

ASSEMBLY, No. 6

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1947

By Mr. W. H. JONES

Referred to Committee on Judiciary

AN ACT relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

ARTICLE I

DEFINITIONS

1 1. As used in this act, unless otherwise specifically indicated, "State
2 Department," "Department of Health" and "department" mean the State
3 Department of Health;

4 "Commissioner" means the State Commissioner of Health who is the
5 chief administrative officer of the State Department of Health;

6 "Council" means the Public Health Council in the State Department of
7 Health;

8 "Bureau" means one of the bureaus in the State Department of Health:

9 "Bureau director" means the director of one of the bureaus in the State
10 Department of Health;

11 "Local board" or "local board of health" means the board of health of
12 any municipality or the boards, bodies or officers in such municipality lawfully
13 exercising any of the powers of a local board of health under the laws gov-
14 erning such municipality.

ARTICLE II

1 2. There is hereby established, in the Executive Branch of the State Gov-
2 ernment, a State Department of Health.

1 3. The chief administrative officer of the department shall be the State
2 Commissioner of Health, who shall be a duly licensed physician, a graduate
3 of a regularly chartered and legally constituted medical school or college,
4 with either a degree in public health from, or at least one full year of grad-
5 uate study in public health leading to such degree in, a regularly chartered
6 and legally constituted school or institute of public health, college or uni-
7 versity, with skill in sanitary science, and with at least five years of full-time
8 experience in an administrative or executive capacity in a public health
9 agency. He shall be appointed by the Governor, by and with the advice and
10 consent of the Senate, and shall hold office for a term of five years and until
11 his successor is appointed and qualified.

12 He shall devote his entire time and attention to the duties of his office and
13 shall receive an annual compensation of fifteen thousand dollars (\$15,000.00).
14 He may be removed from office by the Governor, for cause.

15 Any vacancy occurring in the office of commissioner shall be filled in the
16 same manner as the original appointment, but for the unexpired term only.

1 4. There shall be in the department a Public Health Council which shall
2 consist of seven members, each of whom shall be chosen with due regard to
3 his knowledge of and interest in public health and each of whom shall be a
4 citizen of this State. Two of such members shall be duly licensed phy-
5 sicians. Each member shall be appointed by the Governor, by and with the

6 advice and consent of the Senate, for a term of seven years and until his suc-
7 cessor is appointed and qualified; *provided, however,* that the first appoint-
8 ments hereunder shall be for terms which shall commence on the first day of
9 July, one thousand nine hundred and forty-seven, and shall continue one for
10 one year, one for two years, one for three years, one for four years, one for
11 five years, one for six years and one for seven years. Any member of the
12 Public Health Council may be removed from office by the Governor, for cause.

13 Any vacancy occurring in the membership of the council for any cause
14 shall be filled in the same manner as the original appointment but for the
15 unexpired term only.

16 The members of the council shall serve without compensation, but shall
17 be reimbursed for necessary expenses incurred in the performance of their
18 duties.

1 5. There shall be within the department such bureaus as the commis-
2 sioner may, subject to approval by the Public Health Council, from time to
3 time establish. Each bureau shall be under the supervision of a director,
4 who shall be a person qualified by training and experience to direct the work
5 assigned to it; and two or more bureaus may be consolidated by the com-
6 missioner. The commissioner may authorize one of the bureau directors to
7 act for him and in his place, as his deputy, during his absence or disabil-
8 ity. The commissioner may delegate such of his powers, as he may deem
9 desirable for the efficient administration of the department, to be exercised
10 under his direction and supervision by one or more of the bureau directors.

11 Each bureau director shall devote his entire time and attention to the
12 performance of his duties.

ARTICLE III

POWERS AND DUTIES OF THE PUBLIC HEALTH COUNCIL

1 6. The Public Health Council shall enact and from time to time may
2 amend rules in relation to its meetings and the transaction of its business.
3 It shall meet in the offices of the department at Trenton in each month at
4 such times as its rules may prescribe. It shall meet at such other times and

5 places within the State as, in its judgment, may be necessary. Four mem-
6 bers of the council shall constitute a quorum thereof and, except as otherwise
7 provided in section seven of this act, all action shall be taken by a majority
8 vote. The commissioner shall attend all meetings of the council.

9 The council shall elect one of its members chairman who shall hold of-
10 fice for one year and until his successor shall be elected.

11 The council shall keep complete and accurate minutes of all of its meet-
12 ings, hearings, and other sessions. All such minutes shall be retained in a per-
13 manent record, and shall be available for public inspection at all times during
14 the office hours of the department.

1 7. The Public Health Council shall have power, by the affirmative vote
2 of a majority of all of its members, to establish, and from time to time amend
3 and repeal, such reasonable sanitary regulations not inconsistent with this
4 act or any other law of this State as may be necessary properly to preserve
5 and improve the public health in this State. The regulations so established
6 shall be called the State Sanitary Code.

7 The State Sanitary Code may cover any subject affecting public health,
8 or the preservation and improvement of public health and the prevention of
9 disease in the State of New Jersey. In addition thereto, and not in limitation
10 thereof, said State Sanitary Code may contain sanitary regulations: (a) pro-
11 hibiting nuisances hazardous to human health; (b) prohibiting pollution of
12 any water supply; (c) regulating the use of privies and cesspools; (d) reg-
13 ulating the disposition of excremental matter; (e) regulating the control of
14 fly and mosquito breeding places; (f) regulating the detection, reporting,
15 prevention and control of communicable and preventable diseases; (g) reg-
16 ulating the conduct of public funerals; (h) regulating the conduct of boarding
17 homes for children; (i) regulating the conduct of maternity homes and the
18 care of maternity and infant patients therein; (j) regulating the conduct of
19 camps; (k) regulating the production, distribution and sale of certified milk;
20 (l) regulating the preparation, handling, transportation, burial or other dis-
21 posal, disinterment and reburial of dead human bodies; and (m) prescribing
22 standards of cleanliness for public eating rooms and restaurants.

