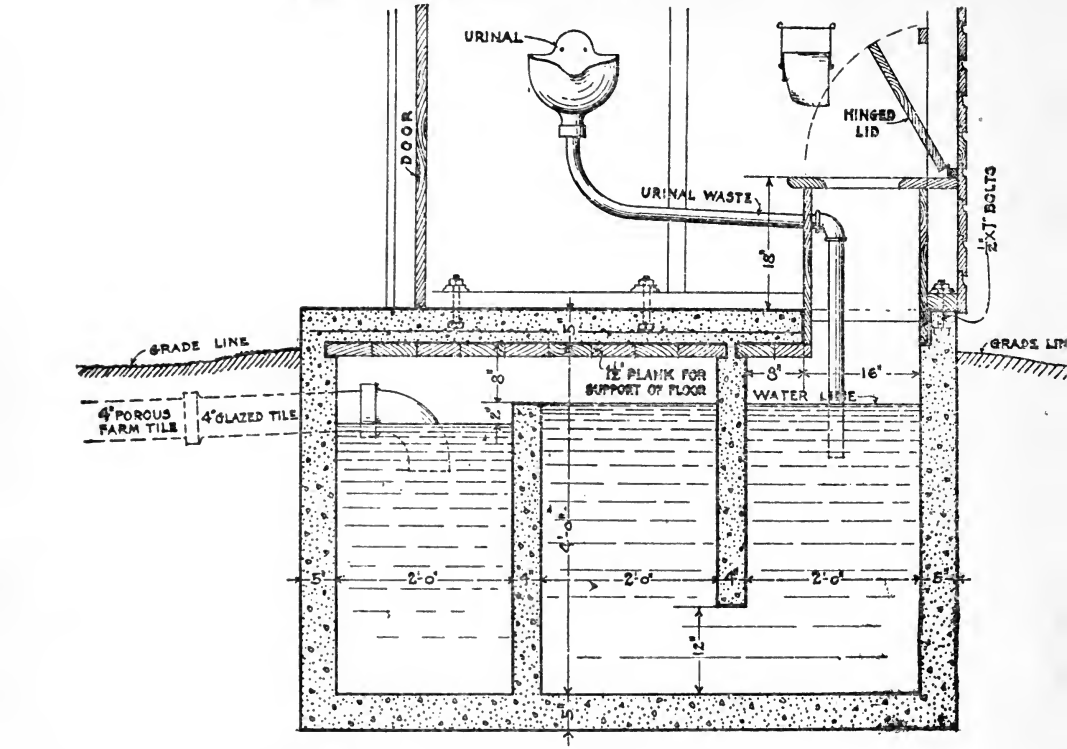


FIG. 2
~VERTICAL SECTION~

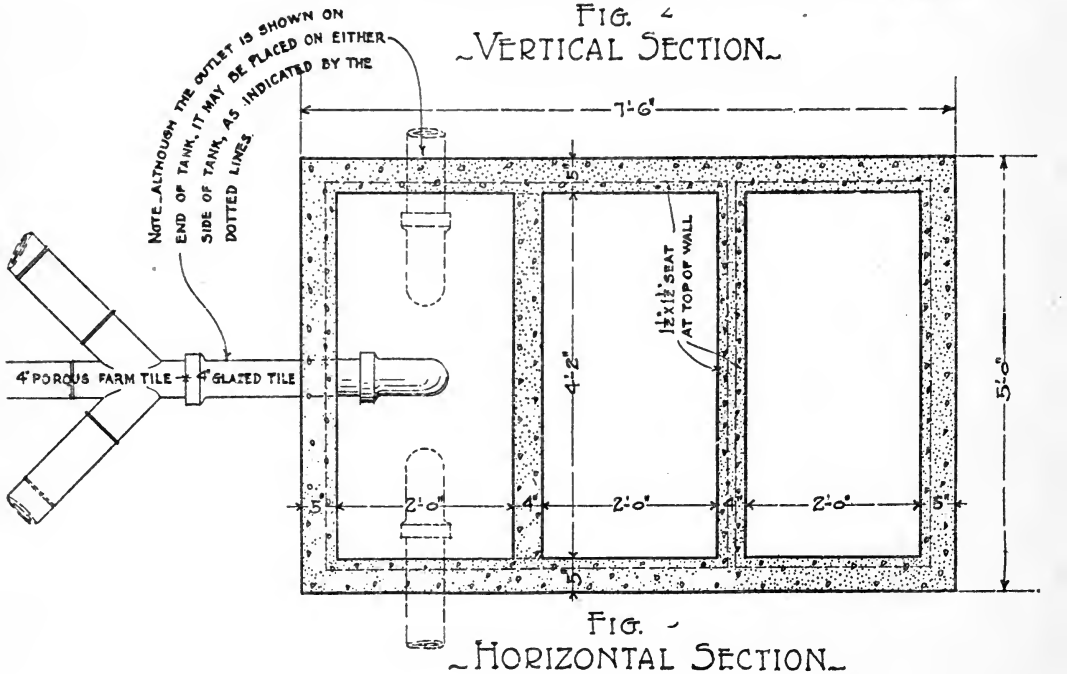


FIG. 3
~HORIZONTAL SECTION~

*Showing 600 gallon tank which may be utilized to dispose of wastes from bath room and indoor closets, or as an outdoor privy. It can be constructed for $25, if one does the work himself and is self-cleaning, fly-proof, odorless and will last forever. Bulletins and plans for privy sent free on application.

Manure in public and private barns and yards.

Rule 200. The manure from every public and private stable and the yards connected therewith located within the corporate limits of any incorporated town or city, or within half a mile of the boundaries thereof, shall be gathered and stored in fly-proof, compact bins, or hauled away and broadly scattered on the fields and gardens, once each week from April 1 to November 1, each year, in order to stop the breeding of flies as a health measure.*

Hotels, railway stations, schools and court houses and all other public buildings, not connected with sewers, to be provided with septic tank privies. Instructions for care of same.

Rule 201. All hotels, restaurants, health resorts, court houses, school houses, railway and trolley stations and other places of public resort and use, not on a line of and actually connected with an approved system of sewers, shall, on or before November 1, 1919, construct sanitary septic tanks, with which toilet and bath rooms and closets shall be connected, where water supplies for flushing purposes are available, or for outdoor privies where such water supplies do not exist, proportioned in size and arrangement to the number and sex of the persons likely to use them; such tanks to be located near the house, but below the level of, or draining away from, or as remote as possible from the nearest well or springs; such tanks to be modeled after those of the Kentucky Sanitary Privy, or some other plan approved by the state board of health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions, which will be furnished by the board for posting in each of such toilet or privy rooms. This form of tank and privy, not being patented is inexpensive if constructed and operated in strict accordance with instructions, and has been adopted and is in extensive use in many other states and countries. Bulletins with plans and full directions will be sent free upon application.**

* Both as a health measure, and for the protection of live stock from flies as a matter of economy, the state board of health earnestly recommends that the same system for the weekly removal and scattering of manure be adopted upon all farms.

** The state board of health urgently recommends that similar septic tank privies be constructed for every residence in unsewered towns and country districts in Kentucky, as the most reliable protection known against typhoid fever, dysentery, diarrhoea, cholera infantum, hookworms and other intestinal diseases.

DRUGS.

Rule 202. A drug bearing a name recognized in the United States Pharmacopoeia or National Formulary without sufficient further statement respecting its character, shall be required to conform in strength, quality and purity to the standards prescribed or indicated for a drug of the same name recognized in either of these above named standards official at the time.

Rule 203. A drug bearing a name recognized in the United States Pharmacopoeia or National Formulary and branded to show a different standard of strength, quality and purity shall not be deemed adulterated if it conforms to its declared standard. But it shall have the word "unofficial" to immediately precede its title-label and in the same size type: for example, "UNOFFICIAL TINCTURE OPIUM," together with a correct and sufficient statement as to wherein the unofficial product differs from the standard of strength, quality or purity required in the Pharmacopoeia or National Formulary. This ruling, however, shall not be construed to permit substitutes or imitations. As for example, if any substance is substituted for opium, in whole or in part, it must not be labeled "UNOFFICIAL TINCTURE OPIUM."

Rule 204. In order to more fully carry out the intent and purposes of the law regarding substitution, manufacturers may file with the Director of the Food and Drug Bureau of the state Board of health distinctive tests for the identification of purity and strength of their respective products. And if after verification they shall be found true and correct, the Director may adopt same for the particular products to which such tests are intended to apply.

Rule 205. No drug products, whether simple, mixed or compounded, with or without "distinctive names," are required to bear the name of the manufacturer or producer, or the place where manufactured or produced. In all cases where the name of the party

or place is stated upon the label, such name must be the true name of the actual manufacturer, producer, or packer and the true name of the place where the article was manufactured, produced or packed.

Rule 206. If, for trade reasons, a name or a place be given upon the label of drugs manufactured or packed for any person, firm or corporation by another person, firm or corporation, one of two forms of labels is allowed, viz:

(a) The name of the actual manufacturer or packer and the place where the goods were actually manufactured or packed may be given; or

(b) The name of the person, firm or corporation for whom the goods are manufactured or packed or by whom they are distributed may be given, if preceded by the words "Prepared for," "Manufactured for" "Distributed by," etc. The phrase "Sold by" is not sufficient. This rule holds even if the formula or prescription be furnished or owned by the parties for whom the goods are manufactured or packed.

Rule 207. No drug or preparation of drugs shall be sold or offered for sale or kept in stock which contains any statement on the label, carton or wrapper or in any accompanying literature, as to the medicinal value of the drug or combination of drugs which is untrue.

Rule 208. A drug or preparation of drugs, except in the case of physicians' prescriptions, or drug or preparation of drugs recognized in the United States Pharmacopoeia or National Formulary, is misbranded in case it fails to bear a statement on the label of the maximum quantity or proportion which shall not vary materially from the quantity claimed of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative, or any preparation of any such substances that is contained therein.

The words alcohol, morphine, opium, etc., in quantities or proportions thereof, which is required to be

stated in the label in accordance with Paragraph 4 of Section 7 of the Food and Drug Law, shall be plainly written or printed in letters corresponding in size to eight-point (brevier) caps where the size of the package will permit. In case the size of the package is too small for such type, the size of the type may be reduced proportionately.

Rule 209. If the true formula is printed on the package or label of a drug in type defined in the Regulation, or plainly written on the label, it shall be deemed to comply with the law. The term "alcohol" is defined to mean ethyl alochol, of the degree of refinement required in the Pharmacopoeia. No other kind of alcohol is permissible in the manufacture of drugs except as specified in the above.

Rule 210. Where a dealer has preparations on his shelves containing substances as enumerated in the law which are required to be named on the label, and which are not so named on the label, and where it is found impossible for the realer to obtain from the manufacturer the percentages of any of these substances contained therein, and where request is made from a sufficient number of druggists in different sections of the state regarding a drug product, the Director of the Experiment Station shall procure samples of said drugs and determine by analysis the amount of alcohol, cocaine, opium, etc., contained in any such drug product and furnish the dealer the necessary data to be placed on said labels. Any such analysis placed upon the label of any drug shall not bear the name of the analyst nor the name of the Experiment Station. Dealers must make application for such request before July 1, 1919.

Rule 211. The use of sacharin and saponin is absolutely forbidden in the prepaariton of any drug food or beverage intended for human consumption.

TRANSPORTATION OF DEAD BODIES.

Rule 212. The transportation of bodies dead of smallpox or bubonic plague, is absolutely prohibited.

The transportation of bodies dead of Asiatic cholera, yellow fever, typhus fever, diphtheria (Membranous croup), scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax or leprosy, shall not be accepted for transportation unless prepared for shipment by being thoroughly disinfected by (a) arterial and cavity injection with an approved disinfecting fluid, (b) disinfection and stopping of all orifices with absorbent cotton, and (c) washing the body with a disinfectant, all of which must be done by licensed embalmer holding a certificate as such, issued by the State Board of Embalming of Kentucky.

After being disinfected as above, such bodies shall be enveloped in a layer of dry cotton not less than one inch thick, completely wrapped in a sheet securely fastened and encased in an air-tight zinc, copper or lead-lined coffin, or iron casket, all joints and seams hermetically sealed, and all enclosed in a strong, light wooden box, or the body being prepared for shipment by disinfecting and wrapping as above, may be placed in a strong coffin or casket, encased in an air-tight zinc, copper or tin-lined box, all joints and seams hermetically soldered.

Rule 213. The bodies of those dead of typhoid fever, puerperal fever, tuberculosis, or measles, may be received for transportation when prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, and washing the exterior of the body with the same, which must be done by a licensed embalmer holding a certificate as provided for in Rule 212.

Rule 214. The bodies of those dead from any cause not stated in Rule 212 may be received for transportation when encased in a sound coffin or casket, and enclosed in a strong outside wooden box,

provided they can reach their destination within 30 hours from the time of death. If the body cannot reach its destination within 30 hours from the time of death, it must be prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, and washing the exterior of the body with the same by a licensed embalmer, as defined and directed in Rule 212.

Rule 215. In the shipment of bodies dead from any disease named in Rule 212, such body must not be accompanied by persons or articles which have been exposed to the infection of the disease unless certified by the health officer as having been properly disinfected.

Before selling tickets, agents should carefully examine the transit permit and note the name of the passenger in charge, and of any others proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of the disease. The transit permit shall in such cases specifically state who is authorized by the health authorities to accompany the remains. In all cases where bodies are forwarded under Rule 212 notice must be sent by telegraph by the shipping undertaker to the health officer, or, when there is no health officer, to other competent authority at destination, advising the date and train on which the body may be expected.

Rule 216. Every dead body must be accompanied by a person in charge, who must be provided with a passage ticket and also present a full first class ticket marked "corpse" for the transportation of the body, and a transit permit showing physician's or coroner's certificate, name of deceased, date and hour of death, age, place of death, cause of death, and all other items of the standard certificate of death recommended by the American Public Health Association and adopted by the United States Census Bureau, as far as obtainable, whether a communicable or non-communicable disease, the point to which the body is to be shipped,

and when death is caused by any of the diseases specified in Rule 212, the names of those authorized by the health authorities to accompany the body. Also the undertaker's certificate as to how the body has been prepared for shipment. The undertaker's certificate and paster shall be detached from the transit permit and securely fastened on the end of the coffin box. All coffin boxes must be provided with at least four handles. The physician's certificate and transit permit shall be placed in an envelope, which envelope is to be securely tacked on the coffin box.

Rule 217. When bodies are shipped by express a transit permit must be made out as described in Rule 212. The undertaker's certificate and paster shall be detached from the transit permit and securely fastened on the coffin box. The physician's certificate and transit permit shall be attached to and accompany the express waybill covering the remains, or placed in an envelope, which envelope is to be securely tacked on the coffin box, and be delivered with the body at the point of destination to the person to whom it is consigned.

Rule 218. Every disinterred body, dead from any disease or cause shall be treated as infectious or dangerous to the public health, and shall not be accepted for transportation unless said removal has been approved by the state or provincial health authorities having jurisdiction where such body is disinterred, and the consent of the health authorities of the locality to which the corpse is consigned has first been obtained; and all such disinterred remains, or the coffin or casket containing the same must be wrapped in a woolen blanket thoroughly saturated with a 1-1000 solution of corrosive sublimate and enclosed in a hermetically soldered zinc, tin or copper-lined box. But the bodies deposited in receiving vaults shall not be treated and considered the same as buried bodies when originally prepared by a licensed embalmer as defined in Rule 213, and as directed in

Rule 214 (according to the nature of the disease causing death), provided shipment takes place within 30 days from time of death. The shipment of bodies prepared in the manner above directed by licensed embalmers from receiving vaults may be made within 30 days from the time of death without having to obtain permission from the health authorities of the locality to which the body is consigned. After 30 days the casket or coffin containing said body must be enclosed in a hermetically soldered box.

N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

THIS IS A COPY OF THE ORIGINAL DEATH CERTIFICATE

Form V. S. 65.

COMMONWEALTH OF KENTUCKY
STATE BOARD OF HEALTH
Bureau of Vital Statistics
CERTIFICATE OF DEATH

Transmit Permit No.....
(If death occurred in a hospital or institution give its NAME instead of street and number.)

1 PLACE OF DEATH

County of .....

City of ..... (No..... St. .....Ward)

2 FULL NAME .....

Personal and Statistical Particulars

3 SEX

4 Color or Race

5 Single, Married, Widowed, or Divorced (Write the word)

6 DATE OF BIRTH .....1.....
(Month) (Day) (Year)

7 AGE .....yrs.....mos.....ds.

8 OCCUPATION

9 BIRTHPLACE (State or country)

PARENTS

10 NAME OF FATHER

11 BIRTHPLACE OF FATHER (State or country)

12 MAIDEN NAME OF MOTHER

13 BIRTHPLACE OF MOTHER (State or country)

14 The above is true to the best of the knowledge and belief of
(Informant) .....
(Address) .....

15 Place where remains are to be sent

Date of shipment .....,19.....

SHIPPING UNDERTAKER

FIRM NAME ADDRESS

Medical Certificate of Death

16 DATE OF DEATH
....., 191.....
(Month) (Day) (Year)

17 I HEREBY CERTIFY, That I attended deceased from
....., 191....., to....., 191.....
that I last saw h..... alive on .....,191.....
and that death occurred, on date stated above, at.....m.
The CAUSE OF DEATH* was as follows:

.....

.....

.....

..... (Duration) .....yrs.....mos.....ds.

Contributory .....
(Secondary)

..... (Duration) .....yrs.....mos.....ds.

(Signed ....., M. D.

....., 191..... (Address).....

18 Length of residence (For Hospitals, Institutions, Transients or Recent Residents)
at place In the
of death.....yrs.....mos.....ds. State.....yrs.....mos.....ds.
Where was disease contracted,
if not at place of death? .....
Former or
usual residence .....

If the body is to be buried within the State of Kentucky the Receiving Undertaker will detach the Transit Permit at this perforation and deliver it to the sexton or other persons in charge of the cemetery or burial ground where burial takes place.

COMMONWEALTH OF KENTUCKY

STATE BOARD OF HEALTH

BUREAU OF VITAL STATISTICS

Transit Permit

County ..... Premit No. .....

Voting Pct. ..... Reg. Dist. No. .....

Inc. Town ..... or

City ..... Date of Death ....., 19.....

Full name ..... Age ..... Sex ..... Color.....

Cause of Death.....

Place of Burial.....State of .....

Undertaker ..... Address .....

A certificate of death having been filed in my office in accordance with the Laws of Kentucky, I hereby authorize the Burial or Removal of the body of said deceased person as stated above, the cause of death being a (.....) communicable disease and said body being certified to as having been prepared in accordance with Rule.....of the Transportation Rules by an embalmer holding license No.....

.....Dist. No. .....
(Resigtrar's Name)

.....
(Name of person who is authorized to accompany the body.)

by.....Dist. No. .....
(Sub-Registrar)

Dated .....19.....

Sexton's signature .....Date of interment ....., 19.....

This permit must be signed by the sexton and returned to the Local Registrar in his district within ten days.

Before a body can be shipped the above permit together with Undertaker's Certificate must be properly signed and presented to the Transportation Agent and after being detached by him at this perforation the above certificate and permit is to be placed in an envelope which envelope is to be securely tacked on the outside box by the shipping undertaker.

TO BE RETAINED BY SEXTON

No. of Permit.....Registration Dist. No.....

Name of Deceased .....

Cause of Death.....

Date of Issue .....

....., Local Registrar

PUBLICITY FOR RULES.

Rule 220. Each local board of health, county or city, shall procure the publication of such of the foregoing rules from time to time as will meet indications and emergencies that may arise, and as will best promote and protect the public health.

ENFORCEMENT.

The rules and regulations made by the state board of health and adopted by the various local boards, in accordance with powers given by the act creating the State and local boards of health, etc., are laws to be obeyed by every individual in the State.

All prosecutions for violations of the statute law, or the rules of local boards of health, should be instituted by the several county or prosecuting attorneys of this State upon information of such local boards.

The above rules and regulations are hereby adopted, and all rules and regulations heretofore promulgated by circular, card or pamphlets, or through newspaper publications, in conflict with the foregoing, are hereby revoked.

By order of the Board, this May 12, 1919.

JOHN G. SOUTH, M. D. President.

A. T. McCORMACK, M. D. Secretary.

COURT DECISIONS UNDER HEALTH LAWS.

Superior Court of Kentucky, January Term, June 1, 1885—Nelson County Court, appellant v. The Town of Bardstown, appellee —Appeal from Nelson Circuit Court.

