

STATE BOARD OF HEALTH: Pointing out sections relating thereto.

3-16

March 15, 1934.



Dr. W.T. Elam,  
State Health Commissioner,  
The State Board of Health,  
Jefferson City, Missouri.

Dear Sir:

This department acknowledges receipt of your letter of some time ago making the following inquiry:

"I am desirous of knowing the gist of the statute under which the Board of Health is operating at the present time. If you will kindly tell me where I can find or get a copy of this statute, I shall consider it in the light of a personal favor."

The Legislature of 1933 repealed Section 9020, R.S. Mo. 1929, which section dealt with the duties of the Secretary and enacted in lieu thereof, Sec. 9020, Laws of Mo. 1933, page 269, which is as follows:

"The Commissioner of Health shall perform such duties as may be prescribed by the board and this article. The members of the board shall receive no compensation for their services, but their traveling and other expenses while employed on the business of the board shall be paid. The president of the board shall certify the amount to the Commissioner of Health, and the traveling and other expenses of members, and on presentation of his certificate the auditor of state shall draw his warrant on the state treasurer for the amount."

The Legislature also repealed Sec. 9024, R.S. Mo. 1929. This section dealt with the compensation of the Commissioner of Health. The new section enacted in lieu thereof is Sec. 9024, Laws of Mo. 1933, p. 269, and provides as follows:

"The Governor, by and with the advice and consent of the Senate, shall appoint a Commissioner of Health, who shall hold his office for a term of four years, and who shall be a physician in good standing and of recognized professional and scientific knowledge and a graduate of a reputable medical school, and shall have been a resident of the State for at least five years next preceding his appointment, and in making such appointment there shall be no discrimination made against the different systems of medicine that are recognized as reputable by the laws of this State. The Commissioner of Health shall be subject to removal from office for cause by the Governor at his pleasure. The compensation of the Commissioner of Health shall be five thousand dollars (\$5,000) per annum. He shall also receive traveling and other expenses necessarily incurred in the performance of his duties. The Commissioner of Health as hereby constituted shall assume all the rights, powers, privileges and duties heretofore conferred by law upon the Secretary of State Board of Health heretofore authorized by law, which office is hereby abolished. Where any law refers to the Secretary of the State Board of Health as heretofore constituted, same shall, after the passage of this Act, be construed as referring to and meaning the Commissioner of Health as hereby and herein constituted."

Sec. 9044, R.S. Mo. 1929 dealing with permits for burial and removal of bodies, has been amended; the section being in force now is Sec. 9044, Laws of Mo. 1933, p. 270 and is as follows:

"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 properly issued by the local registrar of the registration district in

which the death occurs. Provided, no such removal permit shall be required when a dead body is removed for the purpose of preparing such body for burial, but no such body shall be interred, deposited in a vault or tomb, cremated or otherwise disposed of until a permit so to do has been properly issued by the local 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 of death has been filed with him as hereinafter provided; Provided, that when a dead body is transported by common carrier into a registration district in Missouri for burial, then the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside of the state of Missouri, shall be accepted by the local registrar of the district, into which the body has been transported for burial or other disposition, as a basis upon which he shall issue a local permit, in the same way as if the death occurred in his district, but shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; but a burial permit shall not be required from the local registrar of the district in which interment is made when a body is removed from one district in Missouri to another in the state, for purpose of burial or other disposition, either by common carrier, hearse, or other conveyance; and no local registrar shall, as such, require from undertakers or persons acting as undertakers any fee for the privilege of burying dead bodies."

The Legislature also repealed Sec. 9025, R.S. Mo. 1929, relating to the Deputy State Commissioners of Health and enacted in lieu thereof Sec. 9025, Laws of Mo. 1933, p. 271, which provides:

"At the first regular February term of the county court in each county of the State after this article becomes effective and at the regular February term of said county court every year thereafter, said court may appoint a reputable physician,

as a Deputy State Commissioner of Health for a term of one year. In case of a vacancy in the office of the Deputy State Commissioner of Health of the county, the county court may at its next regular term of court appoint a reputable physician for the unexpired term. But the power of deciding whether or not such a deputy state health commissioner will be appointed shall be vested in the county court. If a county court of any county decides to appoint a deputy health commissioner, as empowered in this act, it shall agree with said commissioner as to the compensation and expenses to be paid for such services which amount shall be paid out of the county treasury of the county."

The section relating to the powers and duties of the State Board of Health of Missouri is Sec. 9015, R.S. Mo. 1929, which is as follows:

"It shall be the duty of the State Board of Health to safeguard the health of the people in the state, counties, cities, villages and towns. It shall make a study of the causes and prevention of diseases and shall have full power and authority to make such rules and regulations as will prevent the entrance of infectious, contagious, communicable or dangerous diseases into the state. It may send representatives to public health conferences when deemed advisable, and the expenses of such representatives shall be paid by the state as provided in this chapter for expenses of the members of the State Board of Health."

Section 9015, supra, has not been amended and is the law now effective and under which the State Board of Health of Missouri derives its powers.

Other sections which we will enumerate for your information as relating to the State Board of Health are: Secs. 9014-13-16-17-18-19-9021-22-23-26-27-28-29-9030-31-32-33-34-35-36-37-38-39-9040-41-42-43-45-46-47-48-49-9050-51-52-53-54-55-56-57-58-59-9060-61-62.

In 1931 the Legislature enacted a new section, Sec. 9054a, Laws of Mo. 1931, p. 230, which provided:

"Whenever, prior to the taking effect of this article, a person was born in the state of Missouri, or a resident of Missouri born outside this state, such birth may be registered in the manner and according to,

nearly as possible, the provisions of section 9053 of this article, by filling out blank registration papers secured from the local registrar and filing same, together with a registration fee of \$2.50, with the state registrar of vital statistics. Such papers shall contain the affidavits, sworn to before a notary, of at least two persons, knowing the facts. The state registrar may require further affidavits to establish the truth of the facts endeavored to be made of record by the certificate and may withhold filing of such birth certificate until his requirements are complied with. The state registrar may make and enforce appropriate rules and regulations to carry out this act and to prevent fraud and deception."

It is our intention to point out to you the changes in the laws relating to the State Board of Health and to quote the pertinent sections. We have not quoted the other sections for the reason that we take it for granted your department has these sections in pamphlet form.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

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ROY MCKITTRICK,  
Attorney General

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