23 Prior to the final adoption by the council of any sanitary regulation or
24 amendment thereto or repealer thereof the council shall hold a public hearing
25 thereon. The council shall cause to be published, at least fifteen days prior to
26 such hearing, in such manner as such council shall determine, a notice of such
27 hearing, specifying the time when and the place where such hearing will be
28 held, together with the text of the proposed regulation, amendment or re-
29 pealer.

1 8. Every sanitary regulation or amendment thereto or repealer thereof
2 adopted in accordance with the provisions of section seven of this act shall
3 state the date on which it takes effect, and a copy thereof, duly signed by the
4 chairman of the council, shall be sent by the commissioner to each local board
5 of health and to the governing body of each municipality within the State, and
6 shall be published in such manner as the Public Health Council may from
7 time to time determine. The commissioner, or one of the bureau directors
8 designated by him, shall, for a fee of one dollar (\$1.00) each, furnish copies
9 of the State Sanitary Code and its amendments certified by the chairman of
10 the council and such certified copies shall be received in evidence in all court
11 or other judicial proceedings in the State.

1 9. The provisions of the State Sanitary Code shall have the force and
2 effect of law. Such code shall be observed throughout the State and shall be
3 enforced by each local board of health, the local police authorities and other
4 enforcement agencies. Nothing herein contained however shall be deemed to
5 limit the right of any local board of health to adopt such ordinances, rules and
6 regulations, as, in its opinion, may be necessary for the particular locality
7 under its jurisdiction; but such ordinances, rules and regulations shall not be
8 in conflict with the laws of this State or the provisions of the State Sanitary
9 Code, except, however, that such ordinances, rules and regulations may be
10 more restrictive than the provisions of the State Sanitary Code.

1 10. Each violation of any provision of the State Sanitary Code shall con-
2 stitute a separate offense and each such violation shall be punishable by a pen-
3 alty of not less than twenty-five dollars (\$25.00) nor more than one hundred

4 dollars (\$100.00). Each such penalty shall be sued for and recovered in an
5 action at law, in any court of competent jurisdiction, by and in the name of
6 the State Department of Health or by and in the name of the local board of
7 health of the municipality in which the violation occurred.

7½ The pleadings in any such action shall conform in all respects to the
8 practice prevailing in the court in which the action shall be instituted,
9 but no pleading or process shall be set aside or invalidated by reason of
10 any formal or technical defects therein if the same contain a statement of
11 the nature of the alleged violation and of the section of the State Sanitary
12 Code alleged to have been violated. Upon the attention of the court being
13 called to any such formal or technical defect, the same shall be immediately
14 corrected and the pleading or process amended as a matter of course. As
15 to all other defects in pleadings or process, the same may be amended in
16 the discretion of the court, as in any other action or proceeding in such court.

17 In any such action when judgment is rendered against a defendant other
18 than a body corporate, execution may be issued against his goods and chattels
19 and body without any order of the court for that purpose first had and
20 obtained.

21 If the officer executing such writ is unable to find within his jurisdiction
22 sufficient goods and chattels of the defendant to satisfy the judgment, he
23 shall deliver the body of the defendant to the keeper of the common jail of
24 such county, there to be detained until discharged by the court in which the
25 judgment was obtained, or by one of the justices of the Supreme Court,
26 when such court or justice is satisfied that further confinement will not
27 result in the payment of the judgment and costs.

28 If judgment is rendered against a body corporate, execution shall be
29 issued against the goods and chattels of such body corporate as in other
30 actions at law.

31 Any penalty recovered in any such action shall be paid to the plaintiff
32 therein. When the plaintiff is the State Department of Health, the penalty
33 recovered shall be paid by the department to the State Treasurer. When

34 the plaintiff is a local board of health, the penalty recovered shall be paid
 35 by the local board into the treasury of the municipality within which the
 36 local board has jurisdiction.

1 11. In addition to its powers and duties otherwise provided in this act,
 2 the Public Health Council may:

3 a. Request from the commissioner such information, concerning the
 4 work of the department, as it may deem necessary;

5 b. Consider any matter relating to the preservation and improve-
 6 ment of public health, and may advise the commissioner thereon;

7 c. From time to time submit to the commissioner any recommenda-
 8 tions which it may deem necessary for the proper conduct of the
 9 department;

10 d. Study and investigate the public health activities of the State and
 11 report its findings thereon to the Governor and the Legislature.

1 12. Every local board of health shall file with the commissioner a certified
 2 copy of every by-law or ordinance of such board immediately upon passage
 3 of the same.

4 The Public Health Council may modify or annul any order, regula-
 5 tion, by-law or ordinance of any local board of health if, after giving reason-
 6 able notice and affording an opportunity to be heard to the members of such
 7 local board, the council shall determine that such order, regulation, by-law
 8 or ordinance concerns a matter which affects the public health beyond the
 9 territory over which such local board has jurisdiction.

ARTICLE IV

POWERS AND DUTIES OF THE COMMISSIONER

1 13. The commissioner shall, subject to approval by the Public Health
 2 Council, prescribe the organization of the department. He shall, subject to
 3 the provisions of Title 11 of the Revised Statutes relating to Civil Service,
 4 appoint the directors of the bureaus and such other personnel as he may
 5 consider necessary for the efficient performance of the work of the depart-
 6 ment.