The court, being sufficiently advised, delivered the following opinion herein:

There was no conflict in the evidence showing that in the early summer of 1883 the smallpox prevailed in Bardstown to such an extent as to create the apprehension that it would spread over the county, and to require, in the opinion of the local board of health, prompt action to restrain it. That board directed the trustees of the town to erect a pesthouse, which was done. Ground was leased, necessary arrangement made and attendants employed. Those only were taken there and cared for who, being dependent on daily wages for daily bread, were left without any means of support when stricken down. Most of them lived in the town limits, some of them outside. Among them only two had been heretofore provided for by the county as paupers. An ordinance of June 20th, amended June 22d, of a preventive character, required a general vaccination at the cost of the town, for those who were poor; an ordinance of June 25th provided for a lease of ground for a pesthouse, erection of suitable buildings, employment of attendants, and levied an additional tax to meet the "heavy outlay of money" caused by the outbreak of smallpox, and on the same day a committee was appointed to ask the county judge "to make such appropriations as may be proper, to be paid by the county treasurer, to aid the trustees of Bardstown in maintaining the smallpox hospital, as all persons therein kept are citizens of Nelson, and some are residents of the county outside of said town." September 15th another committee was appointed to apply to the county court "to make appropriations toward paying the expenses incurred by the town in taking care of smallpox patients." The county levy court met in October, and the order says: "This day came the town of Bardstown and presented a claim of $962.24, for taking care of smallpox patients and suppressing said disease epidemic in Bardstown and vicinity, during the past summer, and asked that the county pay one-half of said claim ($481.12); and thereupon the court allowed

said town $250 on said claim, to which said town excepted, and prayed an appeal to the Nelson Circuit Court, which was granted."

Afterwards, on the same day, again came the town of Bardstown, and motioned the court to pay the full amount of said claim, to-wit, $962.24; and thereupon the court "refused to take any action." From this order an appeal was prosecuted to the circuit court.

The county judge, when applied to by the committee, declined to make any appropriation, supposing he had no right to do so. Nothing done by the trustees was done at the instance or suggestion of any county official. On this evidence the circuit court ordered the jury to find a verdict in favor of the town for $796.24, subject to a credit of $250, allowed by the county court, the town having dismissed all of its demand but that much.

This direction can be sustained only on the assumption that the county is legally bound to reimburse anyone for money expended by him in caring for the destitute, though the expenditure was not authorized by any county officer; or that it is bound to pay whatever may be properly expended by anyone acting under the direction of the local board of health, to prevent the spread of smallpox and to care for the destitute stricken by it. For if no liability existed, it cannot be maintained that the act of allowing $250 tends in any degree to create it. In Rodman v. Larue County, 3 Bush, 145, the county judge, and in Marion County v. Averitt, 1 Ky. Law Rep., 267, a justice of the peace, had procured the service to be rendered for the county, and a partial allowance by the court was held to be a recognition of the professed agency, and leaves only the amount to be considered. Here there was no professed agent; no county official suggested the expenditure, and it is obvious that the town did not expend any of the money upon the assumption even that it was acting for and on account of the county, or that it was the county's duty to do that which it was providing for, or that it would be paid by the county. No application to the county court or to any county officer was made at the outset; the board of health ordered the trustees to act, and doubtless assuming it was their duty as trustees to do, they directed the expense to be incurred. They then asked the county judge for such contribution to aid the town as he thought proper; and they asked the county court to allow them only half they had expended up to this time. It is evident that the town asked aid on strong moral ground, and did not assert a legal demand.

Nevertheless, if such demand existed, it was lost by what was done, Section 2 of Chapter 86 of the General Statutes provides: "It shall be the duty of the county courts to provide for the support of the paupers of their respective counties." Section 1, Article XVI, of Chapter 28, confers jurisdiction on county courts to make provisions for the maintenance of the poor.

The act of April 28, 1880, amending the act of March 16, 1878, establishing a board of health, provides for local boards of health, and declares that they "are empowered, and it shall be their duty, to inaugurate and execute, and require the heads of families to execute, such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria and other epidemic diseases; and to this end may bring the infected population under prompt and proper treatment during the premonitory or other stages of diseases; and they are empowered to go upon and inspect any premises which they may believe are in unclean and infectious condition; and said boards are authorized to enforce the rules and regulations adopted by the State Board of Health." The local board is to be paid by the county court.

No provision is made as to the means by which the board may enforce the execution of sanitary regulations, or "bring the infected population under prompt and proper treatment." It provides no fund to pay the expense involved in the discharge of the duty imposed, and it does not declare upon whose credit the board shall act.

Prior to this act it rested with the county court, or county judge in vacation (General Statutes, Chapter 86, Section 10), to say what persons were paupers, and as such entitled to the public aid; and for matters of mere maintenance, that is still the law. However urgent may have been the personal need, whether for shelter, bread or medicine, the public charity came through these agents only, and no one else could create a debt against the county by giving them necessary help.

While the act in question does not create a new or additional duty in the county, it does create a new agent in regard to matters of general health, and makes its decision as to what ought to be done conclusive on the county, so far as to charge it with the expenses incurred in caring for the indigent, afflicted with any of the con-

tagious or infectious diseases referred to by the statute. Any other interpretation makes the board merely an advisory body, incapable of doing those things which the statute declares it has power to do and which its duty requires it to do.

It is in discharge of the ordinary social duty to care for the helpless, but it goes further. If the poor man is neglected, he may starve or freeze, but the calamity is personal, and his grave hides it, but if, having an infectious disease, which poisons the air, he is left where he lies, the entire community is menaced. In such case the statute confers on the board the power to do what it may deem necessary to prevent the spread of the disease. It has no fund given it out of which to pay. It is the duty of the county to provide for the poor, and the board is the constituted agent to see that provision is made in such cases. On its order the town did what it required, and having, under the order of the proper agent done what the law gave the agent power to have done, the county was properly held liable. The judgment is affirmed.

Court of Appeals of Kentucky, January 27, 1898—H. P. Stephens, County Judge, etc., appellant, v. John R. Allen, appellee—Appeal from Kenton Circuit Court.

Opinion of the Court by Judge Paynter.

The appellee, John R. Allen, was duly appointed and qualified as a member of the local board of health for the county of Kenton, and was chairman of the board. He served as a member of the board for two years, and for the services which he rendered he brought this action against the fiscal court of the county for the sum of $100, which amount was adjudged him.

Section 2055, Kentucky Statutes, among other things, provides: "That the local board shall receive such compensation for such services as the county court in which the local board is established, shall, in their discretion, determine."

The fiscal court refused to allow anything for his services. The Legislature intended that the members of the local board of health should be fairly compensated for the services they are required by law to render. The discretion of the fiscal court with reference to the compensation to which such board is entitled, is not an arbitrary one, but it is a sound judicial discretion, and one

that can be controlled. If the fiscal court has an arbitrary discretion in the matter, they could refuse to allow any compensation, however valuable and meritorious might be the services of the members of the local board of health.

The city of Covington is situated in the county of Kenton, and being a city of over ten thousand inhabitants, it is the duty of the city council to appoint a board of health for the city. It does not appear in this record whether or not the council performed its duty in that respect, but we presume that it did, but whether it did or not is not important to determine in this case, because the appellee is seeking to recover from the county of Kenton compensation for his services rendered as a member of the local board of health of that county. It is insisted that under the system of government that obtains in the county of Kenton in respect to its county and fiscal affairs, that if the plaintiff was entitled to anything it should be paid porportionately by the county outside of the city of Covington, and by that part embraced in the corporate limits of the city of Covington, according to the taxable property in the respective territories.

We understand, as the court did below, that the plaintiff does not seek in this action pay from the county for his services performed in the city. It is the fiscal court of the county which has charge of the fiscal affairs of the county, levies taxes, allows claims against the county, and makes appropriations to pay them; and the plaintiff properly sued the fiscal court for his services.

It is contended that as the appellee lived in the city of Covington, he was not eligible to a position on the local board of health for the county. All that is necessary to say on this question is that no such issue was made by the pleadings; hence we do not consider the question as to whether or not he was eligible to hold the position as member of the local board of health.

The judgment is affirmed.

Court of Appeals of Kentucky—Bell County v. Blair. Filed May 11, 1899—Appeal from Bell Circuit Court.

Opinion of the Court by Judge White.

The appellee, Blair, is a regular practicing physician and a member of the board of health of Bell county, having been duly appointed by the State Board of Health. In the year of 1898 there

was an epidemic of smallpox in the city of Middlesboro, a city of the fourth class, situated in Bell county. By direction of the county board of health, and under the supervision of the State Board, the appellee was employed to take charge of the pesthouse or house of detention, and there to treat indigent persons brought there. Appellee did this, and was engaged some time in February and March, 1898. He presented a claim to the fiscal court of Bell county for his service. That court refused to allow any sum to appellee, and he prosecuted an appeal by the petition to the circuit court. In the circuit court a demurrer to the petition was overruled, and appellant answered, in which was pleaded that the epidemic was wholly confined within the city limits of Middlesboro, and also a denial of the services and the value as charged. The court sustained a demurrer to the answer, pleading as a defense that the epidemic was wholly in the city of Middlesboro, and a trial was had before a jury, who fixed the value of services at $250, and for that sum judgment was rendered, and from that judgment this appeal is prosecuted.

There is no bill of exceptions in the record, and the only question presented is on the pleadings.

By the second paragraph of the answer, to which a demurrer was sustained, it was pleaded that all cases of smallpox attended by the appellee were in the city of Middlesboro, and also pleaded that, with the intention to charge appellant instead of the city, the board of health of the county (two of its members being citizens and taxpayers of the city) fraudulently acted with the intention to charge the county and relieve the city from the burden. The allegation is not in these terms, but can only mean this.

By Section 2059 of the Kentucky Statutes, it is made the duty of every city of the State with over 2,500 inhabitants, to appoint a board of health, and these boards are given the same power and jurisdiction in their territory as have the county boards, and are burdened by the same duties and obligations; and by Section 2060, it is provided that each city, town or county shall pay its own board of health.

By Section 3490, Subsection 6, cities of the fourth class are empowered to provide by ordinance for the regulation and prevention of contagious diseases, and all necessary powers given to provide for the city board of health provided by Section 2059.

We are of the opinion that, construing these two provisions of the law, it is clearly the duty of the cities of the State of over 2,500 inhabitants to care for and maintain, through their own board of health, all cases of contagious diseases, and of such other matters as come within the jurisdiction of the board of health.

The jurisdiction of the city boards of health, being equal in all cases to that of the county boards, must be held to be, so far as the territory of the city is concerned, exclusive of the county board, and the expense of the city must be borne by the city and not by the county.

If, as alleged in the answer, all the cases of smallpox attended by appellee were in and of the city of Middlesboro, they come within the jurisdiction of the city board, and without the jurisdiction of the county board of Bell county, and for services rendered therefor appellant is not found.

For the error in sustaining a demurrer to the second paragraph of the answer, the judgment is reversed and cause remanded for further proceedings consistent herewith.

Court of Appeals of Kentucky. Filed January 5, 1900—Henderson County Board of Health v. E. C. Ward, Judge, etc.—Appeal from Henderson Circuit Court.

Opinion of the Court by Judge Durelle.

This action was brought by the board of health of Henderson county against the county judge and others composing the fiscal court of the county for a mandatory injunction to compel appellees to turn over to appellant the control of the county pesthouse and the charge of certain smallpox patients therein, it being alleged that public safety required the change.

It appears that in May, 1889, there was an epidemic of smallpox in Henderson county, and upon the fiscal court undertaking to scale the salaries of the physicians and others employed by the board for the care of patients in the pesthouse, the members of the board and the physicians employed by them resigned their office. The fiscal court thereupon appointed a committee of its members to take charge of the smallpox patients until such times as the vacancies in the board should be filled. The committee thereupon employed physicians, nurses and guards to care for the patients. The epidemic had by this time much abated, and in a few days the

greater part of the patients had been discharged, as well as most of those held in custody under the suspicion of being infected. The State Board of Health reappointed the county board and its members sought to take charge of the pesthouse and patients, alleging that some of the patients had been prematurely discharged, and that public safety required the board to have control of the measures adopted for stamping out the epidemic. This being refused, this suit was brought, and the trial court dismissed the petition upon the ground that the pesthouse was the property of the county, in charge of the fiscal court, which had authority in case of necessity to employ physicians and take charge of patients suffering from epidemic diseases, and that a court of chancery could not compel the representatives of the county to surrender the custody of the county's property.

It is manifest that the propriety or the impropriety of the resignation of the members of the board cuts no figure in the proceeding. Upon their reappointment by the State Board, they had the same rights—no more, no less—than they would have had had they been other individuals appointed to the places. The statute authorizing their appointment and defining their powers gives to the State Board and its appointees, the county boards, large, but necessary, powers in the case of epidemic diseases. They are empowered, and it is their duty (Sec. 2055, Ky. Statutes) "to inaugurate and execute and to require the heads of families and other persons to execute such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of cholera, smallpox, * * * and other epidemic diseases; and to this end may bring the infected population under prompt and proper treatment during premonitory or other stages of diseases." Power of inspection of premises believed to be in an unclean and infectious condition are given them, as well as power to enforce the regulations of the State Board, and failure or refusal to obey their written request is punishable by a fine. By Section 2056, they are authorized to establish quarantine against the introduction of contagious or infectious diseases and may detain boats, trains or coaches believed to contain infected persons or articles. These powers are large, and justifiable only under the police power of the State.

It was undoubtedly proper for the fiscal court to take charge of the epidemic during the time there was no local board. But it seems

to us undeniable that, under the grant of power to "bring the infected population under prompt and proper treatment during premonitory or other stages of disease," the board had authority to take charge of those suffering from the epidemic or suspected of infection, and this necessarily implies the custody and charge of the pesthouse wherein the patients were confined. In executing this power it was of course necessary to employ physicians, nurses, etc. The board had no power to fix their compensation. That compensation, like the compensation of the members of the board themselves, was left to the discretion of the fiscal court—not to its arbitrary discretion, but to a discretion governed by the value of their services. (Stephens, County Judge, v. Allen, 19 R., 1707; Nelson County v. Town of Bardstown, 7 R., 41.)

While the board is not by statute made a corporation, it is created as an agency of the State. A similar agency has been, in the case of Gross v. Ky. Bd. of Mgs. World's Columbian Exp'n (49 S. W., 458), held suable as a corporation. And while penalties are imposed for failure to observe the regulations and orders of the board, we do not think the enforcement of such penalties by the criminal courts is their only remedy. The board is a high governmental agency, endowed by law with distinct legal rights, and charged with corresponding important duties. In order to the performance of those duties its rights must be enforced, and the courts of the Commonwealth afford the proper means for their enforcement.

The judgment is reversed and cause remanded, with directions to set aside the judgment and enter a judgment in accordance with this opinion.

Court of Appeals of Kentucky. Filed June 16, 1900—Hengehold v. City of Covington—Appealed from Kenton Circuit Court.

Opinion of the Court by Judge Durelle—The Whole Court Sitting.

By an agreed case, the court is asked to determine these questions:

1. Under the constitution and laws of the State, and the act for the government for cities of the second class, has the city of Covington power to pass an ordinance providing for the removal of smallpox patients to a pesthouse?

2. Can such city by ordinance vest such power to remove such persons so affected to a pesthouse in its health board, or in any three members thereof, or in the health officer?

3. Can such removal of persons so afflicted be made by the board of health or the health officer, notwithstanding the physician attending the patient shall certify in writing that the patient's life would be endangered by such removal, or that he has good and careful attention, and his removal would not be advisable as a sanitary measure?

The agreed facts are that appellant's children, aged respectively five, eight and thirteen years, were sick with smallpox, and that the mayor of the city, chairman ex-officio of the board of health, and the members of the board of health and their officers, desired to remove the patients to the city pesthouse, in Kenton county, which removal was prevented by the father. It also agreed that the disease was very prevalent in the city; that the pesthouse was in good sanitary condition, with competent nurses and physicians in charge, and ample room and accommodation.

It is to be regretted that, owing to the urgency of the questions presented, counsel have not had time to brief the case further than to furnish a copy of the ordinance of the city and a reference to the statutes.

By Section 2059, Kentucky Statutes, it is made the duty of the council of every city of ten thousand or more inhabitants to appoint a board of health of six persons, three of whom are required to be competent physicians, such board to elect a competent physician health officer, who, as well as the mayor, is to be ex-officio member of the board. It is further provided that "such local boards shall have the same powers within their respective cities and towns as local boards for counties are invested with by this chapter."

Section 2060 provides for the compensation of the health officer, and for a penalty upon physicians or heads of families failing to report cases of certain named diseases.

Section 2055 makes provision for the appointment of county boards, and provides that "such local boards are empowered, and it shall be their duty to inaugurate and execute, and to require the heads of families and other persons to execute, such sanitary regulations as the local boards may consider expedient to prevent the outbreak and spread of cholera, smallpox, yellow fever, scarlet

fever, diphtheria, and other epidemic diseases; and to this end may bring the infected population under prompt and proper treatment, during premonitory and other stages of the disease. * * * This section gives power to the board to go upon and inspect premises believed to be in an unclean and infectious condition, and to enforce regulations adopted by the state board, and contains provisions also for reports of the boards of such epidemic diseases.

By Section 2056, the local boards of the border counties are empowered to declare quarantine against contagious or infectious diseases prevailing in other States or counties, and large powers are given to them to prevent the importation of infected persons or articles.

Section 3058 Kentucky Statutes, being Section 1, Subdivision 4 of the act for the government of cities of the second class, gives to the council authority "to establish and enforce laws and regulations; to prevent the introduction and spread of contagious disease in the city and within two miles thereof;" to provide for the destruction of diseased food products; to establish and maintain hospitals in and out of the city; to condemn property therefor, "to secure the general health of the inhabitants by any necessary measure," and "to constitute a board of health and elect or appoint necessary health officers."

The city ordinance of Covington organizing and establishing the board of health provides in Section 3 for the establishment of a pesthouse, and for the expense of its management and the payment of the physicians, nurses and others in charge. By Section 4 it is provided that "whenever the smallpox, yellow fever, cholera, or other contagious or infectious diseases, shall exist in city, said board or any three members thereof, or the health officer, may cause any person afflicted with such disease to be removed to the pesthouse, as they may deem it necessary as a sanitary measure. But if the physician attending the diseased person shall certify in writing that the life of such person would be endangered by such removal, or that he or she has good and careful attention, or that his or her removal should not be advisable as a sanitary measure, then such removal shall or shall not be made, in the discretion of the board." By section 5 the members of the board and health officer are invested with police authority in the performance of their duties.

In view of the necessity of a prompt disposition of this case, we shall state the conclusions we have reached as briefly as possible, without any attempt at an elaborate review of the authorities.

The statutes and ordinance referred to are intended as an exercise of the police power of the government to promote the public welfare, even at the expense of private rights. The preservation of the public health has always been held a proper exercise of police power. Said Mr. Justice Bradley, in Boston Beer Co. v. Massachusetts, 97 U. S., 25: "Whatever difference of opinion may exist as to the extent and boundaries of police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does not extend to the protection of lives, health and property of citizens."

There can be no doubt in order to prevent the spread of disease, and to provide healthful conditions for the public boards of health and like commissions may be created and invested with power necessary and proper for such purposes. And in determining the validity of the acts of such boards and their officers a liberal construction is justified in view of public good to be accomplished. (Perth Amboy v. Smith, 19, N. J., 52.)

There can be no doubt of the power of the State Legislature to create State Boards of Health for the preservation of the general health of the State; to confer upon cities and counties authority to make regulations for the health of their communities, and even to create separate corporations, differing from political subdivisions, with like powers within their limits. (Wilson v. Sanitary Dist., 133 Ill., 466; Nicholin v. Lowrey, 49 N. J. L., 391.)

Both in England and the United States such powers have been almost uniformly delegated to boards of health of municipal corporations to enact rules for the preservation of the public health, having the force of law within their respective communities, and it would seem that, in the absence of express authority, municipalities have an implied power to enact reasonable ordinances to preserve the public health and to prevent and to remove nuisances. (Dillon Mun. Corp., Section 308; Baker v Boston, 12, 12 Pick., 193, 22 Am. Dec. 421.)

Under its general powers to guard against epidemic diseases, a board of health may control and isolate persons affected with

the disease; and this power seems expressly delegated to the local boards by the provision that they are empowered "to inaugurate and execute" * * * such sanitary regulations as the local board may consider expedient to prevent the outbreak and spread of * * * epidemic disease, and to this end may bring the infected population under prompt and proper treatment during premonitory and other stages of disease. " * * * It is certainly a reasonable regulation which provides for the removal of such cases to a pesthouse in good sanitary condition, provided with nurses and physicians, for the treatment of patients suffering with the disease. We are, therefore, of opinion that the local board, or a quorum thereof, has undoubtedly power to order the removal of an infected patient to the pesthouse."

It is a narrower question, in view of the fact that the legislature has given this power to the board, whether municipality can confer such power upon less than a quorum, or upon the health officer appointed by the quorum. But the charter of cities of the second class gives power "to establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious disease in the city and within two miles thereof; * * * to establish and maintain public hospitals within or without the city, * * * and to secure the general health of the inhabitants by any necessary measure."

The general rule upon this subject is that laws establishing State Boards and laws establishing local boards shall be construed together, so as to give effect to both. We think this rule should be applied in this case to the general law as to the powers of local boards, and the city charter expressly authorizing the municipality to enact regulations in their behalf. It follows, therefore, that the city is authorized to make additional and reasonable regulations to prevent the spread of epidemic diseases.