7 He shall prescribe the duties of all such persons thus appointed and shall,
8 subject to approval by the Public Health Council, fix their compensation
9 within the limits of available appropriations. All such persons thus ap-
10 pointed shall be in the classified service of the Civil Service of the State,
11 unless otherwise provided by law.

1 14. Subject to approval by the Public Health Council, the commissioner
2 may, subject to any provisions of Title 11 of the Revised Statutes relating
3 thereto, abolish any office or position which in his judgment it may be unne-
4 cessary to retain.

1 15. The commissioner, in addition to his powers and duties otherwise
2 provided in this act or by any other law, shall:

3 a. Exercise all functions and powers of the department not spe-
4 cifically vested in the Public Health Council by this act;

5 b. Adopt rules and regulations governing the internal management
6 of the department;

7 c. Administer the work of the department;

8 d. Enforce all laws relating to the health of the people of the State,
9 and all provisions of the State Sanitary Code;

10 e. Administer all laws which are by their terms included under his
11 jurisdiction or under the jurisdiction of the department;

12 f. Maintain liaison with local, State and Federal officials and agencies
13 concerned with matters of public health or otherwise related to the func-
14 tions of the department;

15 g. Report to the Governor, the Legislature, and the Public Health
16 Council, with respect to the work of the department, on March fifteenth of
17 each year and at such other times as he may deem in the public interest;

18 h. Institute or cause to be instituted such legal proceedings or
19 processes as may be necessary properly to enforce and give effect to any
20 of his powers or duties as prescribed in this act;

21 i. Cause studies to be made to determine whether the recognized pub-
22 lic health activities of local health departments are being conducted and

23 whether minimum standards of performance are being met in all munici-
24 palities of the State and for the purposes of this subsection, the com-
25 missioner shall recommend and the Public Health Council shall prescribe
26 what are to be considered as "recognized public health activities" and
27 "minimum standards of performance";

28 j. Require local boards of health to establish and maintain a pro-
29 gram of recognized public health activities and to meet minimum stand-
30 ards of performance as prescribed by the Public Health Council in accord-
31 ance with the provisions of subsection "i" of this section.

1 16. The commissioner shall have full access to any premises for the pur-
2 pose of examination if he has reason to believe that on the premises there
3 exists a violation of any health law of the State or any provision of the State
4 Sanitary Code.

1 17. The commissioner shall have the same right of inspection in regard
2 to all matters affecting the public health as has been or may be conferred
3 upon the local boards of health.

1 18. The commissioner shall exercise general supervision over all matters
2 relating to sanitation and hygiene throughout the State. Whenever in the
3 opinion of the commissioner it is necessary or advisable, a sanitary survey of
4 the whole or of any part of the State shall be made. The commissioner may
5 enter upon, examine and survey any source and means of water supply,
6 sewage disposal plant, sewage system, prison, public or private place of de-
7 tention, asylum, hospital, school, public building, private institution, factory,
8 workshop, tenement, public wash room, public rest room, public toilet and
9 toilet facility, public eating room and restaurant, and also any premises in
10 which he has reason to believe there exists a violation of any health law of
11 the State, any provision of the State Sanitary Code, or any law which he
12 has the duty of administering.

1 19. The commissioner may make a sanitary inspection of any person or
2 property in transportation through the State, and of any car, boat, or other
3 vehicle in which such person or property may be transported, and may en-

4 force such detention or disinfection as may be necessary for the public safety.

1 20. Every local health official shall furnish the commissioner with such
2 information as the commissioner may demand, and shall perform such acts
3 as the commissioner may direct, with regard to, and within, the territory
4 under the jurisdiction of the local health official.

1 21. At least once in every year the commissioner shall call together local
2 health officials for a general conference on the subject of the health of the
3 people of the State, and a discussion of ways and means to promote the
4 same and to prevent disease.

1 22. Each local board of health may appoint one or more of its members,
2 officers, or employees as a delegate or delegates to attend the annual confer-
3 ence. The actual traveling and hotel expenses of each delegate shall be paid
4 by the treasurer or other disbursing officer of the municipality within which
5 the local board has jurisdiction, upon presentation by each delegate of a cer-
6 tificate of his appointment and a bill of his expenses duly verified by affidavit.

1 23. The commissioner shall call to the attention of any local board of
2 health, by such notice as he may deem reasonable, any failure on its part
3 to enforce the laws of the State or the provisions of the State Sanitary Code
4 and afford such local board an opportunity to explain its failure. The de-
5 termination of the commissioner as to what is a reasonable notice shall be
6 conclusive. If, after a hearing, it is found that no good reason exists for the
7 failure of the local board of health to enforce the law or the provisions of the
8 State Sanitary Code, the commissioner shall issue an order directing it to do
9 so.

10 If the local board fails to comply with such order within the time speci-
11 fied, or, if none is specified, within a reasonable time, the commissioner shall
12 immediately take such action as may be necessary to perform the acts speci-
13 fied in the order.

14 In all legal proceedings the order of the commissioner shall be prima
15 facie evidence of compliance with the provisions of this section, and con-
16 clusive evidence of the violation recited in the order.

1 24. Any contracts which the commissioner may make for the purpose
2 of carrying out the power given to him in the second paragraph of section
3 twenty-three of this act shall be binding upon the local municipality and shall
4 have the same force and effect as if duly authorized and made by the local
5 board of health.

1 25. Any moneys expended by the State, and the amount of all obligations
2 incurred by the State Department, to comply with the orders mentioned in
3 section twenty-three of this act may be recovered in an action at law, in the
4 name of the State Department, from the municipality the local board of
5 health of which failed to comply with the order, and when recovered shall be
6 paid to the State Treasurer.

1 26. Whenever any nuisance or source of foulness within the territorial
2 jurisdiction of any local board of health is of such a nature that, in the opin-
3 ion of the commissioner, it is hazardous to the health of persons residing
4 within the limits of the jurisdiction of such local board, the commissioner may
5 cause a notice in writing, signed by him, to be sent to the local board, requir-
6 ing it to cause the nuisance or source of foulness to be abated within such
7 time as the commissioner by the notice may specify.

1 27. If no action for abatement, as provided in section twenty-six of
2 this act shall be taken by the local board within the time specified in the
3 notice, or if in the opinion of the commissioner the action of the local board
4 shall not be such as the necessities of the case seem to him to require, the
5 commissioner may file a bill in the Court of Chancery in the name of the State
6 on the relation of the commissioner for an injunction to prohibit the continu-
7 ance of the nuisance or source of foulness.

1 28. Whenever any nuisance or foul odors injurious to the public health
2 within the territorial jurisdiction of a local board shall have a source of
3 origin outside such territorial jurisdiction, the State Commissioner of Health
4 may file a bill in the Court of Chancery, in the name of the State, on the
5 relation of the commissioner, for an injunction to prohibit the continuance of
6 the nuisance or source of foulness or ill health.

1 29. Any action instituted under sections twenty-six to twenty-eight of
2 this act shall proceed in the Court of Chancery according to the rules and
3 practice in such cases on the relation of individuals. Cases of emergency
4 shall have precedence over other pending litigation and may have final hear-
5 ing within such time and on such notice as the Chancellor may direct.

1 30. In every such action in which it shall be ascertained by the Court of
2 Chancery that the nuisance or source of foulness or ill health existed at the
3 time of the filing of the bill, substantially as therein set forth, the court may
4 abate the same by an injunction or otherwise, according to the practice of the
5 court. The court may charge the costs of the action upon the property
6 whereon the nuisance or source of foulness or ill health is found. Payment
7 of the costs may be enforced by the sale of property or any part of it, by writ
8 of fieri facias, or the court may order the persons who caused the nuisance
9 or source of foulness or ill health, or allowed the same to continue, to pay
10 the costs, and may enforce obedience to such order.

1 31. In case no such nuisance or source of foulness or ill health shall be
2 found to exist, costs shall not be awarded against the commissioner unless it
3 shall appear that no probable cause existed for bringing such suit.

1 32. Whenever the approval of the Department of Health is required to
2 any act, plan, paper, or proposed undertaking, the commissioner or one of
3 the bureau directors authorized for such purpose by him, shall examine
4 the same. If such examination is made by a bureau director he shall re-
5 port to the commissioner the results of his examination, together with his
6 recommendations for action. If in conducting such examination the com-
7 missioner deems it necessary, he shall conduct hearings and examine wit-
8 nesses.

1 33. The commissioner may cause to be made, in the State laboratory,
2 analyses and examinations of samples of water, food, drugs, pathological
3 materials and similar substances, when requested to do so by any official
4 agency in this State or by any duly licensed physician, dentist, pharmacist, or
5 veterinarian of this State.

6 The commissioner shall fix the charges to be made for analyses and
7 examinations and shall make rules governing the collection and examination
8 of samples.

9 All moneys received for the analyses and examinations of such samples
10 shall be paid by the commissioner to the State Treasurer.

1 34. Subject to approval by the Governor and the Public Health Council,
2 the commissioner may accept and administer for the State any grant, gift or
3 bequest to be applied, principal or income, or both, for the purpose specified
4 in such grant, gift or bequest, to the maintenance and use of any service in,
5 or activity of, the department.

1 35. Subject to approval by the Public Health Council, the commissioner
2 may accept the services of any local or Federal official or agency in such
3 manner and in such capacities as he may deem appropriate.

1 36. Subject to approval by the Governor and the Public Health Coun-
2 cil, the commissioner may apply for and accept grants from the Federal
3 Government or any officer or agency thereof, and may comply with the terms,
4 conditions and limitations thereof, for any of the purposes of this act. Any
5 moneys so received may be expended by the department, subject to any
6 limitations imposed in the grant, to effect any of the purposes of this act,
7 upon warrant of the Commissioner of Taxation and Finance on vouchers cer-
8 tified or approved by the Commissioner of Health.

ARTICLE V

FUNCTIONS OF THE DEPARTMENT

1 37. The department shall formulate comprehensive policies for the pro-
2 motion of public health and the prevention of disease within the State. It
3 shall in addition to other powers and duties vested in it by this act or by
4 any other law:

5 a. Collect, preserve and tabulate all information required by law in
6 reference to births, marriages, deaths and all vital facts and shall ob-
7 tain, collect and preserve such information relating to the health of

8 the people of the State and to the prevention of disease as may be use-
9-10 ful in the discharge of the functions of the department;

11 b. Prepare and administer or supervise a State-wide program of
12 health education, prepare and make available to practicing physicians and
13 local boards of health in the State technical information concerning public
14 health, co-operate with the Commissioner of Education in the prepara-
15 tion and distribution of health bulletins among all the public schools of
16 the State for the purpose of educating children in sanitation and hygiene,
16½ co-operate with the Commissioner of Education in the preparation of a
17 program of school health services.