The only remaining question, therefore, is whether a regulation empowering three members of the board, or the health officer elected by the board, to order the removal of a smallpox patient is a reasonable regulation? We think it is, especially as there is provided an appeal to the board, and a requirement of action by the board itself upon a certificate by the attending physician that the removal would endanger the patient's life. In such case the necessity for immediate action is imperative, and it is not unreas-

onable to permit the health officer, or less than a quorum of the board, to order such removal, in a case where it does not appear that the removal would endanger the patient's life. For the reason given the judgment is affirmed.

Court of Appeals of Kentucky, November 15, 1901—W. H. Walker, appellant, v. County of Henderson, appellee—Appeal from Henderson Circuit Court.

Opinion of the Court by Judge Burnam.

This is an appeal from the judgment of the Henderson Circuit Court. The facts out of which the litigation grew are as follows: In April, 1889, smallpox was prevailing as an epidemic in Henderson County, and the Henderson County Board of Health employed W. H. Walker, a regular practicing physician, to take charge of the pesthouse and treat persons afflicted with the disease, at the agreed price of $15.00 per day. Appellant acted under the employment from the third day of April until the 14th day of May. On the 12th day of May, 1899, the entire County Board of Health resigned their offices, because the fiscal court refused to make sufficient appropriation in their judgment for the payment of the bill of the employes of the board. After the resignation of the county board, the fiscal court appointed a committee of its members to take charge of the smallpox patients until the vacancies in the board of health should be filled; and this committee employed physicians, nurses, guards and attendants, and dismissed the persons who had been employed by the county board. On the 17th day of May following, the State Board of Health reappointed all the former members of the county board, and directed them to resume charge of the epidemic and pesthouse in Henderson County.

On the 23rd day of May thereafter, the reappointed county board gave the presiding judge of the county court written notice of their purpose to take immediate charge and control of the county pesthouse and at the same time notified Dr. Smith, the physician who had been employed by the committee of the fiscal court, to vacate and turn over the pesthouse and patients therein to appellant, Walker, who had been reappointed. This Dr. Smith refused to do, and the fiscal court also refused to permit persons appointed by the county board to take charge of the pesthouse.

Thereupon the county board brought a suit against the fiscal court in Henderson County, and prayed for a mandatory injunction in the Henderson Circuit Court, requiring the fiscal court to surrender the control of the pesthouse and charge of the smallpox patients to them, it being alleged that public safety required the change. During the pendency of this suit, appellant by direction of the county board remained at the pesthouse from the 23rd day of May to the 14th day of June, 1899, when he was withdrawn by the county board The circuit court refused to grant the relief prayed by the county board and the case was appealed to this court. And the judgment of the circuit court was reversed, this court holding, that in an opinion reported in the 21 Rep., 1194, that the county board of health was entitled to the injunction sought and had authority to take charge of the pesthouse and those suffering from the epidemic. Thereupon, appellant presented his claim to the fiscal court and asked that he be allowed compensation for his services under the contract made with the county board, at the rate of $15.00 per day for thirty and a half days. The fiscal court scaled his claim to $10.00 per day and refused to make appropriation for any greater sum. He also demanded that they should pay him for his services under the second employment by the county board from the 23d day of May, 1899, until the 14th day of June, a period of twenty-one days, at the rate of $15.00. The fiscal court refused to pay anything to appellant for his services under his last employment. Thereupon he prayed an appeal to the Henderson Circuit Court from the order of the fiscal court disallowing the balance of his claim, which aggregated $467.50. By agreement of the parties, the case was submitted to be tried by the circuit judge without the intervention of a jury, and he dismissed appellant's petition, and from that judgment this appeal is prosecuted.

It is insisted for the appellee that the fiscal courts are charged by law with the duty of determining what compensation shall be allowed to employes of the county board, and that the agreement of the county board to pay appellant $15.000 per day for his services under the first employment was ultra vires, that when the county board resigned their offices and the fiscal court took charge of the pesthouse and employed a competent physician to treat and care for the patients afflicted with the disease, that the county board was not authorized to discharge him and reappoint

appellant; and that appellant rendered no services under his last employment.

Upon their reappointment by the State Board, the county board had authority to resume charge of the epidemic, and to employ physicians for the treatment of patients confined in the pesthouse; this necessarily involved the power and right to discharge those who had been employed by the fiscal court during the interregnum; and it was the duty of the fiscal court to make fair and reasonable compensation to the persons so employed, whether they approved their employment or not. The power to determine what physicians, nurses, guards, and attendants that are necessary, is left to the discretion of the Board of Health; but the power to fix the compensation of the persons so employed, like the compensation of the members of the county board themselves, is vested in the fiscal court of the county. But neither the county board nor the fiscal court have arbitrary power in the discharge of their respective duties. The county board could not employ persons grossly in excess of the number required. Neither can the fiscal court refuse to make compensations to persons whom the county board in the exercise of an ordinary discretion thought necessary under the emergency to employ. As appellant was regularly employed by the county board to render the services sued for, he is entitled to be paid by the fiscal court the fair and reasonable value of such services, and the fact that the physician appointed by the fiscal court refused to surrender charge of the pesthouse to appellant by direction of the fiscal court, or to permit him to take charge, is no sufficient reason for refusing to pay him, as the county board had undoubtedly the right to appoint and to continue his employment as long as his services were needed in the treatment of the diseased. It is not denied that he abandoned all his business and stayed during all the period of his appointment at the pesthouse and was at all times able, ready and willing to discharge the duties for which he had been employed.

For reasons indicated, the judgment is reversed and the cause remanded, with instructions to enter a judgment for appellant for the fair value of his services during the time of his employment.

Court of Appeals of Kentucky, January 20, 1904—City of Bardstown v. Nelson County—Appeal from Nelson Circuit Court.

Opinion of the Court by Judge O'Rear.

Bardstown, in Nelson county, is a city of the fifth class, with less than 2,500 population, and therefore is not required to have a separate board of health. (Section 2059, Kentucky Statutes.) The State Board of Health regularly appointed three persons as the local board of health of Nelson county. A case of smallpox developed in Bardstown. The person was poor and probably a tramp. The local board of health called upon the town council to take steps to isolate and quarantine the case. A house was provided and guards, medicine, food and clothing were furnished by the town to the amount of something over $200. The fiscal court of Nelson county was not notified of the case, nor of the incurring of the expense. Afterwards Bardstown presented a bill of expenses incurred as above stated, and asked the fiscal court to pay it, which was refused. Nor would the court allow any part of it. The rejection of the claim does not appear to have been because it was unreasonable or improvident in its charges, but because the court deemed the city, and not the county, to be liable therefor. The city brought this suit to collect its bill.

The county urges that there is no statute making the county liable for such expenses. Therefore that it is not liable.

The statutes (Sections 2047-2072, Kentucky Statutes) provide a State Board of Health, with large and important duties and powers conferred upon it. Its members, excepting the secretary, are appointed by the Governor, and upon the advice and with the consent of the Senate. They, besides personal duties involved, are required to appoint local or county boards of health in each county to assist in the execution of such sanitary and precautionary measures against epidemics and contagious diseases as the State Board may promulgate, or the county boards deem necessary. The powers conferred upon these boards by the statute are extraordinary, and justified, in so far as they will be sustained, only by the extreme exigencies calling for their existence. Among the duties of these boards is to require sanitary cleansing and disinfection of premises and the isolation and quarantine of persons afflicted with certain highly contagious diseases, such as smallpox. The State Board is composed of doctors of medicine, supposedly qualified to deal intelligently with that par-

ticular situation. It is true there is no express provision of the statute for paying any of the expenses necessarily incurred by these county boards, except for the services of the members. It can scarcely be supposed that the Legislature has done a thing so idle as to provide such an elaborate system of dealing with infectious diseases which threaten the health of the public, without intending that the expenses necessarily incurred by the board should be paid for. It was competent for the Legislature, in the exercise of the police power of the state, to provide for the detention of persons infected with contagious diseases, and for their treatment at the public expense. If the Legislature had required the several counties or cities to do it, as they do with reference to these paupers, it would not be questioned that the counties and cities would be liable for the expenses.

The State Board of Health are State officers, with fixed terms, jurisdictions and duties. The State pays them, and provides for their expenses. The county boards of health are county officials, having duties to perform toward the public within their counties; their compensation is required to be fixed and paid through the fiscal courts of the counties. It was competent for the Legislature to create these governmental agencies, and to impose upon them the discharge of certain duties to the State and counties. If the Legislature sees proper to have the police laws of the State looking to the preservation of the health of the public executed by a body of officials selected and chosen with reference alone to their fitness for that delicate and important task, instead of imposing it on the fiscal courts, or town councils, it is clearly within their power to do so. But when they do so, the county board becomes an auxiliary department of the county government. The express authority with which they are clothed by the statute carries with it every implied authority necessary to execute it. As they could not execute the statute for the benefit of the county, without incurring a liability to pay it, and as no other means are provided, it follows that the liability must be paid by the county, as its other obligations are, by money derived from county taxes, levied by the fiscal court, the only tribunal authorized by statute for levying county taxes. The judgment and action of the county board of health, concerning matters within their jurisdiction ought to be, and are, as conclusively binding upon the county as would be the judgment and action of the fiscal court in making allowances for paupers. A

corrupt abuse of their power would be and ought to be punished as other official corruption is.

Probably it would have been better if the county board of health had called on the fiscal court in the first instance for the necessary aid in executing the quarantine and support of the subject. It was doubtless an honest error of the board as to which municipality would ultimately have the bill to pay that led to their calling on the town council instead of the fiscal court. But that error doesn't change the liability of the one legally bound for it. It merely subjected the town to the chance of losing part of the bill, if any of it should be unreasonable in its charges.

The county board of health seems not to have kept a record of its proceedings at that time. It is urged, with much earnestness and force, that a body exercising the power and duty of incurring almost unlimited debt against the municipality for whom they are acting, must make and keep a record of it—not only for the protection of the people who must pay it, but as a basis of impeachment, if they act improvidently or dishonestly. It is pointed out that no county, or city, or even school district, can become indebted by contract, or act at all save as it speaks through its records; and that impliedly this governmental agency, if it would bind the public for whom it acts, must likewise act by record. We would be glad if we could hold that such was the law. But we find that in all instances enumerated where the municipality is bound only when its records bind, it is because of an express statute to that effect. It is a singular oversight in legislation that a similar safeguard, found wise and proper in the instance in every other body that contracts debts on behalf of the public it serves, should have been omitted. But it has not been required, and we cannot hold, that those furnishing the services and goods for the county at the proper instance of the county board of health should lose their claims because those officials have not done what they were not required to do.

The rulings of the trial court were in accord with the views herein expressed, except that it left the question to the jury to find whether the local board of health "had met and organized as such." On the trial appellant offered to prove the affirmative of that fact by parol evidence, appellee, objecting, insisting that it could be shown by the record of the local board only. The objection was sustained. The action of the county board of health in

quaranting the subject, and asking the council to defray the expenses was also sought to be proved by parol; and rejected by the court. All of the evidence was in favor of a verdict for appellant, but the verdict was for appellee. A new trial should have been awarded.

Judgment reversed and cause remanded for proceedings not inconsistent herewith.

Court of Appeals of Kentucky, February 3, 1904—Twyman's Adm'r v. Frankfort.—Appeal from Franklin Circuit Court.

Opinion of the Court of Judge Settle.

The appellant, Wesley Twyman, as administrator of the estate of James Twyman, deceased, sued the appellee, city of Frankfort, in the Franklin Circuit Court, for $20,000.00 damages for the death of his intestate, alleged to have been caused by the negligence of its police officers in wrongfully exposing the intestate to inclement weather while he had smallpox by removing him from a comfortable home to the pesthouse used for smallpox patients, which was badly crowded, poorly ventilated, and wholly unfit for the purpose for which it was used.

It was averred in substance in the petition that the appellee as a city of the third class is empowered to enact ordinances to prevent the introduction of contagious diseases in its corporate limits, to adopt quarantine laws and enforce the same within ten miles of its limits, establish hospitals, boards of health, and make all necessary regulations for the protection of the public health.

That in pursuance of the powers enumerated, the appellee has enacted many ordinances for the protection of the public health, and has established a pesthouse for persons affected with contagious diseases but has never appointed a board of health, for which reason it directed its mayor, other officers and agents to enforce the ordinances, and to remove any and all persons afflicted with smallpox to its pesthouse, and such officers and agents acted under the authority thus conferred in doing the negligent acts complained of whereby the intestate lost his life.

A demurrer was filed to the petition by the appellee, and the same having been sustained by the lower court, the appellant re-

fused to plead further. The petition was therefore dismissed, and appellee given judgment for its costs.

The case is now before this court, and the only question presented upon this appeal is: Does the petition state a good cause of action?

If the acts complained of in the petition were done by the appellee in the effort to protect the public health, which is a duty that appertains to the city in its public, and not in its corporate or private capacity, it would seem that there can be no liability upon its part, even though such duty was negligently performed by those to whom its performance was entrusted.

"The power or even duty on the part of a municipal corporation to make provisions for the public health, and for the care of the sick and destitute, appertains to it in its public, and not corporate, or, as it is sometimes called, private, capacity, and therefore where a city under its charter, and general law of the State enacted to prevent the spread of contagious diseases, establishes a hospital, it is not responsible to persons injured by reason of the misconduct of its agents and employes therein. * * * Dillon on Municipal Corporations, Sections 977, 989, 981, 982. City of Richmond v. Long's Adm'r, 17 Grattan, 375; Shelbourne v. Yarbo Co., 21 Cal., 113.

Perhaps no better statement of the law on this subject can be made than is found in the following quotation from 15 Am. & Eng. Ency. of Law, 1141, viz.:

"While the difficulties surrounding all attempts to state a rule embracing the torts for which a private action will lie against a municipal corporation have been often deplored, yet it is believed that the following formula is both accurate and complete: So far as municipal corporations of any class, and however incorporated, exercise powers conferred upon them for purposes essentially public—purposes pertaining to the administration of general laws, made to enforce the general policy of the State—they should be deemed agencies of the State, and not subject to be sued for any act or omission occurring while in the exercise of such power, unless by statute the action be given. In reference to such matters they should stand as does the sovereignty whose agency they are, subject to be sued only when the State by statute declares that they may be. In so far,

however, as they exercise powers, not of this character voluntarily assumed—powers intended for the private advantage and benefit of the locality and its inhabitants—there seems to be no sufficient reason why they should be relieved from liability to suit, and the measure of actual damages to which an individual or private corporation exercising the same powers for purposes essentially private would be liable."

We find the same principle announced in Taylor v. City of Owensboro, 98 Ky., 271, wherein it is said by this court:

"* * * The municipal corporation in all these and like causes, represents the State or the public; the police officers are not the servants of the corporation, and hence the principle of respondat superior does not apply, and the corporation is not liable unless by virtue of a statute expressly creating the liability * * *."

In the same case, it is further said:

"The above principle is sustained by an almost unbroken line of decisions of the courts of this country and by this court in the cases of Pollock's Adm'r. v. Louisville, 13 Bush, 221; Jolly's Adm'r. v. Hawesville, 89 Ky., 279; Prather v. Lexington, 13 B. M., 559."

We do not regard the cases of Clayton v. Henderson, 20 L. R,. 86; Paducah v. Allen, 23 L. R., 701, and McGraw v. Marion, 98 Ky., 673, cited by counsel for appellant, as authorities in point. The two cases first mentioned involved the illegal action of the boards of councilmen of the cities of Henderson and Paducah in improperly locating pesthouses in violation of the statute, thereby creating nuisances to the injury of the property right of contiguous residents, and endangering the lives of their families, and towns and cities can always be held liable for nuisances created or maintained by them. And in the case last mentioned, though the city of Marion was held liable in damages for the arrest and prosecution of McGraw for peddling without license, the arrest was made under a void ordinance which was enacted for municipal revenue, of which the city of Marion was the sole beneficiary. It is well settled that a city may be held liable for an act resulting in injury to another, where the city derives some special benefit from such act.

Counsel for appellant relies upon Aaron v. Broiles, etc., 64 Texas 318; Dallas v. Allen, 40 S. W., 324. The former was an action against the board of health, mayor and marshal of Fort Worth, and not against the city, and, upon the state of facts presented, it was held

that the persons sued were liable. We have been unable to find or examine the case of Dallas v. Allen, supra, but conceding that the Texas doctrine is as contended by counsel for appellant, it has not been accepted in this State, and is, we think, against the weight of authority outside of it.

We are unable to see how the failure of the appellee city to appoint a board of health can affect the question under consideration. A board of health would be but an instrumentality or an agency in the hands of the municipal government to be employed in protecting and maintaining public health. Any other means to the same end that would prove as effective as a board of health might be employed by the city, and still the duties to be performed would be such as grow out of the exercise of powers purely governmental.

It is insisted for the appellant that the appellee city participated in the alleged negligent acts of its officers in the manner of removing the intestate to the pesthouse, because it directed the removal.

It is not, however, contended that the city council gave any special direction to remove the intestate to the pesthouse, though it is conceded that it adopted proper ordinances under which to care for the public health. It cannot be denied that it is the duty of the city authorities to enforce these ordinances by removing those who are afflicted with contagious diseases to the place provided for them. We fail to see, therefore, how, in performing these duties, the city can become a participant in the negligent acts of those who simply have in hand the removal to the pesthouse of persons thus afflicted. At most, only the officers or agents guilty of such negligence may be held liable therefor.

Taking all that is alleged in the petition to be true, and it must be so considered for the purpose of the demurrer, it shows beyond question that the acts complained of were such as appertained or were incidental to appellee's duty to the public, and were done for the protection of the public health. The power exercised was therefore solely for the public good.

Finally, it is insisted for appellant that in any event this action was authorized by Section 6, Kentucky Statutes, which provides that:

"Whenever a death of a person shall result from an injury inflicted by negligence or wrongful act, then in every such case damages may be recovered for such death from the person or per-

sons, company or companies, corporation or corporations, their agents or servants causing the same * * *."

The statute was enacted to conform to Section 241 of our present Constitution, which confers the same right.

We cannot believe that the statute and provision of the Constitution, supra, were intended to give a right of action against a municipal corporation for the death of a person occurring as a result of the act done, as in this case, in the performance of a duty which the municipality owed to the public, and the doing of which was but the exercise of power purely governmental.

It seems to us that to hold otherwise would practically do away with municipal authority in the matter of preserving the public health, which would result in consequences disastrous to the public welfare, and ruinous to every city in the State.

For the reasons indicated, the judgment is affirmed.

Whole court sitting.

Court of Appeals of Kentucky—Henry Having v. City of Covington—Appeal from Kenton Circuit Court.

Opinion of the Court by Judge Nunn.

This action was instituted by the appellant in the Kenton Circuit Court for the recovery of the sum of $5,000 in damages against the appellee, the city of Covington, alleged to have been sustained by him by the acts of the appellee city through its officers and agents committed in substance as follows: That the city through its common council purchased real estate and erected a pesthouse thereon; that in the month of February, 1902, appellant was afflicted with a contagious disease known as smallpox; that the city through its agents and employes did, on the date aforesaid, go to appellant's house and assault and beat appellant, and took him by force against his will, while he was sick and unable to protect himself, and carried him to this pesthouse; that this house was unfit for anyone, well or sick, to remain in; that the roof was broken, the sides of the house open, so that the rain, snow and ice could come in upon him; that he was placed in a filthy, unhealthy and damp room and compelled to remain there for several weeks as a prisoner, against his will and protest; that the bed, bedding and covering and place where he was kept were unfit for any one

to occupy; that because of said cold, sleet and snow and other elements, the filthy condition of the rooms and bed clothing, he suffered both mental and physical pain and anguish; that the ravages of the disease with which he was afflicted were increased by reason thereof. The petition contained two paragraphs, one for the assault and battery and the other for his sufferings by reason of the unsanitary condition of the pesthouse.

The appellee filed a motion to require the appellant to elect which cause of action he would prosecute. This motion was sustained, and the appellant elected to stand on the cause of action set out in the second paragraph, and he withdrew so much of his pleadings as set out the assault and battery.

The appellant does not complain of the action of the court in requiring him to elect. The court then sustained a demurrer to the petition of appellant, of which appellant complains.

It is agreed that the officials who committed the wrongs complained of are personally liable for the injuries received. The only question to be determined is, can the city be made liable therefor?

Under the authority of the case of Hengehold v. The City of Covington, 22 Ky. Law Rep., 463, it was decided that it was lawful to remove an infected patient to the pesthouse, even against his will and consent.

There are two general principles underlying the administration of government of municipal corporations. The one is that a municipal corporation, in the preservation of the peace, public health, maintenance of good order, and the enforcement of the laws for the safety of the public, possess governmental functions and represents the State. The other is where the municipal corporation exercises those powers and privileges conferred for private, local or merely corporate purposes, peculiarly for the benefit of the corporation. Under the former the city is not liable for malfeasance, misfeasance or non-feasance of its officers. Under the latter it is. With reference to the matters alleged in the petition of appellant, the city, by its officials, was acting for the preservation of the public health and in a governmental capacity, and as an arm of the State government, and not in its private capacity peculiarly for the benefit of the corporation.