17½ c. Administer or supervise a program of public health nursing, pre-
18 scribe the minimum qualifications of all public health nurses engaged in
19 official public health work, and encourage and aid in co-ordinating local
20 public health nursing services;

21 d. Encourage, direct and aid in co-ordinating local programs con-
22 cerning control of preventable diseases in accordance with a unified
23 State-wide plan which shall be formulated by the department;

24 e. Administer or supervise a program of maternal and child health
25 services, encourage and aid in co-ordinating local programs concerning
26 maternal and infant hygiene, and encourage and aid in co-ordinating local
27 programs concerning prenatal and post-natal care, and may, when re-
28 quested by a local board of education, supervise the work of school nurses;

28½ f. Administer or supervise a program of dental health, encourage
29 and aid in co-ordinating local programs concerning dental health;

30 g. Establish and maintain adequate serological, bacteriological and
31 chemical laboratories with such expert assistance and such facilities as
32 are necessary for routine examinations and analyses, and for original in-
33 vestigations and reseach in matters affecting public health;

34 h. Administer or supervise a program of industrial hygiene, encour-
35 age the establishment of medical, dental, environmental engineering and
36 nursing services in all industrial plants in the State, co-operate with the

37 State Department of Labor in formulating rules and regulations con-
38 cerning industrial sanitary conditions;

39 i. Supervise sanitary engineering facilities and projects within the
40 State, authority for which is now or may hereafter be vested by law in
41 the State Department of Health, and shall, in the exercise of such
42 supervision, make and enforce rules and regulations concerning plans
43 and specifications, or either, for the construction, improvement, alteration
44 or operation of all public water supplies, all public bathing places, and of
45 sewerage systems and disposal plants for treatment of sewage, wastes
46 and other deleterious matter, liquid or solid, discharged into any of the
47 waters of the State, require all such plans or specifications, or either, to
48 be first approved by it before any work thereunder shall be commenced,
49 inspect all such projects during the progress thereof and enforce com-
50 pliance with such approved plans and specifications;

51 j. Enforce the State food, drug, and cosmetic laws and collaborate
52 in the enforcement of the Federal Food, Drug, and Cosmetic Act;

53 k. Keep complete and accurate minutes of all hearings held before
54 the commissioner or any member of the department pursuant to the pro-
55 visions of this act.

56 All such minutes shall be retained in a permanent record, and shall be
57 available for public inspection at all times during the office hours of the de-
58 partment.

ARTICLE VI

EXAMINATION AND LICENSING OF HEALTH OFFICERS AND INSPECTORS

1 38. The Public Health Council shall prescribe the qualifications of health
2 officers, sanitary inspectors and plumbing inspectors.

3 As used in this section and sections thirty-nine to forty-two of this act,
4 "sanitary inspector" applies to every officer appointed by a local board of
5 health to aid in the enforcement of the sanitary laws of this State, or the
6 rules, regulations and ordinances of such local board, except health officers,

7 plumbing inspectors and persons performing merely clerical duties in the
8 office of the local board.

1 39. The commissioner shall cause examinations to be conducted in such
2 manner and at such times and places as he may prescribe, for the purpose
3 of determining the qualifications of applicants for licenses as health officers,
4 sanitary inspectors and plumbing inspectors.

1 40. Every such examination shall be in such public health subjects as the
2 commissioner shall direct.

1 41. The commissioner shall, in the name of the department, issue the
2 following classes of licenses:

- 3 a. Health officer's license;
- 4 b. Sanitary inspector's license of the first class;
- 5 c. Sanitary inspector's license of the second class;
- 6 d. Sanitary inspector's license of the third class;
- 7 e. Plumbing inspector's license.

8 However, any such license heretofore issued by the State Department of
9 Health shall, unless suspended or revoked in accordance with the provisions
10 of sections forty-three and forty-four of this act, remain in effect during the
11 term thereof.

1 42. Each applicant whose examination shall be approved by the com-
2 missioner shall receive the license to which his examination may entitle him.

1 43. Any license issued in accordance with the provisions of this article,
2 and any license of any class specified in section forty-one hereof heretofore
3 issued by the State Department of Health, may be suspended or revoked, in
4 the manner provided in section forty-four hereof, for any of the following
4½ causes:

- 5 a. Violation of any of the provisions of this act or of any law relat-
5½ ing to public health;
- 6 b. Violation of any provision of the State Sanitary Code;
- 7 c. Violation of any applicable local health regulation or ordinance;

8 d. Any act or happening occurring after the making of application
9 for such license which, if the same had occurred prior to said time, would
10 have prevented the issuance of such license.

1 44. Upon written charges alleging any such violation, act or happening
2 being filed with the Public Health Council by the commissioner or by the local
3 board of health within whose territory or jurisdiction such violation, act or
4 happening occurred, said Public Health Council shall thereupon fix a time and
5 place for a hearing before it thereon. Said Public Health Council shall, at
6 least ten days prior to such hearing, cause to be served upon the licensee,
7 either personally or by mailing the same by registered mail addressed to him
8 at his home address, a written copy of the charges and a written notice of the
9 time and place of the hearing.

10 At the hearing the Public Health Council shall hear all witnesses and re-
11 ceive all evidence produced, and if the charges are found to be true in fact,
12 and just cause be shown, the Public Health Council may suspend or revoke
13 said license.

14 A suspension or revocation of license shall be effected by a notice in
15 writing of such suspension or revocation, designating the effective date
16 thereof, and in case of suspension, the term of such suspension, which notice
17 may be served upon the licensee personally or by mailing the same by regis-
18 tered mail addressed to him at his home address.