All the authorities support this conclusion, and there is no deviation from these principles except where the city is made

liable by an express statute. (24 Ky. Law Rep., 1804; 13 Bush, 226; 17 B. M., 728; 89 Ky., 279; Dillon on Mun. Corp., 2d Vol., 1200; 88 N. W., 695; Am. & Eng. Enc., 2d Ed. Vol. 20, 1193; 57 Fed. Rep., 905, and 62 Minn., 278.)

There being no statute making the city liable, we are constrained to affirm the action of the lower court in sustaining the demurrer to appellant's petition.

Wherefore the judgment is affirmed; whole court sitting.

Court of Appeals of Kentucky—John Wittwer, etc., v. Dr. J. M. Mathews and others.

Opinion of the Court by Judge O'Rear.

This case was submitted to me under the agreement of the parties that my opinion as to the law should be adopted by the Jefferson Circuit Court as the basis for its judgment in the case, it being deemed expedient by the parties and their counsel to pursue this course in view of certain novel conditions attending the situation. The question appeared to me to be one of such grave importance that I have thought it best to submit it to all judges of the Court of Appeals. They concur in the conclusion which I have reached, and which I will state without elaboration.

The plaintiffs are dairymen owning herds of milk cows in Jefferson county, this State. They sell milk in Louisville. The State Board of Health has issued its proclamation setting forth the prevalence of tuberculosis in milk cattle in this State, and particularly in Jefferson and certain other adjacent counties. Thereupon the board adopted certain regulations for stamping out the disease. Among them was a process of inspection, and a rule providing isolation or destruction of any diseased animals.

This suit was brought to obtain an injunction against the State Board of Health, and County Board of Health of Jefferson County, and certain officers working under these bodies, who, it is alleged, proposed to, and unless enjoined by the court, would apply what is known as the tuberculin test to the plaintiffs' cows. It is urged by the plaintiffs that the boards had not the power to make rules and regulations, in addition to those found in the statutes of the State; that such power attempted to be conferred upon them by the Legislature was in violation of the Constitution, and, in that, it is argued, it delegated to

these boards the function of legislation; that the plaintiffs would be deprived of their property without due process of law, as there was no provision for a trial of the fact whether their cattle were infected, and none for compensating them for such as were destroyed.

The statutes of the State created the State Board of Health, and its auxiliary local boards, giving to them the power to adopt such rules and regulations as will effectuate the purpose of the statute, namely, prevent the spread of contagious and infectious diseases in this State among men and cattle. (Secs. 48, 49, 50, Ky. Statutes.) The Legislature has deemed it proper, to protect the public health, and promote the public welfare, by providing means to eradicate, and prevent, contagious diseases in this State as far as may be practicable. The matter of detail in executing the public purpose is committed to a body of public officials selected with reference to their presumed fitness for such work. The Legislature acts in the matter under what is known as the police power of government, which undoubtedly includes the power to protect the public health. It always acts in such matters by delegating to an administrative official body the detail work. The Legislature by statute must declare, and in this instance has declared, that contagious diseases of the character here in question are to be brought under control of the State so far as science may control them. The official charged by law with the duty of executing the legislative will, may, and in police regulations, does, use his judgment, and sound discretion in adopting ways and means to the end. Regulations that are not unreasonable and oppressive, and that are calculated to bring the disease under effective control and stop its spreading, are not statutes. They are not something in addition to, but are details within the statutes passed by the State Legislature. They must be germane to the statute, and in their execution have reference solely to the main object aimed at by the statute. The Legislature has declared that infectious and contagious diseases, which imperil the health and lives of the public, are the subjects of the State's concern, and that persons and property affected shall be subjected to police control until the disease is stamped out. The manner of treating the disease to ascertain the presence or extent of the disease in suspected quarters are as essential as the application of the remedy to them when discovered. Each is a matter of detail for the officials having the matter in charge. So is isolation, and in case of infected animals, their destruction in certain instances.

But we think there is limitation upon the health boards:

1. The existence of the disease in the community must be a fact, and not mere suspicion. 2. The regulation adopted for testing its presence in the particular animal or herd must be such as is accepted by science as one reasonably calculated to discover it. 3. If isolation or destruction is adopted as a remedy, it must have been accepted by the medical profession that that treatment is one well calculated to eradicate the disease and stop its spreading.

If the boards proceed otherwise, they do so at their peril.

The courts will take judicial notice of what the various sciences hold as established or accepted truths. The fact that tuberculosis as a contagious disease may effect bovine cattle, and through their milk may be contracted by humans, is now an accepted fact by the medical profession. Should they later discard it, the courts will take notice of the fact. The tuberculin test is a process to which cattle when subjected indicate by certain symptoms, the presence or absence of the disease in them. While this test possibly is not universally accredited as a sure one, yet the weight of professional opinion of those scientists who have given the subject a special study is, that it is a reasonably certain one and practicable. It was therefore competent for the board to adopt it.

The case came down to this:

It is admitted that milk sold in Louisville is infected to the extent of probably one-third with tuberculosis bacilli, this fact presents an alarmingly dangerous condition as affecting the public health of that city. The plaintiffs are among those supplying milk in the market. The only practical way of ascertaining where the affected cows are is to test the herds of all who supply the milk. Those found affected are a menace to the public health, are a public nuisance involving imminent peril to the public health, and should be summarily handled, like all other public nuisances of equal danger and imminence are handled. Better kill the cows than the children.

In the nature of the case, it would be as practical to first try out the question in court whether the plaintiffs' cows are diseased, as to call a jury to say whether a general conflagration in a city makes it necessary to destroy some intervening house to save the remainder.

It is said that the veterinarians under employ of the State and county boards should they find the plaintiffs' cattle are diseased with tuberculosis, will order them destroyed and will destroy them, with-

out compensation to the plaintiffs. If they are diseased they ought to be destroyed. No man has a right to keep an animal which by its presence endangers life and property. Nor is he entitled to compensation from the public for it. No provision has been made by the Legislature for compensating such owners except owners of cattle affected with pleuro-pneumonia. They alone must bear the loss entailed by the misfortune of the ownership of cattle diseased with a contagious infection.

The boards are not the possessors of arbitrary power, as is argued. If they kill or cause to be killed, cattle not infected, or publish reports which injure or destroy the plaintiff's business, when such reports are not true, or have not a reasonable basis, the members would doubtless be held liable in damages to the plaintiffs.

We think the injunction prayed for should not be granted.

Whole court sitting.

Court of Appeals of Kentucky—Allison v. Cash—Filed May 17, 1911. —Appeal from the Lyon Circuit Court.

Opinion of the Court by Judge Settle.

The appellant, Mrs. C. S. Allison, sought in this action to recover in the court below, $5,000 damages of the appellees, Sam G. Cash, sheriff of Lyon county; W. L. Crumbaugh, county judge thereof; Drs. J. H. Hussey, W. G. Kinsolving, C. H. Linn, and D. J. Travis, the five last composing the county board of health of that county, for their alleged wrongful acts in compelling her to abandon her millinery store in Eddyville, causing its contents to be disinfected or fumigated, and thereby, as alleged, greatly injuring the value of same. Appellees, composing the Lyon county board of health, by answer set out the powers of the board with respect to the prevention of contagious diseases, its adoption of the rules and regulations established by the State Board of Health for their suppression, the prevalence in the city of Kuttawa of smallpox, the necessity of enforcing the restrictions imposed by the rules referred to for preventing the spread of that highly contagious disease to Eddyville, only two miles from Kuttawa, which included the establishment of quarantine in behalf of Eddyville against Kuttawa and appellant's violation of such rules and quarantine. The answer admitted the closing and fumigation of appellant's millinery store by appellees, but averred that it was

necessary and was done by reason of appellant's having brought to the store her son from Kuttawa, the infected city, in violation of the rules and quarantine regulations adopted and published by the board of health; that she placed in her store the cast-off clothing worn by her son from Kuttawa, and thereby further violated the regulations established by the board of health; and upon being directed by an order and written notice from the board of health to close the store, and go herself to her son in Kuttawa, or be quarantined in some isolated place in Eddyville thirty days, she elected to go to Kuttawa, and did so, but refused to close the store; that the store was thereupon closed and properly disinfected by order of the board of health, and at the end of four days, which was the time required to complete the fumigation and disinfection, the key to the store was delivered to appellant's agent, to whom permission was given to reopen the store for business but that appellant would not permit her agent to reopen the store, and kept it closed for a month or more. The answer denied the injuries to appellant's goods alleged in the petition and also the damages claimed, and alleged that if any injury was done them at all, it was slight, and was caused solely by the act of appellant in keeping the store closed, and that the county board of health in the matter of compelling appellant's isolation or return to Kuttawa and in closing her store and fumigating her goods acted within their power in the performance of a governmental duty, and without malice. The appellee, Cash, filed a separate answer, in which he adopted the denials and averments of the answer of the appellees composing the county board of health, and, in addition, set out his election and qualification as sheriff of Lyon county, and alleged his acts complained of by appellant were done in the discharge of his official duties as sheriff, in good faith, with due regard to her rights and by order of the county board of health, which he was legally bound to obey. The issues were completed by the filing of replies which controverted all affirmative matter of the answers. The trial resulted in a verdict for appellees, which the jury returned in obedience to a peremptory instruction from the court. Appellant filed motion and grounds for a new trial, which was refused, hence this appeal. Briefly stated, the facts developed by the evidence were that in the latter part of March, or early in April, 1909, smallpox suddenly broke out in the town of Kuttawa. Though not of a virulent type, it quickly became epidemic.

At least 75 residents of the town became infected with it, and perhaps 90 per cent of the population, owing to erroneous diagnosis of the earlier cases and lax enforcement of quarantine measures, had been exposed to infection. Kuttawa had a population of 1,200 and Eddyville a population of 1,400. Eddyville is the county seat of Lyon county, and the place of location of one of the penitentiaries of the state in which 800 convicts are confined. The alarming situation caused quick and energetic action on the part of the county board of health, which had thoroughly organized on February 1, 1909, and adopted the rules of the State Board of Health, and these rules the law makes it the duty of the county board to enforce. On April 14, 1909, the county board of health had a meeting at Kuttawa. At that meeting a general vaccination was ordered, and every infected house in the town directed to be placarded. The situation continuing serious, another meeting was held by the board at Kuttawa, April 27th, and an order was then made compelling the removal and isolation of all infected persons, and directing that all who had been exposed to the disease should be forced to stay inside their premises and away from contact with the public until given leave by an official health certificate. For the purpose of enforcing these orders, a patrol officer was appointed for the town, and each family supplied with printed copy of the regulations. There still being no apparent abatement of the epidemic in Kuttawa, and the danger of the disease reaching Eddyville becoming more imminent, the board of health held a meeting in the latter town on April 30th, and made and published an order putting into effect there the rules and regulations of the State Board of Health for the suppression of contagious diseases, and at the same time established strict quarantine against Kuttawa in behalf of Eddyville, prohibiting all passing and repassing of persons from one town to the other, and establishing guards in Eddyville at the river front and depot. At this juncture, appellant, who lived in Kuttawa, but owned and was conducting a millinery store in Eddyville, had her husband to bring their little son from Kuttawa to Eddyville. She met the child at the depot in a hack, and took him with her to her store, where she removed the clothing he had on and laid it away in the store, put other clothing on him and kept him with her that night in a room she was occupying over the store. It was apparent from the evidence that she concealed the child in the hack in taking him from the depot to her store, for the quarantine

guard at the depot saw her drive away in the hack and did not see the child, and the driver of the hack testified that she secreted him by making him get on the floor of the hack at her feet. A day or two before the arrival of the child, appellant had been refused permission by the health authorities to have the child sent to her at Eddyville. It also appeared from the evidence that in a house on the same street, and near the one in which the child lived in Kuttawa, some of the children of his uncle had smallpox. The bringing of appellant's child to Eddyville and the circumstances attending the act were made known to the board of health on the morning following his arrival. Its members at once held a meeting at which the following resolution or order was adopted: "The quarantine being violated by Mrs. C. L. Allison, the following motion was made and adopted: That Mrs. C. L. Allison's place of business in Eddyville, Ky., be closed and she be permitted to return to Kuttawa at once, or be isolated for thirty days and her house and goods fumigated, and she be permitted to secure someone to take charge of her business in Eddyville, provided they have not been in Kuttawa, or some other infected place within the past twenty days." Written notice of this action of the board was at once served on apellant by Sheriff Cash, who, after its service, closed the store for immediate fumigation which was properly accomplished through a health officer and in accordance with the regulations of the board of health. Appellant elected to go to her home in Kuttawa, to which her child had already been returned, and she was furnished with transportation for that purpose.

It is complained by appellant that she was made to walk at least a part of the way to Kuttawa, which subjected her to discomfort. It is patent from the evidence that she was carried to the town limits and within a short distance of her home, and that the carriage could not proceed further without violating the quarantine regulations in force in Kuttawa.

It is also complained that her store was kept closed by order of the board of health for at least four weeks, and her stock of goods practically destroyed by that means and the disinfection given them. The weight of the evidence conduced to prove that the process of fumigation required four days, and that at the end of that time the key to the store was offered to her agent, Mrs. James, who was informed by the health officers that she might

open the store and resume business for appellant, but that the latter after a talk over the telephone with appellant declined to reopen the store because appellant directed her not to do so, and informed her that it was her purpose to bring suit for the closing of the store:

(1) Appellant in giving her testimony admitted that Mrs. James had been made her agent, but said she later withdrew the authority given the latter to act for her in receiving the store and resuming business therein, but Mrs. James testified that she did engage her to take charge of the store. It is true that an agency cannot be established by the declarations of the agent alone, but in this instance the agent is supported and the agency otherwise established by the testimony of Miss Helen Evans, who said she was in the store when appellant left, and that the latter then said Mrs. James, who was a milliner of broad experience, would have charge of her goods after the fumigation and proceed with the business. Considered as a whole, the evidence on this point shows that Mrs. James' agency was not revoked until after the tender of the return of the store.

Appellant's chief complaint, however, is as to the injury to her goods and the consequent alleged loss resulting to her. The evidence introduced in her behalf shows considerable injury to her goods and some of it fixes the damages as high as $1,000 or more, while that of appellees' witnesses tends to prove that $250 or $300 would fairly cover the original value of the goods, and more than cover the loss she sustained. Considering the evidence as a whole we think $500 would fully cover the original value of the goods and half that sum the injury to them, but it is not apparent to us that appellees are responsible for the injury to the goods. It was caused by her conduct in refusing to permit her agent to open the store and resume business. It is not apparent from the evidence that the fumigation of the goods caused any serious injury to them, but manifest that keeping the store closed after the goods were fumigated wrought the harm, for which the appellant alone was responsible. If, however, the entire injury could be attributed to the fumigation of the goods, there would still be no right of recovery, if, as contended by appellees, the conduct of appellant in violating the regulations of the board of health made the fumigation necessary.

Counsel for appellant earnestly insists that the county board of health was without authority to close appellant's store, even for the purpose of disinfecting it, and that its acts in closing and fumigating her store and establishing the quarantine were unlawful. It is argued, in other words, that a board of health in this state, whether state or county, is without authority to establish quarantine except in a county bordering on the Ohio or Mississippi rivers, or on a state line separating Kentucky from the states of West Virginia or Tennessee. We cannot concur in this conclusion. Both the state and county board of health are invested by law with broad powers for the protection and safety of the public health.

(2) The whole of chapter 63, Kentucky Statutes (Russell's St., sections 1757-1772), is devoted to the subject of boards of health, their powers and duties, and in all questions affecting the public health, especially in a situation so immediately menacing to the health and lives of a community as was the one confronting the board of health of Lyon county, the laws from which they derive their powers should be liberally construed that they may not be needlessly restricted in their efforts to preserve the public health; otherwise the health officers would be unable to know their duties and so embarrassed in their performance as to hesitate to act, until irreparable injury has resulted to the public.

(3) This case does not depend upon whether the Lyon county board of health possessed the power to establish quarantine for the benefit of Eddyville against Kuttawa, although in our opinion such power is impliedly if not expressly conferred by section 2055, Kentucky Statutes (section 1743.) Russell's St.), which makes it the duty of the county boards "to inaugurate and execute and to require the heads of families and other persons to execute such sanitary regulations as the local board may consider expedient to prevent the outbreak of and spread of cholera, smallpox, yellow fever, scarlet fever, diphtheria and other epidemic and communicable diseases, and to this end may bring the infected population under prompt and proper treatment during the premonitory or other stages of the disease, and they are empowered to go upon and inspect any premises which they may believe are in an unclean or infectious condition, and they shall be empowered to fix and determine the location of an eruptive hospital

for the county sufficiently remote from human habitation and public highways as in its judgment is safe, and said boards are authorized and shall have power to enforce the rules and regulations adopted by the State Board of Health, and any person who shall fail or refuse, after written notice from the local board or state board, to observe or obey the written request shall be fined not less than $10.00 nor more than $100.00 for each day he so fails or neglects. . . ." But, while the powers enumerated in section 2055 seem sufficient to authorize a county board of health to establish and maintain quarantine in behalf of one city or county against another city or county within the state, such power cannot be exercised by a county board or the state board, as against another state or county thereof, without express legislative authority specifying the conditions and limitations upon which such quarantine shall be maintained. In the absence of such legislative authority, the enforcement of quarantine regulations by one state against another would violate the comity that should exist between them and perhaps constitute an interference with interstate commerce. Hence section 2056 (section 1766) of the statutes, *supra,* confers upon the state and county boards of health authority to establish and maintain quarantine in the counties bordering on the Ohio and Mississippi rivers which separate Kentucky from many states, and in counties on the state line separating Kentucky from the states of West Virginia and Tennessee, specifying in explicit terms for what causes and in what manner it may be done.

(4) But as previously intimated, aside from the question whether the Lyon county board of health exceeded its powers in establishing quarantine against the town of Kuttawa, it clearly had under the general power conferred by section 2055, *supra,* authority to compel the closing of appellant's store for disinfection and likewise to quarantine her, either by requiring her to return to her home in Kuttawa, or be quarantined at some isolated place in Eddyville for the time specified in the notice, as the bringing of her son to the latter place from the infected town of Kuttawa gave her an opportunity to become infected with smallpox, and the leaving of his cast-off clothing in her store afforded danger of infection to her customers. In having her son taken to Eddyville, placing his clothes in the store, and refusing her consent to the temporary closing of her store for disinfection, appellant violated the rules and regulations established

by the county board of health and put in force in Eddyville for preventing smallpox from breaking out in that city. In thus dealing with appellant and her property appellees not only acted in pursuance of the powers conferred by the section of the statute, *supra*, but also in conformity to the rules and regulations of the State Board of Health, appearing in the bill of evidence, which rules, as before stated, were adopted by the Lyon county board of health prior to the closing of appellant's store. Among these is rule 10, so much of which as will be found pertinent reads as follows: "And in all cases where there has been an exposure or a suspected exposure to smallpox of any person it shall be the duty of the board of health under whose jurisdiction said person may be temporarily or permanently residing, to quarantine for twenty days such persons as may have been exposed or suspected of having been exposed to smallpox, and to see that the health officer at once vaccinates, or revaccinates all who may have been thus exposed. It shall be the imperative duty of the board of health to enforce this rule and in case of refusal or neglect of said board of health to comply with the requirements of this rule, it shall be the duty of the secretary of the State Board of Health to assume charge, and either in person or by his inspector enforce the foregoing rule. . . ."

(5) A board of health is an instrumentality of government created for convenience and invested with such powers as will enable it to protect the general health of the people of the state, county or community, over which it is given jurisdiction. As said in 21 Cyc. 394 395: "The power to remove and quarantine persons who have been infected with communicable diseases, or exposed to contagion, need not, however, be conferred on sanitary authorities in express terms; but may be implied from the general power to preserve the public health, or to guard against the introduction or spread of contagious diseases. . . Under powers similar to those which authorize the establisment of the disinfection not only of property that has actually been exposed to contagion, but of all articles liable to convey infection, especially where it is impossible to ascertain their history or the place from which they originally came. . . . It is no defense to an order for disinfection that the owner has already caused the property to be disinfected on his own account, where the authorities regard such previous disinfection as inadequate." In Hengehold v.

City of Covington, 108 Ky. 752, 57 S. W. 495, 22 Ky. Law Rep. 462, this court held that the legislature, in the exercise of the police power, may create boards of health, and invest them with the powers necessary and proper to prevent the spread of disease, and may confer upon cities authority to make regulations for the health of their communities; that under Kentucky Statutes, section 3058 (Russell's Statute, section 1042) part of the charter of cities of the second class, empowering the city council to establish and enforce quarantine laws and regulations to prevent the introduction and spread of contagious diseases, the council may by ordinance make reasonable regulations in addition to those provided by the general law establishing local boards of health to prevent the spread of epidemic diseases, and therefore an ordinance providing for the removal of smallpox patients to the pesthouse upon the order of less than a quorum of the city board of health, or upon the order of the health officer, is valid, though the general law confers such power only upon the board. In Twyman's Admr. v. Board of Council of Frankfort, 117 Ky. 518, 78 S. W. 446, 64 L. R. A. 572, 25 Ky. Law Rep. 1620, the city was sued for damages for the death of an intestate caused, as alleged, by the negligence of its police in wrongfully removing him in inclement weather, while afflicted with smallpox, to the pesthouse provided for such patients. We held, however, that the city was not liable, as the acts complained of were done to protect the public health and therefore in the performance of a duty which the municipality owed the public, the doing of which was but the exercise of power purely governmental. 15 Am. & Eng. Ency. of Law 1141.

(6) The acts of appellees complained of in the case at bar did not, according to the proof, constitute in the meaning of the Constitution or laws of the state the taking of private property for public use; nor did they result in such an injury to or destruction of appellant's property as authorized a recovery. So we need not say what her remedy would be in either state of case. Fairly viewing the evidence, the acts of appellees in closing appellant's store, disinfecting her goods and in requiring her to elect whether she would tempor arily return to her home in Kuttawa or be for a stated time quarantined in an isolated place in Eddyville were reasonable and lawful measures adopted by them as members of the county board of health for the suppression of an extraordinary outbreak of smallpox, and were rendered unavoidable by the appellant's conduct in violating the

regulations established by appellees, acting as members of the local board of health, in causing her child to be carried from the infected town of Kuttawa to Eddyville, and depositing his probably infected clothes in her store.

Appellees do not, in justification of the acts, rely, as claimed by appellant's counsel, upon the provisions of the statute with respect to quarantine in border counties against foreign states, which involve interstate regulations, but upon the rules and regulations put into effect by the State Board of Health, which relates to the internal welfare of the state and which they had the right to enforce for the protection of the health of the inhabitants of the city of Eddyville and adjacent territory. In this view of the matter, the authorities relied on by appellant's counsel have little bearing on the case.

It is not shown by the evidence that appellees, in the matters complained of, acted arbitrarily, maliciously, with gross or wilfull negligence, or in wanton disregard of appellant's rights; but, on the contrary, it is fairly apparent that they acted in good faith and in the performance of what they believed to be their official duty as members of the county board of health. (7) Nor is there any evidence to show that the appellee Cash's connection with the transactions in question puts his conduct in a light different from that of the other appellees. As sheriff he merely obeyed the orders of the local board of health in closing appellant's store. This he was bound to do; and no reason appears from the evidence to warrant the conclusion that he did not act in good faith, or that he was less considerate of the rights of appellant than her sex and relation to the transactions involved demanded.

(8) It seems to be well settled that a health officer who by statute is authorized to take action for the prevention of the spread of disease is not liable for injuries resulting from such reasonable and customary measures as he may in good faith adopt or direct for that purpose with regard to persons or matters subject to his jurisdiction. 21 Cyc. 405; Seavey v. Preble, 64 Me. 120; Whidden v. Cheever, 69 N. H. 142, 44 Atl. 908, 76 Am. St. Rep. 154.

As it was reasonably apparent from the evidence that whatever loss appellant sustained from the closing and disinfection of her store was caused by her own acts in refusing to obey the regulations of the county board of health for the prevention of an outbreak of

smallpox in Eddyville, and in refusing to permit her agent to reopen her store and resume business after the disinfection of her goods was effected, the trial court did not err in peremptorily instructing the jury to find for appellees.

Wherefore, the judgment is affirmed.

Breckinridge County v. McDonald, et al.—Decided September 19, 1913—Appeal from Breckinridge Circuit Court.

Opinion of the Court by Judge Miller.

Early in March, 1912, smallpox became epidemic in certain portions of Breckinridge county. It was confined principally to Cloverport, Irvington, Tar Fork and Balltown. On March 7, 1912, the Breckinridge County Board of Health met for the purpose of considering the smallpox situation, and to take steps to control it. The State Board of Health sent its representative, Dr. W. L. Heizer, to examine and report upon the situation, and he suggested a definite program of procedure to control the epidemic and prevent the further spread of the disease. Dr. John E. Kincheloe was the County Health Officer, and upon his recommendation Dr. E. C. McDonald, the appellee in this action, a practicing physician at Cloverport, was employed by the County Board of Health to carry out the recommendations included in the report of Dr. Heizer to the State Board of Health. Dr. Kincheloe was a practicing physician at Hardinsburg, the county seat, while Cloverport was eleven miles distant, and Irvington and Tar Fork were likewise located at points distant from Hardinsburg. Dr. McDonald took charge of the work and carried it out successfully. He presented his bill to the Fiscal Court for fifty-four days' service at $10 per day, aggregating $540, which the court allowed. Upon appeal by the county to the circuit court, a retrial was had and Dr. McDonald again recovered a judgment for $540. From that judgment the county prosecutes this appeal.

The circuit court made the following findings of law and fact:

"The court finds as a matter of law that it was not the duty of the Health Officer of Breckinridge county to administer treatment to the indigent patients suffering from contagious diseases, but, that it was his duty under the statute to take general superintendence of all contagious diseases and institute quarantines and fumigate premises. The court does not think, however, that any person suffering

with a contagious disease becomes, as a matter of law, the patient of the Health Officer, but that the County Board of Health had power under the law to employ, and did employ, another physician to administer treatment to indigent patients.

"The court finds as a matter of fact that the account sued on by the county, allowed by the Fiscal Court to Dr. McDonald, was for his services when acting in the character of physician to indigent patients suffering with smallpox, and that the amount of his charges is reasonable."

The proof supports the finding of fact; indeed, the appellant does not deny that the services were rendered, or that the charges therefor were reasonable.

Preliminary to a consideration of the case upon its merits, we will dispose of a question of practice which has been urged upon us in the brief for appellant.

1. The order of the Fiscal Court which allowed Dr. McDonald's claim was what is called a "blanket" order allowing the claims of forty-two persons ranging from $2 to George Graham, to $540 to Dr. McDonald. The order reads as follows:

"The following smallpox claims were presented to the court, and the court being advised, it was moved and seconded that all claims that were properly itemized and 'O. Kd.' by the Health Officer in charge, be allowed; the vote being taken, said motion carried and was made the order of the court, which claims were as follows, to-wit:

"1. Claim of J. D. Babbage for public printing; allowed ..... $21.00"

(Then followed forty-one other claims for different amounts.)

Ten of these claims allowed by the Fiscal Court amounted to more than $25 each; but, in prosecuting the appeal the county attorney filed one copy of the order of the Fiscal Court, and caused a summons to be issued against either of the claimants whose claims exceeded $25. Upon motion, the circuit judge dismissed the appeal as to all claims of $25 and less, upon the ground that the circuit court had no jurisdiction thereof; and, upon the motion of the remaining claimants, the circuit judge required the county to elect which of said claims embraced in said order it would try upon the appeal, whereupon the county elected to prosecute its appeal from the allowance of McDonald's claim. Thereupon the circuit judge dismissed without prejudice the appeals from the judgment allowing all the

other claims; and to that order the county excepted and prayed an appeal to this court. That order was made on the 16th day of the term—the date of the order not being shown by the record. The appeal, however, is not prosecuted from the order just mentioned, but from the subsequent judgment entered on the 22nd day of October, 1912, which passed upon the merits of Dr. McDonald's claim. The two orders are entirely separate and distinct, and have no relation to each other; the first order above referred to being found on page 6 of the record, while the final judgment appealed from as shown by the statement required by section 739 of the Code of Practice is found on page 10 of the record. No appeal having been prosecuted from the order of the circuit judge dismissing the appeals and requiring the county to elect as to which appeal it would prosecute, that order is not before us and cannot be considered.

Moreover, as those claimants are not named as appellees in the statement of appeal required by section 739, they are not before the court upon this appeal. Brodie v. Parsons, 23 Ky. L. R., 823, 64 S. W., 426, and the cases there cited.

2. Section 2055 of the Kentucky Statutes provides, in part, as follows:

"The local board shall appoint a competent practicing physician who shall be the health officer of the county and secretary of the board, whose duties shall be to see that the rules and regulations provided for in this act, and the rules and regulations of the State Board of Health are enforced, and who shall hold his office at the pleasure of said board, and he shall receive a salary, the amount of which to be fixed by the fiscal court at the time, or immediately after his election. In no state of case shall said health officer claim or receive from the county any compensation for his services other than the salary fixed by the fiscal court."

By a proper resolution the County Board of Health had fixed the annual salary of Dr. Kincheloe, as County Health Officer and Secretary of the Board, at $75.

The county defends upon the theory that McDonald was employed by the County Board of Health to take general charge of the smallpox epidemic and that the services rendered by him constituted the same service that was incumbent upon Dr. Kincheloe, as the regularly elected Health Officer; that it was Dr. Kincheloe's duty to take personal charge of the smallpox epidemic at Cloverport, Irvington,

Tar Fork and Balltown, and that neither the County Board of Health nor the Fiscal Court had the right to employ or pay a substitute to do the work of the County Health Officer. It will be noticed that the circuit judge in his findings of fact, concludes that it was not the duty of the County Health Officer to administer treatment to patients suffering with contagious diseases, but that it was his duty, only, under the statute, to take general superintendence of all contagious diseases, and to institute quarantine, and fumigate premises; and that the County Board of Health had power, under the law, to employ another physician to personally administer the treatment to patients. The proof further shows that by reason of the character of the disease, and the location of the patients at long distances from Hardinsburg, and from each other, it was impossible for the County Health Officer to give them the requisite personal attention without abandoning his home and practice. Some of these patients were located as far as seventeen miles or more from Hardinsburg. Dr. Kincheloe not only consulted daily with Dr. McDonald by telephone, but he made three visits to Cloverport by way of supervision, spending the entire day there on each visit. Dr. McDonald was employed by the Board of Health at its meeting on March 2, 1912, but the minute of that meeting is missing. Shortly thereafter, the guards employed by the Health Officer for the purpose of maintaining the quarantine, having threatened to quit work because they feared they would not get their pay, the Fiscal Court entered the following order on April 2, 1912:

"On motion of Justice G. N. Harris, seconded by B. A. Whittenbill, that guards be employed by the Health Officer at a sum not to exceed $2 per day, and anything else to stop the spread of the disease. Motion carried, and is made the order of this court."

Following that order the County Board of Heath entered an order on April 12, 1912, which reads, in part, as follows:

"At a special meeting of the Breckinridge County Board of Health called to consider the epidemic of smallpox at Cloverport, and vicinity, and in other parts of the county, it is hereby ordered that the recommendations as included in the report of Dr. W. L. Heizer to the State Board of Health be enforced, and that E. C. McDonald, at Cloverport, be authorized as Deputy Health Officer to carry out the said recommendations at Cloverport and vicinity as follows:

(Then follow specific instructions as to his duties.)

Under these assurances the guards remained at their posts until the epidemic was finally stamped out.

It is contended by appellant that the order of the Board of Health above quoted, shows that McDonald acted as deputy in the place of Kincheloe, the regular Health Officer, whose duty it was to attend to these matters in person. The wording of the order, however, is not material under the facts, and in no way changes the real relation of Dr. McDonald to the County Health Officer; and, although McDonald was styled a Deputy Health Officer at Cloverport, he was no more than an employe at Coverport, because the regular Health Officer could not, by reason of the circumstances above pointed out, give his personal attention to the epidemic at that point.

The whole question, therefore, resolves itself into this proposition: Can the County Board of Health employ agents or assistants for the Health Officer for the purpose of eradicating an epidemic at a distant point in the county, where the circumstances of location and the nature of the disease are such that the county Health Officer could not be expected to give his personal attention thereto in the ordinary course of business? We think there can be no doubt of the right of the board to so contract.

Appellant relies upon Hickman v. McMorris, 149 Ky., 1, as denying that right. A careful reading of the opinion in that case shows, however, that it is not at all controlling in this case. In the McMorris case, the County Board of Health had regularly appointed Dr. Scarborough as Health Officer, and he having declined to discharge the duties of his office, the County Board of Health employed Dr. McMorris to perform the same duties, supervisory or otherwise, that the law imposed upon Dr. Scarborough, and thus placed the county in the attitude of paying two men for precisely the same services. Under that state of case this court properly held that there could be but one County Health Officer: it did not hold that the board could not employ the necessary assistants to enable the board and its Health Officer to protect the public health in times of epidemic. The contention of appellant, if sustained, would forbid the Board of Health from employing but one physician in any case, and regardless of the necessities of the case or the amount of work to be done. In this instance Dr. McDonald, at one time, had as many as thirty-six cases in his locality which re-

quired his daily personal attention. It was impossible for Dr. Kincheloe to do this work, and supervise the general health affairs of the county at the same time; and we do not believe the statute contemplated that he should have done so.

The clause of section 2055 of the Kentucky Statutes above quoted prescribes that the duties of the County Health Officer "shall be to see that the rules and regulations provided for in this act, and the rules and regulations of the State Board of Health be enforced." The record shows that Dr. Heizer, acting for the State Board of Health, was on the ground and had made certain recommendations, and that McDonald was employed to carry out those recommendations. In requiring the County Health Officer "to see that the prescribed rules and regulations are enforced" does not necessarily contemplate that he shall personally do the work. On the contrary, it contemplates rather a medical supervisory service over the employees and assistants of the board.

It was so held in Trabue v. Todd county, 125 Ky., 813, where this court said:

"The Health Officer is the executive officer of the local board. He acts for it to execute its lawful demands in such matter. His duty is that of oversight and direction, more than personal execution."

In speaking of the nature and functions of the County Board of Health, in City of Bardstown v. Nelson county, 25 Ky. L. R., 1479, 78 S. W., 169, the court said:

"The county boards of health are county officials having duties to perform toward the public within their counties; their compensation is required to be fixed and paid through the fiscal courts of the counties. It was competent for the legislature to create these governmental agencies, and to impose upon them the discharge of certain duties to the State and counties. If the legislature sees proper to have the police laws of the State looking to the preservation of the health of the public, executed by a body of officials selected and chosen with reference alone to their fitness for that delicate and important task, instead of imposing it on the fiscal courts, or town councils, it is clearly within their power to do so. But when they do so, the county board becomes an auxiliary department of the county government. The express authority with which they are clothed by statute carries with it every implied

authority necessary to execute it. As they could not execute the statute for the benefit of the county, without incurring a liability to pay it, and as no other means are provided, it follows that the liability must be paid by the county as its other obligations are, by money derived from county taxes, levied by the fiscal court, the only tribunal authorized by statute for levying taxes."

Walker v. County of Henderson, 23 Ky. L. Rep., 1267, 65 S. W., 15, is directly in point. In that case Walker had been employed by the County Board of Health to take charge of the County Pesthouse during an epidemic of smallpox, and his admission as superintendent of the Pesthouse was denied him by the committee of the Fiscal Court. Walker sued for compensation for his services pending the litigation between the Fiscal Court and the County Board of Health for the possession of the pesthouse, which finally resulted in victory for the County Board of Health. In sustaining Walker's claim, the court said:

"The County Board had authority to resume charge of the epidemic and to employ physicians for the treatment of patients confined in the pesthouse. This necessarily involved the power and right to discharge those who had been employed by the Fiscal Court during the interregnum; and it was the duty of the Fiscal Court to make fair and reasonable compensation to the persons so employed whether they approved their employment or not. The power to determine what physicians, nurses, guards and attendants are necessary is left to the discretion of the Board of Health, but the power to fix the compensation of the person so employed, like the compensation of the County Boards themselves, is vested in the Fiscal Court of the county."

From these abundant authorities, it is clear that the ordinary duties of the County Health Officer, for which he is paid a yearly salary, are largely executive and supervisory, in seeing that the rules and regulations provided by law, and the rules and regulations of the State Board of Health, are enforced. As was well said by the chancellor, it is his duty under the statute, to take general superintendence of all contagious diseases, and to institute quarantine, fumigate premises; and to carry out these general purposes the County Board of Health has power, under the law, to employ such other physicians, and nurses, guards, and attendants as may be necessary to administer treatment and stamp out the disease.

If there should be any doubt about the application of the foregoing rule as a general proposition, certainly there can be no doubt of its application in this case, since the treatment was not only widely extended, but had to be administered at points distant from the county seat where the County Health Officer resided. His compensation was merely nominal, and clearly did not contemplate that he should render the extraordinary services required in this case.

Judgment affirmed.

Calloway Circuit Court, April Term, 1919—Commonwealth v. George Tidewell—Appeal from Calloway County Court.

Opinion of the Court by Judge Bush.

The situation here has attracted attention for some time. It has assumed phases of an unpleasant nature, and, in the judgment of the court, uselessly so.

I approach the consideration of this case of the Commonwealth v. S. George Tidwell with no feeling of prejudice either way. I have no personal interest in it, whatever, more than any other citizen. All the concern I have is to do my duty as I see it, both to the Commonwealth and to the defendant.

I always sympathize more or less with any person, whatever may be his station in life, charged with the violation of law, and have a great horror of doing anyone injustice. It is said that there was once a discussion among the wise men of Greece as to what was the best method of government, and Solon, who was considered the wisest of all, was called on for his opinion, and he replied: "That method is the best, where an injury to the humblest citizen, was an insult to the whole constitution." No man ever uttered a nobler sentiment, or announced a more precious principle, outside of inspiration itself.

This is an important case, although involving merely a misdemeanor, with a comparatively small penalty attached. The parties had a right to a jury to try the facts, but they agreed to submit it to me for trial and judgment, without the intervention of a jury. I was perfectly willing to take the responsibility, and determine the matter according to my convictions of right, under the law and the testimony.

I have to say in the outset that if any person's religious liberties are abridged in any way by the order of the Board of Health, it would not be countenanced by this or any other court of justice. If any person's religious convictions, and faith or doctrine, is trampled upon or in any way assailed, or interfered with by the action of this Board of Health, then the court should set the seal of its condemnation upon it, and I will not hesitate to do so, if I reach that conclusion. I yield to no man in my respect and reverence for the religion of Jesus Christ and I yield to no person in my regard for the rights of those who, in accordance with the dictates of their own conscience, and in their own way, assemble to worship God. To secure these inalienable rights and privileges, the Constitution, the sacred ark of our political covenant, was framed. The chief end which its illustrious framers had in view, was to secure the blessings of civil and religious liberty to themselves and posterity. As we value the work of our forefathers, and honor their memory, we should be averse to every semblance of religious persecution. This much I have thought proper to say because of the clamor raised on account of the action of the Board of Health, by making an order prohibiting people from assembling in church buildings, and especially at the Baptist church in Murray, during the prevalence of the recent epidemic of influenza. The order applied to all the churches, and while it was in force the proof shows that defendant, Tidwell, attended prayer meeting at the Baptist church in January, 1919, and this case is based upon a warrant, that was issued against the defendant for violating that order.

For the defense, the question is raised that the order of the Board of Health, though authorized by the statute laws of the State, in the discretion of the Board of Health, was in violation of the Constitution, and of the principles of religious liberty which I have announced. Now I propose to briefly consider this proposition.

While the organic law of this land prohibits the enactment of laws respecting any religion and guarantees religious freedom to all citizens, and the right to peaceably assemble to worship God, and for other lawful purposes, and while it is furthermore true that by the fundamental law of this country, and all laws made in pursuance thereof, every citizen is protected in his religious opinions and faith, regardless of how far wrong he may be, and this pro-

tection extends to all kinds of religious cults and heresies, however much they may be antagonistic to the religion of the Nazarene. Yet after all, the church, even the Lord's church, though not of this world, and separated from the state, must be subject to the powers that be. This principle was announced by the Savior, who, when asked if it was lawful to pay tribute to Caesar, decalred, "Render unto Caesar the things that are Caesar's, and unto God the things that are His." The Apostle Paul, writing to the Christians in the wicked city of Rome, said, "Let every soul be subject unto the higher powers; the powers that be are ordained of God." And he further warned them not to resist the powers that be.

Paul himself appealed to Caesar more than once, and thereby saved his life by being protected by Caesar's soldiers from religious fanaticism and intolerance. On several occasions it was the great apostle's boast that he had violated no law. I speak of these matters to show that under our Constitution and laws there is no conflict between divine and civil or human law, and although possessed of the inestimable blessings of civil and religious liberty, they must be exercised within the limitations of wholesome law, and in a manner not inconsistent with the general welfare or of human rights.

If the legislature of Kentucky, through the Board of Health or otherwise, had have said that this great Baptist congregation at Murray or its able and consecrated minister, Dr. Taylor, or to the Methodist, Presbyterian, Christian and other churches, and able and faithful ministers, that they should subscribe to any particular article of faith, or any creed it would have been an outrage, and nobody would have been bound by it, or have submitted to it, and no court would have countenanced it for a moment. It would have been a nullity. But for the very reason that the churches and individual members are protected by the civil law, in their worship against religious intolerance and persecution, is why they should submit to civil law.