19 A copy of such notice of suspension or revocation of license shall be filed
20 with the local board by the commissioner.

ARTICLE VII

HEARINGS AND INVESTIGATIONS

1 45. Whenever it is necessary for the Department of Health to hold any
2 hearing or to make any investigation, under any law or rule, the hearing may
3 be held or the examination be made by the direction of the commissioner, in
4 accordance with such rules as he may prescribe. The hearing or investiga-
5 tion may be before the commissioner or a member of the department desig-

6 nated by him. If before a member of the department so designated, he shall
7 submit to the commissioner the evidence taken by him, together with his
8 recommendations.

1 46. The commissioner and any member of the department authorized for
2 such purpose by him, may, in any part of the State, administer oaths and ex-
3 amine witnesses under oath in any matter relating to the powers and duties of
4 the department, or to the health of the people of the State, or to the pre-
5 vention of disease. Any persons who, having been so sworn, willfully gives
6 false testimony shall be guilty of perjury.

1 47. The commissioner may issue subpoenas, signed by him requiring the
2 attendance of witnesses and the production of books and papers in any part
3 of the State before him, or a member of the department designated by him.

1 48. Any person who, being served with a subpoena issued pursuant to
2 the provisions of section forty-seven of this act, shall fail to attend or give
3 testimony, unless such testimony incriminate him or subject him to a fine
4 or punishment, shall be liable to a penalty of five hundred dollars (\$500.00)
5 for each offense, to be recovered in the name of the State; the penalty, when
6 recovered, to be paid to the State Treasurer.

1 49. The Attorney-General shall prosecute the action for the recovery of
2 the penalty prescribed in section forty-eight of this act when requested so
3 to do by the commissioner, and when, in his judgment, the facts and the law
4 warrant such prosecution.

ARTICLE VIII

STATE HEALTH DISTRICTS

1 50. The commissioner may, subject to approval by the Public Health
2 Council, from time to time establish such health districts as he may deem
3 necessary. He shall, subject to the provisions of Title 11 of the Revised Stat-
4 utes, relating to civil service, appoint, for each of such districts, a district
5 State health officer who shall be a person qualified in public health adminis-
6 tration. All such persons thus appointed shall be in the classified service of

7 the civil service of the State, unless otherwise provided by law. The commis-
8 sioner shall, subject to approval by the Public Health Council, and within the
9 limits of available appropriations therefor, fix the compensation of each of
10 the district State health officers thus appointed. Each district State health
11 officer, under the direction of the commissioner and subject to the provisions
12 of the State Sanitary Code, shall, in addition to such other duties as may be
13 imposed upon him by the commissioner, perform the following duties:

- 13½ a. Keep himself informed as to the work of each local health depart-
14 ment within his health district;
- 14½ b. Aid each local health officer within his health district in the per-
15 formance of his duties, and particularly during the prevalence of any con-
16 tagious disease;
- 17 c. Assist each local health officer within his health district in mak-
18 ing an annual health survey of the territory within his jurisdiction, and
19 in maintaining therein a continuous sanitary supervision;
- 20 d. Call together the local health officers within the district or any
21 portion of it from time to time for conference;
- 22 e. Adjust questions of jurisdiction arising between local health offi-
23 cers within his district;
- 24 f. Study the causes of excessive mortality from any disease in any
25 portion of his district;
- 26 g. Promote efficient registration of births and deaths;
- 27 h. Endeavor to enlist the co-operation of all the organizations con-
28 cerned or interested in public health activities within his district, in the
29 improvement of public health therein;
- 30 i. Disseminate information to the general public in all matters per-
31 taining to public health; and
- 32 j. Act as the representative of the commissioner, and under his
33 direction, in securing the enforcement within his district of the provi-
34 sions of the State Sanitary Code and of the laws of this State pertain-
35 ing to public health.

ARTICLE IX

GENERAL

1 51. The offices of Perth Amboy Port health officer and deputy Perth
2 Amboy Port health officer are hereby abolished. The terms of office of the
3 present Perth Amboy Port health officer and deputy Perth Amboy Port
4 health officer shall expire on the thirtieth day of June, one thousand nine
5 hundred and forty-seven.

1 52. The functions, powers, duties, records and property of the present
2 State Department of Health and of the Perth Amboy Port health officer are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised and used by it pursuant to the pro-
5 visions of this act and as otherwise provided by law.

1 53. The terms of office of all the members of the present State Board
2 of Health shall expire on the thirtieth day of June, one thousand nine hun-
3 dred and forty-seven.

1 54. The term of office of the present State Director of Health shall ex-
2 pire on the thirtieth day of June, one thousand nine hundred and forty-seven,
3 but he shall continue in office until a State Commissioner of Health is ap-
4 pointed and qualified as provided in section three of this act.

1 55. The functions, powers and duties of the State Board of Health and
2 the functions, powers and duties of the present Director of Health are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised in accordance with the provisions of
5 this act and as otherwise provided by law.

1 56. The regulations contained in the present State Sanitary Code shall
2 continue with full force and effect until superseded pursuant to sections seven
3 and eight of this act.

1 57. All appropriations available and to become available to the present
2 State Department of Health and all appropriations available and to become

3 available to the offices abolished by this act are hereby transferred to the
4 State Department of Health established under this act.

1 58. The employees of the present State Department of Health, except
2 as otherwise provided in this act, are hereby transferred to the State De-
3 partment of Health established under this act. Persons so transferred shall
4 be assigned to such duties as the commissioner shall determine.

1 59. Nothing in this act shall be construed to deprive any person of any
2 right or protection provided him by Title 11 of the Revised Statutes or by
3 any pension law or retirement system.

1 60. The department shall be provided with suitable quarters which shall
2 be sufficient to house all of the bureaus of the department within the same
3 building.

1 61. Whenever the terms "State Board of Health," "State Department
2 of Health" and "Department of Health" occur or any reference is made
3 to any of said terms, in any law, they, and each of them, shall be deemed to
4 mean or refer to the State Department of Health as described in this act.
5 The Commissioner of Health shall, except as may be otherwise provided by
6 this act, have all powers conferred and perform all the duties imposed by
7 law upon the State Board of Health, or any member, committee or officer
8 thereof, including the secretary.

1 62. Whenever the terms "State Director of Health," "Perth Amboy
2 Port health officer" and "deputy Perth Amboy Port health officer" occur
3 or any reference is made to any of said terms, in any law, they, and each
4 of them, shall be deemed to mean or refer to the State Commissioner of
5 Health as described in this act.

1 63. This act shall not affect actions or proceedings, civil or criminal,
2 brought by or against the State Board of Health or the State Department of
3 Health, and pending on the first day of July, one thousand nine hundred and
4 forty-seven, and such actions or proceedings may be prosecuted or defended
5 in the same manner and to the same effect by the State Commissioner of
6 Health as if the foregoing provisions had not taken effect. Nor shall any of

7 the foregoing provisions affect in any manner any order or recommendation
 8 made by, or other matters or proceedings before, such State Board of Health
 9 or State Department of Health, and all such matters and proceedings pend-
 10 ing before such board or department on said date shall be continued before
 11 the State Commissioner of Health.

1 64. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this title unless otherwise specifically indicated:

3 "State department," "department of health" and "department"
 4 mean[s] the State Department of Health ["department of health of the
 5 State of New Jersey."];

6 ["State board" means the State Board of Health which is the govern-
 7 ing head of the department.]

8 "Commissioner" or "Director" [, except in chapter nine of this Title
 9 (Sec. 26:9-1 et seq.),] means the State Commissioner of Health who is the
 10 chief administrative officer of the State Department of Health [director of
 11 health who is the chief executive officer of the State Board of Health.] ;

12 "Council" means the Public Health Council in the State Department of
 13 Health;

14 "Bureau" means one of the bureaus in the State Department of Health;

15 "Bureau director" means the director of one of the bureaus in the State
 16 Department of Health;

17 "Local board" or "local board of health" means the board of health of
 18 any municipality or the boards, body, or officers in such municipality law-
 19 fully exercising any of the powers of a local board of health under the laws
 20 governing such municipality.

1 65. The following sections of the Revised Statutes are hereby repealed:
 2 Revised Statutes, sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114 and
 3 26:4-115.

1 66. This act is intended to protect the public health in this State and shall
 2 be liberally construed.

1 67. This act shall not be construed to deny the right of a person, parent,
2 guardian or custodian to treat or provide treatment for himself or an ill
3 minor in accordance with the religious tenets of any church as is now or may
4 hereafter be authorized by other statutes of this State, or to require any
5 such person or any of his minor children to submit to physical examination
6 other than as is now or may hereafter be required by other statutes of this
7 State, or to require any such person or any of his minor children to
8 submit to confinement in any hospital or medical institution other than as is
9 now or may hereafter be required by other statutes of this State; *provided,*
10 *always, however,* that the laws, rules and regulations relating to com-
11 municable diseases and sanitary matters are not violated.

1 68. This act shall take effect on the first day of July, one thousand nine
2 hundred and forty-seven, except that any appointment and any confirmation
3 of any appointment permitted by this act may be made prior to such date.

STATEMENT

The purpose of this bill is to consolidate the public health activities of the State. For this purpose the bill creates a Department of Health consisting of a commissioner, a public health council and such bureaus as the commissioner may, subject to approval by the Public Council, establish.

The functions, powers and duties of the State Department of Health, the State Board of Health, the State Director of Health, the Perth Amboy Port Health Officer and the Deputy Perth Amboy Port Health Officer are transferred to the new Department of Health. The commissioner will be the chief administrative officer of the department. He will be primarily charged with the responsibility for administering the health programs of the State.

The Public Health Council will advise the commissioner on matters relating to the preservation and improvement of public health. It will also: (1) enact a State Sanitary Code; (2) study and investigate public health activities in the State; (3) prescribe the qualifications of health officers, sanitary inspectors and

plumbing inspectors; (4) prescribe, on the recommendation of the commissioner, (a) what are to be considered as recognized public health activities to be conducted by local health departments, and (b) minimum standards of performance to be met by such departments; (5) hold hearings on charges filed with it to determine whether sufficient cause exists to warrant the suspension or revocation by it of any license issued by the department to a health officer, sanitary inspector, or plumbing inspector; and (6) approve or disapprove the following: (a) the organization of the department as prescribed by the commissioner; (b) the compensation of the directors of the bureaus and other personnel of the department as fixed by the commissioner; (c) the commissioner's abolition of any office or position in the department; and (d) the acceptance by the commissioner of the services of local or Federal officials or agencies.

The acceptance and administration by the commissioner of any grant, gift or bequest to the State for public health purposes, as well as the acceptance by the commissioner of Federal grants for public health purposes, will be subject to approval by the Governor and the Public Health Council.

The bill provides for the co-ordination of the public health activities of the State in the following fields: (1) maternal and child health services; (2) dental health; (3) public health nursing; (4) industrial hygiene; (5) sanitary engineering facilities; and (6) laboratory analyses. It also authorizes the commissioner, subject to approval by the Public Health Council, to establish State health districts to facilitate the integration and co-ordination of local health activities.