Stephen, the first martyr to the Christian faith, was stoned because he was afforded no protection. All of the apostles, with the possible exception of John, were put to death because the civil authorities afforded them no protection. The Spanish inquisition with its rack and thumbscrew instruments of torture and death, for the faithful Christians were the inventions of religious fanatics and persecutors, and the civil law afforded no protection. The same can be said of the massacre of St. Bartholomew, and in numer-

ous other instances. No such conditions can exist in this land, because the law throws its aegis of protection around the humblest in the worship of his God.

Now would not the church, and the individual members who comprise the church, be in a singular position to ask protection for themselves and then refuse to submit to civil authorities?

Sometimes buildings become unfit for occupancy, become unsafe and dangerous; this is sometimes the case with a church building. Sometimes the town trustees or councilmen condemn them, and forbid meetings in them to save life. Now suppose a number of persons would wilfully violate such an ordinance, and congregate in a condemned building and perhaps the injury or death of some woman or child would be the result, who would say such an ordinance was wrong, or that those offending should not be subject to a penalty for disobeying it.

Much has been said in the argument in this case about establishing quarantines, to protect the public against the spread of contagious and infectious diseases. It is conceded that under the law this may be done by the Board of Health. Now if this may be done there can be no doubt of the power of the Board of Health, in the exercise of a reasonable discretion, to prohibit the assembling of people in churches and school houses and other public places. I might in this connection refer to the law of leprosy contained in the Mosaic code. The most devout Hebrew, as dear as the tabernacle or temple was to his heart, was, when afflicted with leprosy, segregated and barred from God's house because of that disease, and its malignancy. Upon the same principle the churches were closed during the recent epidemic.

It might possibly in some instances be unnecessary, but who knows about that? Under such conditions it is the consensus of opinion among physicians, and those whose special duty it is to be concerned about the public health, that such precautionary measures should be adopted.

Now there has recently existed in this country an epidemic of influenza, perhaps the most widespread and far-reaching disease in the history of the world. No country, no race of people, no condition of society has been immune from it. It has extended "from the rivers to the ends of the earth." Like all epidemic diseases from the beginning of time, some have escaped; many have suffered from

its ravages; indeed some of the physicians have testified that it has proven to be a much more fatal disease than smallpox.

The evidence largely preponderates that influenza is contagious; doctors speculate a little and some say it is much more infectious than contagious, but they generally agree that it is both, and, anyway, that it is a communicable disease. The evidence is conclusive that to have permitted men, women and children to assemble without restrictions, in the churches and school houses would have been almost inconceivably disastrous to the public health, and placed the epidemic beyond control. The Board of Health, actuated by the purest and loftiest motives, put on the ban. It was done, I think, wisely and humanely and in the exercise of a power clearly authorized by law.

It is absurd to suppose that the Board of Health took any pleasure in closing churches. Its members, as well as a large majority of the physicians, are Christian men and church members. What they did was a public necessity. It was done all over this State and in many other states. It was well nigh universal in case of churches and schools. Most of the courts adjourned, that is, practically; some few on account of congestion of business held sessions, the attendance being confined chiefly to those who had to be present, the attendance of others not being allowed.

There was no discrimination against any church; they were all treated alike. It is solemnly urged as a reason for adjudging the action of the Board of Health illegal, and dismissing this case, that people were permitted on the streets, in stores, restaurants, and in the court house. I see no merit in this contention. There is much difference in traveling in the open air and being crowded for hours in public buildings; besides people had to visit stores and restaurants. It may be said they need the bread of life as well as something for their physical appetites. Undoubtedly, but a temporary closing of the churches, to prevent the spread of sickness, disease and death, did not stop the worship of God.

All who sincerely desired to do that, could brush the dust from their Bibles and read them, and pray and worship in their homes as the early Christian did. That would be a most effectual way of service anyhow. I say God bless the churches and the work of the churches, but I wish they were supplemented by more family worship as in the olden times. I think it would be well to "keep the home fires burning."

However, suppose in dealing with this epidemic the law was not enforced against some, does that prove that defendant should not be subject to the laws? If it does then nobody should be restrained; we would have no law or order. There was never a law from Mt. Sinai to Murray that was not violated. Therefore, we should have none and be remanded to a condition of hopeless barbarism? There have been many trials and convictions for various offenses in this court. Should they have all been ignored because many persons just as guilty have not been brought to justice? I do not think anyone can make such a contention seriously.

Complaint is made that the defendant did not have sufficient notice that the flu ban was on. To serve every individual with special notice would have been impossible, and was never contemplated. There must have been notice. Notice to the people of the passage of a law is by promulgation—publication. This is essential to its validity. When that is done, the notice is sufficient. Notice of this ban was published in newspapers of Calloway county. It was posted at the post office, and the defendant in answer to a quesiton by the court admitted that he knew that the churches had been ordered closed. More than that, he admitted that on his way to prayer meeting that night he heard that the county attorney said he intended to have those who attended the prayer meeting arrested. I don't think the defendant can be heard to complain that he did not have notice.

He was and is a member of that church. Dr. Taylor, the honored pastor, had been fined that week for violating the flu order the previous Sunday, and had declared publicly that he intended to hold prayer meeting that night. Defendant attended and, in my judgment, knew the meeting was prohibited by those authorized to do so, and therefore, I cannot escape the conclusion that he is guilty and should be fined, which the court will fix by its judgment. to be entered herein.

MEDICAL LAWS AND COURT DECISIONS.

Chapter 85, Kentucky Statutes.

Sec. 2611. Medical Register to be Kept by County Clerk—Duties and Reports—Fees.—It shall be the duty of the county clerk of each county to purchase a book of suitable size, to be known as the "Medical Register" of the county, and to set apart one full page for the

registration of each physician, and when any physician shall die or remove from the county, he shall make a note of the same at the bottom of the page, and said clerk shall, on the first day of January in each year, transmit to the office of the State Board of Health a duly certified list of the physicians of said county registered under this law, together with such other information as is hereinafter required, and perform such other duties as are required by this law and such clerk shall receive the sum of fifty cents from each physician so registered, which shall be his full compensation for all the duties required under this law.

Sec. 2612. Physicians Must Register Before Beginning Practice. —It shall be unlawful for any person to practice medicine, in any of its branches, within the limits of this state, who has not exhibited and registered in the county clerk's office of the county in which he resides his authority for so practicing medicine as herein prescribed, together with his age, address, place of birth and the school or system of medicine to which he proposes to belong; and the person so registered shall subscribe and verify by oath, before such clerk, an affidavit containing such facts, which, if wilfully false, shall subject the affiant to conviction and punishment for perjury.

Sec. 2613—1. Certificate From the State Board of Health Authority to Practice—To Whom is Issued—Fee.—Authority to practice medicine under this act shall be a certificate from the State Board of Health, registered in the county in which the holder resides, and said board shall issue a certificate to any reputable physician who desires to practice medicine in this state, who has passed a satisfactory examination before it, in the branches of medicine as taught in reputable medical colleges, and said board shall, upon application, admit to examination any person of good moral character, who may possess any of the following qualifications:

1st. A diploma from a reputable medical college, legally chartered under the laws of this state.

2d. A diploma from a reputable and legally chartered medical college of some other state in this union.

3rd. Satisfactory evidence from the person claiming the same that such person was reputably and honorably engaged in the practice of medicine in this state prior to February 23, 1884.

Applicants may present their credentials by mail or proxy and shall receive due notice of the place and date of examination. Cer-

tificates shall be signed by the president and secretary, and attested by the seal of the board, and the fee for each examination, including the certificate, shall not exceed the sum of ten dollars. The members of the board shall be entitled to receive ten dollars per day and their necessary traveling expenses for each day devoted to such examinations, to be paid from the fees provided herein, and the board shall have authority to provide for such assistants as it may deem necessary and pay for the same from the fund arising from such fees.

2. Examinations Must Be Secret and Impartial.—Examinations shall be held at least semi-annually at Frankfort, Louisville, Lexington, or other centrally located places, and on such dates as the board may deem will best suit the convenience of applicants.

The questions for all examinations in the branches common to all schools or systems of practice shall be prepared by a committee of the board, to consist of five members, one of which shall be a homeopath, one an eclectic, and one an osteopath, and said committee shall conduct all examinations and grade the same, and when any applicant has made the average prescribed by law, and is so graded, the board of health shall admit such applicant to the practice of his or her profession in this state. All examinations shall be conducted in writing, and in such manner that the results shall be entirely fair and impartial, the applicants being known by numbers so that no member of the board shall be able to identify the papers of any applicant until they have been graded and the case passed upon, and all questions and answers, with the grade attached, shall be preserved for one year.

All applicants examined at any one time shall have the same questions asked them in anatomy, physiology, obstetrics and the other branches common to all systems of practice, and shall be required to make an average grade of 70, with a minimum of 60 in any one branch, but all examinations, involving methods or principles of treatment shall be made and graded by that member of the board who represents, or most nearly represents, the school or system of practice to which the applicant belongs, or the board may, in its discretion, omit the examination in such branches. No member of the board shall be a stockholder or member of the faculty or board of trustees of any medical college.

Sec. 2614. Itinerant Doctor Not Entitled to Register.—Nothing in this law shall be construed as to authorize any itinerant doctor to register or to practice medicine in any county in this state.

Sec. 2615. Certificate—When May Be Refused—May be Revoked for Cause—Hearings.—The State Board of Health may refuse to issue the certificate provided for in this act for any of the following causes:

1. The presentation to the board of any license, certificate or diploma which was illegally or fraudulently obtained, or the practice of fraud or deception in passing the examination.

2. The commission of a criminal abortion, or conviction of a felony involving moral turpitude.

3. Chronic or persistent inebriety or addiction to a drug habit, to an extent which disqualifies the applicant to practice with safety to the people.

4. Or other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

The board may suspend or revoke a certificate for any of the causes for which it may refuse to grant a license under the provisions of this act.

In all proceedings for suspension or revocation under this act the holder of the certificate shall be furnished with a copy of the complaint, and shall be given at least thirty days thereafter to prepare for a hearing, and he shall be heard in person or by counsel, or both, as he may elect, and in such hearing and in all matters arising in the course of their duties, the president and secretary shall have authority to administer oaths, and in such hearing the board may take oral or written proof for and against the complaint, as it may deem will best present the facts. In all cases of refusal, suspension or revocation, the applicant or holder may appeal to the Governor, who may affirm or overrule the decision of the board. Upon the suspension or revocation of any certificate, it shall be the duty of the board to give official notice of such action, under seal, to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated or stricken from the register, in accordance with such notice, and if such holder shall continue to practice he shall thereupon be subject to the penalties provided in the law to which this is an amendment.

Osteopathy Recognized.—Any person engaged in the practice of osteopathy in this state prior to February 1, 1904, who holds a diploma from a reputable osteopathic college, having a course of not less than four terms of five months each, legally chartered under the laws of any state in this union, as determined by the osteopathic member of the board, and who makes application to the State Board of Health within ninety days after the passage of this act, accompanied by the fee hereinbefore provided, shall receive a certificate from the board without an examination, which, when registered in the office of the county clerk of the county of his residence, as required of other certificates issued by the board, shall authorize the holder thereof to practice osteopathy in this Commonwealth, but it shall not permit him to administer drugs, nor to perform surgical operations with the knife. The words, "practice of medicine," in this act, shall be held to include the practice of osteopathy but no person shall be permitted to practice osteopathy in this Commonwealth without an osteopathic diploma and certificate as provided in this section.

Provision For Healers of Any Other System or Method.—Any other person applying for authority to treat the sick or injured, or in any way discharge the duties usually performed by physicians, whether by medical, surgical or mechanical means, shall apply to the State Board of Health, who shall examine them as to their competency in such manner as they may deem fair and best, but such examination shall always include anatomy, physiology and pathology, and the term "practice of medicine," as used in this act, shall be construed to be the treatment of any human ailment or infirmity by any method, but this shall not include trained or other nurses, or persons selling proprietary or patent medicines, when not traveling as a troup or troups composed of two or more persons. But this shall not apply to the practice of Christian Science.

6. Itinerant Nostrum Venders.—That any itinerant medical company of two or more persons traveling as a troupe or company as vendors of any drug, nostrum or instrument of any kind, intended for the treatment of any disease or injury, or who shall, by any writing or printing, profess to the public to treat disease or deformity by the use of any drug, nostrum or instrument, shall pay to the board a license of $100 per month, which shall be at once covered into the state treasury. The board shall issue a license to reputable

and worthy applicants under this section upon payment of the fee each month, but may for sufficient cause refuse such license. Any such itinerant vendor traveling as a company or troupe, with two or more persons as members or in its employ, who shall treat or profess to treat or cure disease or injury by the use of any drug, nostrum, or instrument without license to do so, or shall sell the same for such purpose, in violation of this section, shall, upon conviction, each and every person so engaged, be fined fifty dollars for the first offense, and upon each subsequent conviction shall be fined one hundred dollars.

Sec. 2616. All to be Treated Alike—Exceptions.—Nothing in this law shall be so construed as to discriminate against any particular school or system of medicine, or to prohibit women from practicing midwifery, or to prohibit gratuitous services in case of emergency, nor shall this law apply to commissioned surgeons of the United States army, navy or marine hospital service, or to legally qualified physicians of another state, called to see a particular case or family, but who does not open an office or appoint any place in this state where he or she may meet patients or receive calls.

Sec. 2617. Duty to Enforce Law.—It shall be the duty of the state and local boards of health to bring to the attention of the courts any violations of the provisions of this law within their respective jurisdictions.

Sec. 2618. Practice of Healing Defined—Penalties.—Any person living in this state, or any person coming into this state, who shall practice medicine, or attempt to practice medicine in any of its branches, or who shall treat or attempt to treat any sick or afflicted person by any system or method whatsoever, for reward or compensation, without first complying with the provisions of this law, shall, upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction shall be fined one hundred dollars and imprisoned thirty days, or either or both, in the discretion of the court or jury trying the case; and in no case where any provision of this law has been violated shall the person so violating be entitled to receive any compensation for the services rendered. To open an office for such purpose, or to announce to the public in any way a readiness to treat the sick or afflicted shall be deemed to engage in the practice of medicine within the meaning of this act.

COURT DECISIONS UNDER MEDICAL LAWS.

Executive Office, Frankfort, Ky., October 16, 1893.

Appeal to the Governor from action of the State Board of Health, refusing a certificate to practice medicine to Dr. E. A. Welsh, of Louisville, Ky.

Governor Brown's Decision.

The following provisions are found in an act passed by the General Assembly and approved April 10, 1893, entitled "An act to protect citizens of this Commonwealth from Empiricism:"

Sec. 2. It shall be unlawful for any person to practice medicine, in any of its branches, within the limits of this state, who has not exhibited and registered in the county clerk's office of the county in which he resides, his authority for so practicing medicine as herein prescribed, together with his age, address, place of birth and the school or system of medicine to which he proposes to belong, and the person so registering shall subscribe and verify by oath, before such clerk, an affidavit containing such facts, which, if wilfully false, shall subject the affiant to conviction and punishment for perjury.

Sec. 3. Authority to practice medicine under this law shall be a certificate from the State Board of Health, and said board shall, upon application, issue a certificate to any reputable physician, who is practicing or who desires to begin the practice of medicine in this state, who possesses any of the following qualifications: First, a diploma from a reputable medical college and legally chartered under the laws of this state. Second, a diploma from a reputable and legally chartered medical college of some other state or country, indorsed as such by the State Board of Health. Third, satisfactory evidence from the person claiming the same that such person was reputably and honorably engaged in the practice of medicine in this state prior to February 23, 1864. Applicants may present their credentials by mail or proxy, and the board shall issue its certificates to such applicants as are entitled thereto as though the applicant was present. All credentials shall be signed by the president and secretary, and attested by the seal of the board, and not more than $2.00 shall be charged for any certificate.

Sec. 4. Nothing in this law shall be construed to authorize any itinerant doctor to register or to practice medicine in any county in this state.

Sec. 5. The state board of health may refuse to issue the certificate provided for in section 3 of this article to any individual guilty of grossly unprofessional conduct of a character likely to deceive or defraud the public, and it may, after due notice and hearing, revoke such certificates for like cause In all cases of refusal or revocation, the applicant may appeal to the Governor, who may affirm or overrule the decision of the board, and this decision shall be final.

This legislation is under the police power of the state. It has been held by the highest judicial authorities that such power is a general one, by which a government may preserve and promote the general welfare, even at the expense of private rights. Its exact scope is difficult to define and the United States Supreme Court has declined to do so, stating that it would determine each case as it arose. It is exercised for the preservation of the public health and morals, in restricting the actions of individuals, and in regulating the use of property.

It can only be exercised by legislative enactment, and is within the discretion of the legislature. So long as constitutional limitations are not passed, courts have no restraining power if such laws shall violate natural principles of justice and right. With the policy or necessity of such legislation, courts have nothing to do, if the constitutional lines are not disregarded.

Occupations and practices may be regulated by taxation or penalties, or prohibited if injurious to public morals or health.

To protect the health of the community, the establishment of slaughter houses may be forbidden in certain districts; also burying grounds and the adulteration of food products, the pollution of water sources, and the practice of dangerous or noxious professions may be prohibited. To promote the morals of the public, statutes may suppress lotteries, prohibit or restrict the sale of injurious drugs or intoxicating liquors, the sale or circulation of obscene publications or pictures, and provide for the observance of Sunday.

Such legislation is applied to a multitude of subjects.

The Supreme Court of the United States says. "Here all vocations are open to every one on like conditions. All may be pursued

as sources of livelihood, some requiring years of study and great learning for their successful prosecution. The interest, or, as it is sometimes termed, the estate acquired in them, that is, the right to continue their prosecution, is often of great value to the possessors, and cannot be arbitrarily taken from them any more than their real or personal property can be so taken. But there is no arbitrary deprivation of such right where its exercise is not permitted because of a failure to comply with the conditions imposed by the state for the protection of society. The power of the state to provide for the general welfare of its people authorizes it to prescribe all such regulations as, in its judgment, will secure or tend to secure them against the consequences of ignorance and incapacity, as well as of deception and fraud.'' 120 U. S. Reports, page 121.

The Supreme Court of Minnesota says: ''In the profession of medicine, as in that of law, so great is the necessity for special qualification in the practitioner, and so injurious the consequences likely to result from a want of it, that the power of the legislature to prescribe such reasonable conditions as are calculated to exclude from the profession those who are unfitted to discharge its duties, cannot be doubted. Hewitt v. Charier, 16 Pick, 353; Spaulding v. Alford, 1 Pick 33; Wright v. Lanckton, 19 Pick 288; Cooley, Const. Lim. 745. Statutes for the accomplishment of this purpose have been very common, containing provisions similar to those found in this act, that is, requiring, as a condition of the right to practice the profession, that the practitioner shall be a graduate of an institution for medical instruction, or shall have a certificate of his qualification from some recognized body of men learned in the science. Such requirements have been incorporated into the laws of Massachusetts, Maine, New York, Ohio, Illinois, Alabama, Georgia and Texas, and in other states, and their validity has never, we think, been judicially denied.''

The legislature has surely the power to require, as a condition of the right to practice this profession, that the practitioner shall be possessed of the qualification of honor and a good moral character, as it has to require that he shall be learned in the profession. It cannot be doubted that the legislature has authority, in the exercise of its general police power, to make such reasonable requirements as may be calculated to bar from admission to this profession dishonorable men, whose principles or practices are such as to render them unfit

to be intrusted with the discharge of its duties. And as the duty of determining upon these qualifications, both as to learning and skill, and as to honor and moral fitness, must from necessity be committed to some person or body other than the legislature, we see no reason why it may not be committed to the legally constituted body of men, learned in this profession, named in this act.

We are referred to no decision, and we have found none, sustaining the position of the relator, that an adverse determination of such body upon such a question, by reason of which the applicant is precluded from engaging in the practice of his profession, deprives him of his property without due process of law, or that such enactments are for any reason unconstitutional.

In 34 Minn., page 390, it is said: "There is no possible distinction in this respect, between refusing to grant a license and revoking one already granted. Both acts are an exercise of the police power. The power exercised and the object of its exercise is, in each case identical, viz.: To exclude incompetent or unworthy persons from his employment. Therefore, the same body, which may be vested with the power to grant, or refuse to grant, a license, may also be vested with the power to revoke. The statutes of all the states are full of enactments giving the power to revoke licenses of dealers, innkeepers, hackmen, draymen, pawnbrokers, auctioneers, pilots, engineers and the like, to the same bodies, boards or officers who are authorized to issue them, such as city councils, county commissioners, selectmen, boards of health, boards of excise, etc. The constitutionality of such laws, as a valid exercise of the police power, has often been sustained, and, indeed, rarely questioned. Cooley, Const. Lim. 283 and 597, and cases cited."

The Supreme Court of Indiana, 109 Ind., page 279, says: "It is, therefore, no new principle of law that is asserted by our statute, but if it were, it would not condemn the statute, for the statute is, no one can doubt, of high importance to the community that health, limb and life should not be left to the treatment of ignorant pretenders and charlatans. It is within the power of the legislature to enact such laws as will protect the people from ignorant pretenders, and secure them the services of reputable, skilled and learned men, although it is not within the power of the legislature to discriminate in favor of any particular school of medicine."

Speaking of a statute like ours, the Texas Court of Appeals said: "We are of opinion that all of the porvisions of the act under consideration, as above set out, and independent of any constitutional warrant for its enactment, would be maintainable under the police power of the state; that, under this general power, the legislature is the proper judge as to what regulations are demanded in dealing with the property and restraining the actions of individuals."

Judge Cooley strongly and equivocally affirms the validity of statutes like ours. Cooley on Torts, 289, 290.

For more than eighty years a similar statute has been in force in New York, and the courts of that state have uniformly regarded it as valid.

In Driscoll v. Commonwealth, Fourteenth Kentucky Law Reporter, page 376, the constitutionality of the legislation in question is discussed and sustained, although the exact question presented here was not then decided.

There is evidence in the record submitted to me that Dr. Welsh is not a reputable physician—that his methods of practice and business in his profession are disreputable and misleading to the public.

Believing the act under which the State Board of Health have proceeded, to be constitutional, also that the board has not exceeded its powers, and that its action is sustained by the evidence, I therefore decline to disturb the judgment in this case.

Court of Appeals. Filed October 20, 1892—M. Driscoll v. Commonwealth: Commonwealth v. C. W. Rice—Appeals from the Louisville City Court.

Opinion of the Court by Judge Pryor.

These two cases, involving the same question, will be considered together.

An act of the legislature was passed on the 23rd day of February, in the year 1874, for the purpose of preventing incompetent physicians and surgeons from practicing their profession within the state, the act reciting that it is of the greatest importance that none but persons with competent qualifications should be allowed to practice a profession to whose skill and ability the life of the citizen is entrusted, etc. This enactment has been amended from time to time, and by the act of April 25, 1888, it is provided that there shall be a

registration of all physicians in the county court of each county (that is, where they reside), and by section 2, "that on and after the first day of April, 1889, it shall be unlawful for any person to practice medicine, in any of its departments, within the limits of this state, who has not exhibited and registered in the county clerk's office of the county where he is practicing, or intends to commence the practice of medicine, his authority for so practicing medicine as prescribed in this act, the name and location of the college issuing the same; if it be a diploma, the date of the same, together with his age, residence, place of birth, and the school or system of medicine to which he professes to belong," etc. And by section 3 it is provided that authority to practice medicine under this act shall be: "A diploma from a medical school, legally chartered under the laws of this state; a diploma from a reputable and legally chartered medical school of some other state or county certified and indorsed as such by the faculty of a legally chartered medical school in this state or State Medical Society; an affidavit from the person claiming the same that such person is exempted from obtaining a diploma under section 2 of this act to which this is an amendment." Sections 2 and 3 of the original act permitted one to practice who had been a practicing physician for ten years, or who had been examined by the medical board and found qualified. Under the act of April, 1888, a diploma was required from a medical school of this state, or from one chartered out of the state and endorsed as such by a medical school or State Medical Society of this state.

This requisite does not apply, however, to physicians who had practiced ten years within this state prior to the passage of the original act of 1874. The act of April 25, 1888, was again amended on the 24th of May, 1890, dispensing with the endorsement of a medical school or medical society when the diploma was obtained out of the State, and requiring the endorsement to be made by the state board of health.

This last amendment does not apply to cases where physicians have, prior thereto, by complying with the previous enactments on the subject, entered upon the practice of their profession, and affects only those who have failed to comply with the provisions of the former statute, or who, since the passage of the act of 1890, have commenced the practice without complying with its provisions.

If Driscoll, who seems to have been practicing his profession before the act of 1890 was passed, had complied with the law in existence prior to that time, his right to practice could not be questioned.

The act of 25th of April, 1890, is not retroactive, nor should such a construction be given it.

He produces a diploma from the Starling Medical College, located in the state of Ohio. It is agreed that it is a chartered institution and a reputable college. In the month of March, 1889, he registered in the Jefferson county clerk's office, by presenting his diploma, with the endorsement of one Kalfus, wh was the secretary of the Board of Regents, Kentucky School of Medicine. Kalfus had no authority to endorse diplomas, nor was he a member of the faculty of the Kentucky school, still, on his statement that he had the authority to make the endorsement, the appellant, Driscoll, registered. In April, 1889, he also sent his diploma to Dr. McCormack, at Bowlin Green, for endorsement, and it was returned without explanation. The appellant seems to have made an effort, at least, to comply with the law, but failed to have the endorsement as required prior to the act of the 25th of April, 1890, and it is not pretended that he has the endorsement required by the provisions of this act.

It does not appear what the system of medicine was taught in the medical school in which the appellant, Driscoll, graduated, and this is immaterial, as the statute expressly provides "that nothing in this act shall be so construed as to discriminate against any peculiar system or school of medicine, or to prohibit women from practicing midwifery, or to prohibit gratuitous services in case of emergency," etc. So a diploma from a reputable college, in which there may be taught a new system of practice, or in which there may be a departure from the old system, affords no reason for withholding an endorsement by the board of health, and there being no discrimination in this regard, we perceive no constitutional objection to any of the provisions of the act, unless they are so unreasonable as to preclude those qualified from practicing their profession.

We see no reason for denying the right of the legislature to enact laws for the protection of the people, by requiring those who undertake to practice a profession to give evidence of their qualifications and skill by the exhibition of a license from those who, in the legis-

lative judgment, are competent to determine whether or not the applicant has the necessary qualifications to practice the particular profession.

The citizens, of necessity, when diseased, must employ the physician, and the lawyer when his right of person or property has been violated. The entire public is interested in knowing, or in having the means of ascertaining,whether the physician he desires to employ has a sufficient knowledge of medicine as enables him to practice his profession; and for the welfare and safety of the citizens the legislature may say that you shall not practice medicine unless you have the endorsement of a board skilled in the profession. The patients of the physician must rely on his knowledge of medicine, and the mode of administering it, and the entire public being interested in having physicians learned in the profession, it is competent for the legislature to prescribe the mode of determining the qualificationes of those who propose to embark in the practice.

DECISION OF HON. W. O. BRADLEY, GOVERNOR OF KENTUCKY.

Dr. B. A. Stockdale's Appeal.

The appellant admits that his conduct has been irregular and improper, but bases his right to a certificate to practice medicine upon his promise not to be guilty of such conduct in the future. This promise was made in 1893, when he applied for the first time; again in 1896, when he made the second application, and in April, 1897, when he made the present application. Yet the proof shows that this advertising continued in greater or less degree up to the 9th of April last, and that as late as Januuary 14, 1897, he advertised that he could cure diseases, which a number of reputable physicians swear are incurable.

The statute of empiricism was adopted to prevent such persons from engaging in the practice, for it cannot be denied that one thus advertising is guilty of grossly improper conduct calculated to deceive or defraud the public. (Sec. 2615, Kentucky Statutes.) Such a person cannot be deemed "reputable." As to the propriety or wisdom of the statute, it is too late now to raise a question, as the highest court of the state and my distinguished predecessor have upheld and recognized it. The statute, in referring to a reputable person, means not one who is shown to be disreputable and who promises reforma-

tion, but one who is reputable at the time the application is made. Any other construction would destroy the efficacy of the law, for every quack, who would make a promise, would be entitled to practice, and thus the public be deceived and injured.

The question of forgiveness or charity is not involved. If the doctor will cease his disreputable practices, and establish a proper character, then he may ask forgiveness and be allowed to practice, but a mere promise to desist in the future cannot of itself give him the right to be recognized by the board.

The judgment of the board is affirmed.

DECISION OF THE SUPREME COURT OF THE UNITED STATES IN THE CASE OF DENT, Plaintiff in Error, v. THE STATE OF WEST VIRGINIA

Submitted Dec. 11, 1888.—Decided Jan. 14, 1889.

S. C. Reporters' Ed., 114-128.

Mr. Justice Field delivered the opinion of the court:

Whether the indictment in which the plaintiff in error was tried and found guilty is open to objection for want of sufficient certainty in its averments, is a question which does not appear to have been raised either on the trial or before the supreme court of the state. The presiding justice of the latter court, in its opinion, states that the counsel for the defendant expressly waived all objections to defects in form or substance of the indictment, and based his claim for a review of the judgment on the ground that the statute of West Virginia is unconstitutional and void. The unconstitutionality asserted consists in its alleged conflict with the clause of the Fourteenth Amendment, which declares that no state shall deprive any one of life, liberty or property without due process of law—the denial to the defendant of the right to practice his profession without the certificate required constituting the deprivation of his vested right and estate in his profession which he had previously acquired.

It is undoubtedly the right of every citizen of the United States to follow any lawful calling, business or profession he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex and condition. This right may in many respects be considered as a distinguishing feature of our republican institution. Here all vocations are open to every one on like conditions. All may

be pursued as sources of livelihood, some requiring years of study and great learning for their successful prosecution. The interest, or, as it is sometimes termed, the estate acquired in them, that is, the right to continue their prosecution, is often of great value to the possessors, and cannot be arbitrarily taken from them any more than their real or personal property can be thus taken. But there is no arbitrary deprivation of such right where its exercise is not permitted because of a failure to comply with conditions imposed by the state for the protection of society. The power of the state to provide for the general welfare of its people authorizes it to prescribe all such regulations as in its judgment will secure or tend to secure them against the consequences of ignorance and incapacity as well as of deception and fraud. As one means to this end it has been the practice of different states, from time immemorial, to exact in many pursuits, a certain degree of skill and learning upon which the community may confidently rely, their possession being generally ascertained upon an examination of parties by competent persons, or inferred from a certificate to them in the form of a diploma, or license from an institution established for instruction on the subjects, scientific and otherwise, with which such pursuits have to deal. The nature and extent of the qualifications required must depend primarily upon the judgment of the state as to their necessity. If they are appropriate to the calling or profession, and attainable by reasonable study or application, no objection to their validity can be raised because of their stringency or difficulty. It is only when they have no relation to such calling or profession, or are unattainable by such reasonable study and application, that they can operate to deprive one of his right to pursue a lawful vocation.

Few professions require more careful preparation by one who seeks to enter it than that of medicine. It has to deal with all those subtle and mysterious influences upon which health and life depended, and requires not only a knowledge of the vegetable and mineral substances, but of the human body in all its complicated parts, and their relation to each other as well as their influence upon the mind. The physician must be able to detect readily the presence of disease, and prescribe appropriate remedies for its removal. Every one may have occasion to consult him, but comparatively few can judge of the qual-

ifications of the learning and skill which he possesses. Reliance must be placed upon the assurance given by his license, issued by an authority competent to judge in that respect that he possesses the requisite qualifications. Due consideration, therefore, for the protection of society may well induce the state to exclude from practice those who have not such a license, or who are found upon examination not to be fully qualified. The same reasons which control in imposing conditions, upon compliance with which the physician is allowed to practice in the first instance, may call for further conditions as new modes of treating disease are discovered, or a more thorough acquaintance is obtained of the remedial properties of vegetable and mineral substances, or a more accurate knowledge is acquired of the human system and of the agencies by which it is affected. It would not be deemed a matter for serious discussion that a knowledge of the new acquisitions of the profession, as it from time to time advances in its attainments for the relief of the sick, and suffering, should be required for continuance in its practice, but for the earnestness with which the plaintiff in error insists that by being compelled to obtain the certificate required, and prevented from continuing in his practice without it, he is deprived of his right and estate in his profession without due process of law. We perceive nothing in the statute which indicates the intention of the legislature to deprive one of any of his rights. No one has a right to practice medicine without the necessary qualifications of learning and skill; and the statute only requires that whoever assumes, by offering to the community his services as a physician, that he possesses such learning and skill, shall present evidence of it by a certificate or license from a body designated by the state, as competent to judge of his qualifications.

As we have said on more than one occasion, it may be difficult, if not impossible, to give the terms "due process of law" a definition which will embrace every permissible exertion of power affecting private rights and exclude such as are forbidden. They come to us from the law of England, form which country our jurisprudence is to a great extent derived, and their requirement was there designed to secure the subject against the arbitrary action of the Crown and place him under the protection of the law. They were deemed to be equivalent to the "law of the land." In this country, the requirement is intended to have a similar effect against legislative power, that is, to secure the citizen against any arbitrary deprivation of his

rights, whether relating to his life, his liberty, or his property. Legislation must necessarily vary with the different objects upon which it is designed to operate. It is sufficient for the purposes of this case, to say that legislation is not open to the charge of depriving one of his rights without due process of law, if it be general in its operation upon the subjects to which it relates, and is enforeable in the usual modes established in the administration of government with respect to kindred matters, that is, by process or proceedings adapted to the nature of the case. The great purpose of the requirement is to exclude everything that is arbitrary and capricious in legislation affecting the right of the citizen. As said in this court in Yick Wo. v. Hopkins, speaking by Mr. Justice Mathews: "When we consider the nature and theory of our government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power." 118 U. S., 356, 369, (30; 220, 226). See also Pennoyer v. Neff, 95 U. S., 714, 733 (24; 565, 572); Davidson v. N. O., 96 U. S., 97, 104, 107 (24; 616, 619, 620); Hurtado v. Cal., 110 U. S., 516 (28; 232); Mo. Pac. R. Co. v. Humes, 115 U. S. 512, 519 (29; 463, 465).

There is nothing of an arbitrary character in the provisions of the statute in question; it applies to all physicians, except those who may be called for a special case from another State; it imposes no conditions which cannot be readily met; and it is made enforceable in the mode usual in kindred matters, that is, by regular proceedings adapted to the case. It authorizes the examination of the applicant by the board of health as to his qualifications when he has no evidence of them in the diploma of a reputable medical college in the school of medicine to which he belongs, or has not practiced in the State a designated period before March, 1881. If, in the proceedings under the statute, there should be any unfair or unjust action on the part of the board in refusing him a certificate, we doubt not that a remedy would be found in the courts of the State. But no such imputation can be made, for the plaintiff in error did not submit himself to the examination of the board after it had decided that the diploma he presented was insufficient.

The case of Cummings v. Mo., 71 U. S., 4 Wall, 277, and of Ex parte Garland, 71 U. S., 4 Wall, 333, upon which much reliance is

placed, do not in our judgment support the contention of the plaintiff in error. In the first of these cases it appeared that the Constitution of Missouri, adopted in 1865, prescribed an oath to be taken by certain persons holding certain offices and trusts and following certain pursuits within its limits. They were required to deny that they had done certain things, or had manifested by act or word certain sympathies or desires. The oath which they were to take embraced thirty distinct affirmations respecting their past conduct, extending even to their words, desires and sympathies. Every person unable to take this oath was declared incapable of holding in the State "any office of honor, trust or profit under its authority, or of being an officer, councilman, director, trustee or other manager of any corporation, public or private," then existing or thereafter established under authority; or "of acting as a professor or teacher in any educational institution, or in any common or other school, or of holding any real estate or other property in trust for the use of any church, religious society or congregation." And every person holding, at the time the Constitution took effect, any of the offices, trusts or positions mentioned was required, within sixty days thereafter, to take the oath, and if he failed to comply with this requirement it was declared that his office, trust or position should, ipso facto, become vacant.

No person, after the expiration of the sixty days was allowed, without taking the oath, "to practice as an attorney or counselor at law," nor after that period could "any person be competent as a bishop, priest, deacon, minister, elder or other clergyman of any religious persuasion, sect or denomination to teach or preach, or solemnize marriages." Fine and imprisonment were prescribed as a punishment for holding or exercising any of the "offices, positions, trusts, professions, or functions" specified without taking the oath, and false swearing and affirmation in taking it was declared to be perjury punishable by imprisonment in the penitentiary.

A priest of the Roman Catholic church was indicted in a circuit court of Missouri, and convicted of the crime of teaching and preaching as a priest and minister of that religious denomination, without having first taken the oath, and was sentenced to pay a fine of $500, and to be committed to jail until the same was paid. On appeal to the Supreme Court of the State the judgment was affirmed, and the case was brought on error to this court.

As many of the acts from which the parties were obliged to purge themselves by the oath had no relation to their fitness for the pursuits and professions designated, the court held that the oath was not required as a means of ascertaining whether the parties were qualified for those pursuits and professions, but was exacted because it was thought that the acts deserved punishment, and that for many of them there was no way of inflicting punishment except by depriving the parties of their offices and trusts. A large portion of the people of Missouri were unable to take the oath, and as to them the court held that the requirements of its Constitution amounted to a legislative deprivation of their rights. Many of the acts which parties were bound to deny that they had ever done were innocent at the time they were committed, and the deprivation of a right to continue in their office if the oath were not taken was held to be a penalty for a past act, which was violative of the Constitution. The doctrine of this case was affirmed in Pierce v. Carskadon, 83 U. S., 16 Wall., 234.

In the second case mentioned, that of Ex parte Garland, it appeared that on the second of July, 1862, Congress had passed an act prescribing an oath to be taken by every person elected or appointed to any office of honor or profit under the United States, either in the civil, military or naval departments of the government, except the president, before entering upon the duties of his office, or before being entitled to his salary or other emoluments. On the 24th of January, 1865, Congress, by a supplemental act, extended its provisions so as to embrace attorneys and counselors of the courts of the United States. This latter act, among other things, provided that after its passage no person should be admitted as an attorney and counselor to the bar of the Supreme Court after the 4th of March, 1865, to the bar of any circuit district court of the United States, or of the court of claims, or be allowed to appear and be heard by virtue of any previous admission, until he had taken and subscribed the oath prescribed by the act of July 2, 1862. The oath related to past acts, and its object was to exclude from practice in the courts parties who were unable to affirm that they had not done the acts specified; and, as it could not be taken by a large class of persons it was held to operate against them as a legislative decree of perpetual exclusion.

Mr. Garland had been admitted to the bar of the Supreme Court of the United States previous to the passage of the act. He was a

citizen of Arkansas, and when that State passed an ordinance of secession which purported to withdraw her from the Union, and by another ordinance attached herself to the so-called Confederate States, he followed the State and was one of her representatives first in the lower House and afterwards in the Senate of the Congress of the Confederacy, and was a member of that Senate at the time of the surrender of the Confederate forces to the armies of the United States. Subsequently, in 1865, he received from the president of the United States a full pardon for all offenses committed by his participation, direct or implied, in the rebellion. He produced this pardon and asked permission to continue as an attorney and counselor of this court without taking the other required by the act of January 24, 1865, and the rule of the court which had adopted the clause requiring its administration in conformity with the act of Congress. The court without taking the oath required by the act of January 24, a condition of his continuing in the practice of his profession imposed a penalty for a past act, and in that respect was subject to the same objection as that made to the clauses of the Constitution of Missouri, and was therefore invalid.

There is nothing in these decisions which supports the positions for which the plaintiff in error contends. They only determine that one who is in the enjoyment of a right to preach and teach the Christian religion as a priest of a regular church, and one who has been admitted to the practice of the profession of the law, cannot be deprived of the right to continue in the exercise of their respective profession by the exaction from time to time of an oath as to their past conduct, respecting matters which have no connection with such profesions. Between this doctrine and that for which the plaintiff in error contends, there is no analogy or resemblance. The Constitution of Missouri and the act of Congress in question in those cases were designed to deprive parties of their right to continue in their profession for past acts or past expressions of desires and sympathies, many of which had no bearing upon their fitness to continue in their profession. The law of West Virginia was intended to secure such skill and learning in the profession of medicine that the community might trust with confidence those receiving a license under authority of the State.

Judgment affirmed.

INDEX

Page

Abattoirs, slaughter houses and stock yards, rules and regulations for..182, 188
Abortion law, penalties for producing; fines, and murder in case of death; woman not an accomplice 92
Advertising, false, fraudulent or for the treatment of sexual or venereal diseases forbidden; penalties 86, 91
Adulterations and misbranding of foods and drugs defined; penalties..35, 42
Agricultural Experiment Station, analytical and other health work to be done by 44, 48
Compensation for same 46
Emergency laboratories to be equipped and operated during epidemics 45
Animals, diseased, not to be slaughtered for food; penalties for ...182, 188
Carcasses not to be put in or near streams or water supplies 79, 80, 187, 196
Penalties for 80
Anti-narcotic law, definitions, procedures and penalties 93, 94
Antitoxins for both prevention and treatment 23, 142
Assembly rooms and theatres 199, 200
Plans for to be submitted to state board of health 200
Assistant health officers and assistant nurses, provisions for 19
Attorneys, duty of county, district and attorney general to enforce health and medical laws 22, 23, 27, 35, 79, 86
Authority to employ special attorneys 22, 23, 27
Bakeries, buildings and premises, law regulating 176, 179
Bread and other products to be wrapped 179
Contagious diseases, employes with barred from working in....177. 178
Purity of water to be certified 178
Garbage and waste products to be removed daily 179
Standard of purity of all materials defined 180
Regulations for 176, 180
Barbers and barber shops, rules and regulations for 201, 202
Brushes and combs of 203
Births and deaths, registration of 96, 112
Blindness, prevention of; duties of state, county and city health authorities, physicians and midwives; penalties 87, 89
Boarding-houses, hotels and restaurants; bureau for the regulation of.... 28
Fees 29, 30
Rules and regulations for 189, 193

Boards of health, county; appointment of....24, 26
Powers and duties of....12, 133
Rules and regulations for....133, 215
Board of health, state; annual appropriation for.... 10
Appointment and term of office of members.... 6
Bureaus of....3, 10, 11
Law creating and powers and duties of under health law....6, 73
Meetings of.... 7
Personnel of.... 3
Powers and duties under medical law; secretary of and term of office.... 9
Powers and duties of in enforcing food and drug laws....52, 55
Quarantine, powers of....7, 24, 26, 75, 124
Rules and regulations of....135, 215
Bread and other bakery products to be wrapped.... 179
Rules and regulations for producing and handling....176, 180
Bureaus of the state board of health.... 3
Of hotels and restaurants....3, 10, 28, 35, 189, 193
Of epidemology and bacteriology; of food and drugs; of sanitation; of tuberculosis; of vital statistics; of public health laboratories....3, 10
For the conservation of vision....3, 87, 89
Of venereal diseases....3, 156, 161
Of public nurses.... 3
Of child welfare.... 3
Of housing....3, 200
Burial cases or coffins not to be sold until burial permit is secured.... 203
Butter and lard; penalties for selling or offering for sale if not pure, or marked to show true character....80, 81
Candling of eggs, rules regulating; penalties for violating.... 181
Candy or sweetmeats; penalty for making or vending if they contain poison or noxious ingredients.... 79
Carcasses of dead animals; penalties for putting in or near water courses or supplies....79, 80, 196, 197
Carriers of disease germs, special rules for.... 150
Cerebro-spinal meningitis made a reportable disease.... 135
Minimum period of isolation.... 136
Health management of....135, 156
Chicken-pox made a reportable disease.... 135
Period of incubation for; period of isolation.... 136
Health management of....136, 156
Chiropodists and manicures, rules for....201, 202
City boards of health....23, 24
Powers and duties of....12, 24, 133, 215
For duties see also county boards of health....19, 24, 27, 133, 215

City health officers; provisions for 23
Schools for 11
For duties, powers of see county health officers.....18, 26, 27, 133, 135, 215
Cleanliness of operations in food establishments 51
Cleansing, renovating and disinfection of a room or house..... 153
Letting of forbidden after infection until so treated, under the direction of the local health officer 151, 153
Common carriers; restrictions concerning, and duties of during epidemics 7, 8, 153, 155
Common drinking cups; public use of unlawful 94, 201
Common towels and utensils; public use of unlawful.....31, 201
Communicable, infectious or contagious diseases defined and made reportable 25, 26, 135, 145
Rules and regulations for health management of.....135, 215
Carriers ,, ... 150
Care in handling food of 149
Exclusion from schools and gatherings of.....146, 148
Removal to hospitals or quarantine in 149
Public funerals of dead forbidden..... 156
Placarding houses containing 145, 149
Cleansing or disinfection of room or house after 153
Conjunctivitis, or sore eyes in the new-born made a reportable disease.. 135
Contagious diseases; persons having not to work or handle food products 51
Containers for specimens for analyses of all kinds sent by Agricultural Experiment Station upon application 45
Contamination of streams; penalties for 79, 80
County attorneys; duties of under health and medical laws defined, 22, 23, 27, 35, 43, 79, 86
County boards of health; appointment of 24, 26
Powers and duties of 24, 27
Rules and regulations to enforce 133, 215
Offices and laboratories for..... 19
County departments of health; provisions for 13, 22
Rules and regulations for 133, 215
Offices and laboratories for..... 19
County health officers and assistants; provisions for 18, 22, 25, 26
Compensation for 18, 19, 25, 26
Officers and laboratories for 19, 20
Duties and powers of 18, 22, 25, 26, 27, 33, 213
Rules and regulations for him to enforce 133, 215
Schools for; provisions for maintaining 11
To keep minutes, make reports and publish pertinent rules from time to time 133, 134
To supervise and inspect schools, water supplies, theatres and all other matters and places affecting health.....18, 21, 133, 215

County nurses, visiting; state aid for 112, 115
Court decisions under health law 213, 256
Under medical law 262, 275
Cream and milk; requirements of production and handling 163, 176
Croups—membranous, diphtheria—made a reportable disease 135
Minimum period of isolation 136
Rules and regulations for protection of community against 136, 156
Cuspidors and spitting in food establishments 51
Dairy farms, through physicians or owners or operators shall immediately report any case of diphtheria, scarlet fever, poliomylitis, typhoid fever, septic sore throat, or other communicable disease to health officer 141
Dairies; rules and regulations for 163, 176
Buildings and premises 163, 166
Requirements for producing and handling milk products in 164, 176
To be systematically inspected and scored 168
Communicable disease on premises; health officer to be notified 165, 144
Kentucky sanitary privy required if not connected with sewer 165
Dead animals; penalties for placing in or near streams 19, 80, 196, 197
Dead bodies; transportation of; rules and regulations for 209
Deaths and births; registration of 96, 112
Decisions of courts, under health laws 213, 256
Under medical laws 262, 275
Departments of health, county and district; how established and maintained 12, 24
Diphtheria—membranous croup—made reportable 135
Antitoxins, use of for prevention and treatment; free antitoxin for the indigent 20, 42
Minimum period of isolation for 136
Specimens to be sent for culture to laboratory 141
Rules to be observed for the protection of the community 136, 156
Funerals of the dead from must be private 156
Diseased persons having any contagious, infectious or communicable sickness, or articles or things infected by them, shall not be moved from any room or house without permission from the health officer 143, 144
Diseased animals, stock yards and slaughter-houses; rules for 182, 188
Disease germ carriers; special rules for 150
Disinfection, cleaning and renovating of a room or house 151, 153
In hotels 191, 192
In railway or sleeping cars and stations 194, 195
Letting or use of infected rooms forbidden until so treated 151, 153
District or county departments of health; how established and maintained 12, 24
Division of fees unlawful by physicians 95, 96

Drinking cup law; definitions and penalties 94
Druggists; treatment of venereal diseases by unlawful 160
Drugs, rules relating to 206, 208
How formulated 42, 203
Dysentery, amoebic, bacillary or epidemic, made reportable 135, 137
Eggs, candling of required; rules and regulations concerning; penalties .. 181
Families, heads of to report communicable diseases 25, 135, 163
Feeble-minded, law relating to 45, 133
Aiding or abetting marriage unlawful 129
Fees; division of between physicians unlawful 95, 96
Fiscal courts; powers and duties of in creating county and district departments of health 13, 19
Flies; breeding of to be prevented by weekly removal of manure from all stables 205
By screening bakeries 177
Hotels, boarding houses and restaurants 190
Slaughter-houses 188
Hospitals and sick rooms 138, 156
Foods and drugs, adulterations and misbranding of 35, 42
Analyses of 33, 44
Bureau of 3, 10, 35, 48
Definitions, labeling and weights 33, 48
Cuspidors and rules against spitting in places where food is produced or handled 51
Persons with venereal or other infectious diseases not to be employed in 51
Rules for 163, 195
Sanitary conditions essential in; sanitary privies and toilets and sewers and toilets and sewer connections and fly screens for .. 48, 55
Funerals, public, when forbidden 156
Heads of families, hotels, boarding and lodging houses to report communicable or contagious diseases 140
Healers, practice of defined, and provision made for impartially examining and legalizing all systems 260, 261
Health laws 6, 112
Court decisions, construing 213, 256
Health officers, city; duties and powers same as those of counties 23, 24
Election of and term and tenure of office and salary 23, 24
Rules and regulations governing 133, 215
Health officers, county; election of and compensation for 12, 25, 26
Powers and duties 18, 19, 22, 24, 26, 27, 133, 134, 199
Assistants for; offices and laboratories for 19
Picture shows and other theatres, duties concerning 134
Reports of 12
Schools for 11

School inspection and supervision of 20, 21
Serums and vaccines; when duty to supply 19, 20
Supervision of water supplies 20, 21
Of nuisances 27
Powers and duties of in enforcing food laws 52, 55
Health officers, inspectors or nurses shall not be obstructed or interfered with in the discharge of their official duties 144
Health resorts and camps; physicians, nurses and managers of to promptly report communicable diseases 140
Sanitary privies required for 201
Hogs not to be kept in towns or cities during the warm season 203
Honey; penalties for selling manufactured or adulterated article unless so labeled 80
Hotels, restaurants, rooming and boarding houses, bureaus for 28, 35
Certificates and fees for 28, 30
Revocation of certificates; hearing 33, 35
Rules and regulations and requirements for 30, 34, 189, 193
Toilets, sewer connections and sanitary privies for 31, 192, 201
Infantile paralysis—poliomylitis—made a reportable disease 135
Period of incubation in 136
Period of isolation for 136, 137
Rules and regulations for the protection of the community in 135, 156
Infectious, contagious and communicable diseases all made reportable 135
Period of incubation in and isolation for 136
Rules and regulations to be observed in for the protection of the community 136, 156
Cleansing and disinfection of rooms after 151, 153, 190, 192
Influenza made a reportable disease 135
Authority of health boards to close churches and other places where the public gather sustained by court decision 251, 256
Rules and regulations for the protection of the community in so far as they may apply 135, 156
Isolation, minimum period for in communicable diseases 136, 137
Authority for sustained by court decisions 221, 256
Itinerant nostrum vendors must be licensed 260
Kentucky sanitary privy, cuts and plans for 204
Required for all dairies 165
Health resorts; court houses 205
Hotels 192
Railway stations 195
Schools 162
Slaughter-houses 192
Other public places not connected with public sewers 205
Laboratories of State Experiment Station, duties of 44, 48

Lard and butter; penalties for selling or offering for sale if not pure, or marked to show true character 80, 81
Manicurers and chiropodists 201, 202
Manure from every public stable to be hauled out each week 205
Marriage of feeble-minded persons; aiding or abetting of forbidden 129
Measles made a reportable disease 135
Period of incubation of 136
Minimum period of isolation for 136, 137
Rules and regulations to be observed for the protection of the community 135, 156
Funerals of dead from to be private 156
Measles, German, made a reportable disease 135, 137
Rules to be observed for the protection of the community against 135, 156
Medical law 256, 261
Court decisions under 262, 276
Midwives must register 105
Duty of to report every death 104, 111
To report all eye diseases in the new born 87, 89, 138
Milk, certified, requirements for 163, 176
Pasteurization of, rule for 170
Milk and cream, certified 171
Definitions of 170
Permits for dealers and handlers 167
Pasteurization of 170
Grades 170, 176
Per cent of butter fats, solids and water 166, 167
Cold storage for 176
Tuberculin and other tests, of cattle producing, authorized by court decision 238
Mumps made a reportable disease 135
Period of incubation 136
Rules and regulations for health management of 135, 160
Narcotic law; definitions, procedures and penalties 93, 94
Nostrum vendors must be licensed 260
Nuisances; authority and duty of health officials regarding 6, 27
Methods of procedure and forms of notice 197, 199
As applied to houses of prostitution 82, 86
Nurses as assistants for county and city health officers; provision for 19
County visiting; law providing state aid for 112, 115
Opthalmia, sore eyes in the new born; duty of physicians and midwives to prevent 87
Prompt treatment and immediate reports required under heavy penalties 87, 88, 135, 137
Osteopaths, law relating to 259, 261

Pellegra made a reportable disease....135, 137
Physicians, certificates to practice, how obtained....256, 261
Care of person in handling infectious diseases.... 145
Duty of in reporting and diagnosing communicable diseases....25, 135, 156
Under vital statistics law 96, 111
Under venereal disease regulations 156, 160
In reporting communicable disease on dairy farms 166
Communications with patients privileged 111
Itinerant practice unlawful 258
Duty under the law for the prevention of blindness....87, 89
Division of fees unlawful 90, 96
Placarding of houses in communicable diseases 145, 146
Penalties for interfering with 146
By common carriers 153, 154
Plague made a reportable disease 135
Regulations for protecting community against 135, 156
Pneumonia, acute lobar, bronchial or lobular, made reportable....135, 137
Regulations for protecting community against 135, 156
Poliomyletis—infantile paralysis—made a reportable disease....135, 142
Period of incubation in, and isolation for 136, 137
Regulations for the protection of the community against 135, 156
Picture shows and other theatres 199, 200
All plans for to be submitted to state board of health for approval.... 200
Preserves or canned fruit, vegetables, packed goods, maple syrups or other articles; penalties for selling if not pure or honestly labeled.... 81
Privileged, relations and communications between physician and patient.. 111
Privy, Kentucky sanitary, required for all dairies 165
Hotels 192
Railway stations 195
Schools 162
Slaughter-houses 192
Other public places not connected with public sewers 201
Prostitution and lewdness; buildings and contents where permitted declared a nuisance, and prosecuting attorneys or any citizen may enjoin; procedures and penalties 82, 86
Public health nurse law 112, 115
Public health; penalties for offenses against 76, 82
Including sale of diseased or substituted fish or unwholesome or adulterated bread, drink or medicine.... 76
Watered or adulterated milk, cream, cheese or milk from which cream or butter fat has been removed, or misread; testing apparatus for 77, 78, 167, 176
Duty of county and district attorneys to prosecute 76
Other offenses against 197, 199

Hospitals, asylums and all other public institutions to report communicable diseases 139
Public places; spitting in is forbidden 200
Public water supplies; regulations for 196
State board of health to approve plans for 196
Quarantine; authority of state board of health to establish 6, 8
Authority of state line counties to quarantine subject to approval of state board of health 26, 27
In all communicable diseases, rules for quarantine and isolation 135, 156
Special rules for smallpox 148
Power to quarantine sustained in long line of court decisions 213, 276
Rabies made a reportable disease 135, 137
Free examination and pasteur treatment furnished 44, 48
Railroads and other common carriers; restrictions concerning and duties of during epidemics 7, 8, 153, 155
Sanitary privies required for all stations not connected with public sewers 195, 201
Sweeping of cars forbidden when occupied 195
Placarding of for communicable diseases 153, 154
Registrars, state and local; powers, duties and fees 96, 112
Registration of births and deaths 96, 112
Restaurants, hotels and boarding houses, law regulating 28, 35
Certificates and fees 30, 35
Rules and regulations for 30, 34, 189, 193
Rooms, disinfection after communicable diseases 151, 153, 191, 192
Letting of forbidden without permit from health officer 153
Rules and regulations 133, 215
Authority of state, city or county boards of health to make and enforce 7, 8, 24, 26, 28, 34, 42, 45, 72, 106, 113
Court decisions sustaining such authority 213, 256
Sacharin, use of forbidden in any beverage, food or drug intended or sold for human consumption 208
Sanatoria, county or district; authority of fiscal court to establish and maintain 55, 61
Procedure when court fails or refuses to act 57, 61
Board of trustees for 60, 73
Medical superintendant for, and duties of 66, 69
Trustees to visit 69
By-laws for 69, 72
Only residents of state to be admitted 70
Free and pay patients 70, 72
Treasurer, duties of 68
Estimates and taxes for 62
Donations and other funds may be accepted 72, 73
How two or more counties may unite for 58, 59

How other counties may join in 58
Election to establish 57, 59
Site and plans for to be approved 65
Sanitary privy, Kentucky; cuts and plans for 204
Required for all court houses 205
Dairies 165
Health resorts; hotels 192
Railway stations 195
Schools 162
Slaughter-houses 192
All other public places not connected with a public sewer 205
Saponin, use of forbidden in any beverage, food or drug intended for human consumption 288
Scarlet fever—scarlatina—made a reportable disease..... 135
Period of incubation in 136
Period of isolation for 137
Rules to be observed for the protection of the community.....136, 156
Schools, inspection of; duty of county and city health officers to make.. 20
Exclusion from, of persons affected by, or from homes where communicable disease exists, including the unvaccinated and tuberculous 147, 162
To be visited by and under supervision of health officer 20
Water supply to be analyzed 20
Kentucky sanitary privies required for schools not connected with public sewers 162, 205
Parents to be notified of disease or physical defects revealed by inspection 20
Schools for county and city health officers 11
Attendance required and expenses provided 11
Septicemia, puerperal, made a reportable disease.....135, 137
Sleeping cars, rules and regulations for 193, 195
Disinfection of; spittoons for 193, 195
Blankets, curtains and mattresses to be steamed every ten days.... 195
Sleeping in food establishments forbidden..... 51
Slaughter-houses, stock yards and abattoirs; rules and regulations for 182, 188
Smallpox made a reportable disease..... 135
Penalties for importing into state, for going where smallpox is, for wilfully spreading or for going upon any public highway or conveyance, or to any place where people are accustomed to assemble 73, 75
Regulations relating to 135, 150
Court decisions sustaining authority of health boards to control..213, 256
Soft drinks, milk and cream, rules for.....167, 169, 170
Utensils to be cleaned... 170

Premises to be kept in sanitary condition 170
Use of sacharin or saponin in is forbidden 205
Sore throat, septic or streptoccic, made reportable disease.....135, 137
Rules and regulations to be observed for the protection of the community 135, 156
Spitting in food establishments forbidden 51
Spitting on floors and walls of railway cars, stations, court and school houses, sidewalks and other public places forbidden.....194, 200, 203
Stables, public and private, in incorporated cities and towns must have manure hauled away each week to prevent breeding of flies, and this advised for all farms 205
State aid for county nurses 112, 115
State board of health, appointment and term of office of members..... 6
Annual appropriation for 10, 12
Bureaus of 3
Duties of under health laws 5, 133
Under medical laws 256, 261
Under its rules and regulations 133, 212
Court decisions under health laws 213, 156
Under medical law 262, 276
Meetings of 8, 258
Secretary, election, duties and salary of.....9, 10
Stations for all railway and interurban roads must be provided with sanitary privies.....176, 205
State registrar of vital statistics, how chosen, term of office..... 97
Powers and duties 98, 111
Stock yards, slaughter-houses and diseased animals, rules and regulations for 182, 188
Streams, contamination of forbidden 79, 196, 197
Penalties for 80
Teachers in public or private schools to report all cases of communicable diseases 138
Theaters and picture shows 199, 200
Plans for to be submitted to state board of health..... 200
Toilets; Kentucky sanitary privies required for all dairies 165
Hotels 192
Railway stations 195
Schools 162
Slaughter-houses 192
Other public places not connected with public sewers..... 201
Towels, common, forbidden 201
Tracoma made a reportable disease 87, 88, 135
Rules and regulations to be observed, in so far as they may apply, for the protection of the community 135, 156
Trustees of tuberculosis sanitoria, how selected 60, 61

Powers and duties of 60, 71
Annual estimates by 62, 63
Authority to make by-laws 69
To borrow money 66
Tuberculosis a reportable disease 135
Powers and duties of the state board of health 55, 133, 156
Bureau for the prevention of 10, 55
Cooperation with national and other authorities 72, 73
Campaigns of education regarding 55
Local associations, sanitoria, hospitals and dispensaries for 56
To recommend trustees and employes for 55
To visit public and private sanitoria 57
Fiscal courts may establish and maintain sanitoria 55, 61
Procedure when fiscal court fails or refuses to act 59, 61
Election to establish 57, 59
Clinics and dispensaries 66
Tuberculosis, special duties of health officers, physicians and the public concerning 150, 151
Rules and regulations for the preventing of, in so far as they may apply 135, 156
Typhoid and para-typhoid fever to be reported 135
Free vaccines for prevention of when department of health and all time health offices exist 20
Typhus fever made a reportable disease 135
Rules and regulations to protect the community against, in so far as they may apply 135, 156
Undertakers, duties of under the vital statistics law 99, 11
Duties of in handling the dead of communicable diseases 155, 156, 199
In transportation of the dead 212, 214
Vaccination, laws relating to 73, 75
Free 74, 149
Duties of parents and guardians regarding 73, 74
Of fiscal courts and city councils 73, 74
Unvaccinated persons not to be admitted to any school as teacher or pupil 162, 163
Or given employment to by any employer of labor 162, 163
Only fresh, pure virus to be used 74
Court decisions concerning 213, 256
Venereal diseases to be reported 156
Patients to be given full information 156
Laboratory examination in every case 156
Protection of public by quarantine or otherwise authorized 157
Unlawful for druggists to treat cases 160
Reports and records of cases secret 161

Unlawful to employ persons afflicted with, in producing or handling any food products 51
To advertise to treat or cure 86, 91
Rules and regulations for 156, 161
Vessels and crafts of all kinds on waters in or bordering on Kentucky, through person in charge to report every case of communicable disease, and obey regulations for same 7, 8, 140
Visiting county nurse law 112, 115
Vital statistics, bureau of 3, 10
Law provided for registration of 96, 102
Vinegar, penalty for selling if not properly labeled, branded or marked, and true to such labeling 80
Water supplies, public, rules and regulations for 196, 197
Plans, sites and sources of must be approved by the state board of health 156, 157
Whooping cough made a reportable disease 135
Period of incubation 136
Minimum period of isolation 137
Rules to be observed to protect health and lives of other children and people 135, 256