This bill contains the recommendations of the Commission on State Administrative Reorganization. In regard to the matter of a requirement of study in public health as a qualification for the office of commissioner, a matter on which the Commission has submitted two alternative provisions because its members were evenly divided with respect thereto, the sponsor of the bill, who is a member of the Commission, has included the provision for such requirement, which he himself recommends.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 6

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1947

By Mr. W. H. JONES

Referred to Committee on Judiciary

AN Act relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

ARTICLE I

DEFINITIONS

1 1. As used in this act, unless otherwise specifically indicated, "State
2 Department," "Department of Health" and "department" mean the State
3 Department of Health;

4 "Commissioner" means the State Commissioner of Health who is the
5 chief administrative officer of the State Department of Health;

6 "Council" means the Public Health Council in the State Department of
7 Health;

8 "Bureau" means one of the bureaus in the State Department of Health:

9 "Bureau director" means the director of one of the bureaus in the State
10 Department of Health;

11 "Local board" or "local board of health" means the board of health of
12 any municipality or the boards, bodies or officers in such municipality lawfully
13 exercising any of the powers of a local board of health under the laws gov-
14 erning such municipality.

ARTICLE II

1 2. There is hereby established, in the Executive Branch of the State Gov-
2 ernment, a State Department of Health.

1 3. The chief administrative officer of the department shall be the State
2 Commissioner of Health, who shall be a duly licensed physician, a graduate
3 of a regularly chartered and legally constituted medical school or college,
4 with either a degree in public health from, or at least one full year of grad-
5 uate study in public health leading to such degree in, a regularly chartered
6 and legally constituted school or institute of public health, college or uni-
7 versity, with skill in sanitary science, and with at least five years of full-time
8 experience in an administrative or executive capacity in a public health
9 agency. He shall be appointed by the Governor, by and with the advice and
10 consent of the Senate, and shall hold office for a term of five years and until
11 his successor is appointed and qualified.

12 He shall devote his entire time and attention to the duties of his office and
13 shall receive an annual compensation of fifteen thousand dollars (\$15,000.00).
14 He may be removed from office by the Governor, for cause.

15 Any vacancy occurring in the office of commissioner shall be filled in the
16 same manner as the original appointment, but for the unexpired term only.

1 4. There shall be in the department a Public Health Council which shall
2 consist of seven members, each of whom shall be chosen with due regard to
3 his knowledge of and interest in public health and each of whom shall be a
4 citizen of this State. Two of such members shall be duly licensed phy-
5 sicians. Each member shall be appointed by the Governor, by and with the

6 advice and consent of the Senate, for a term of seven years and until his suc-
7 cessor is appointed and qualified; *provided, however*, that the first appoint-
8 ments hereunder shall be for terms which shall commence on the first day of
9 July, one thousand nine hundred and forty-seven, and shall continue one for
10 one year, one for two years, one for three years, one for four years, one for
11 five years, one for six years and one for seven years. Any member of the
12 Public Health Council may be removed from office by the Governor, for cause.

13 Any vacancy occurring in the membership of the council for any cause
14 shall be filled in the same manner as the original appointment but for the
15 unexpired term only.

16 The members of the council shall serve without compensation, but shall
17 be reimbursed for necessary expenses incurred in the performance of their
18 duties.

1 5. There shall be within the department such bureaus as the commis-
2 sioner may, subject to approval by the Public Health Council, from time to
3 time establish. Each bureau shall be under the supervision of a director,
4 who shall be a person qualified by training and experience to direct the work
5 assigned to it; and two or more bureaus may be consolidated by the com-
6 missioner. The commissioner may authorize one of the bureau directors to
7 act for him and in his place, as his deputy, during his absence or disabil-
8 ity. The commissioner may delegate such of his powers, as he may deem
9 desirable for the efficient administration of the department, to be exercised
10 under his direction and supervision by one or more of the bureau directors.

11 Each bureau director shall devote his entire time and attention to the
12 performance of his duties.

ARTICLE III

POWERS AND DUTIES OF THE PUBLIC HEALTH COUNCIL

1 6. The Public Health Council shall enact and from time to time may
2 amend rules in relation to its meetings and the transaction of its business.
3 It shall meet in the offices of the department at Trenton in each month at
4 such times as its rules may prescribe. It shall meet at such other times and

5 places within the State as, in its judgment, may be necessary. Four mem-
6 bers of the council shall constitute a quorum thereof and, except as otherwise
7 provided in section seven of this act, all action shall be taken by a majority
8 vote. The commissioner shall attend all meetings of the council.

9 The council shall elect one of its members chairman who shall hold of-
10 fice for one year and until his successor shall be elected.

11 The council shall keep complete and accurate minutes of all of its meet-
12 ings, hearings, and other sessions. All such minutes shall be retained in a per-
13 manent record, and shall be available for public inspection at all times during
14 the office hours of the department.

1 7. The Public Health Council shall have power, by the affirmative vote
2 of a majority of all of its members, to establish, and from time to time amend
3 and repeal, such reasonable sanitary regulations not inconsistent with this
4 act or any other law of this State as may be necessary properly to preserve
5 and improve the public health in this State. The regulations so established
6 shall be called the State Sanitary Code.

7 The State Sanitary Code may cover any subject affecting public health,
8 or the preservation and improvement of public health and the prevention of
9 disease in the State of New Jersey. In addition thereto, and not in limitation
10 thereof, said State Sanitary Code may contain sanitary regulations: (a) pro-
11 hibiting nuisances hazardous to human health; (b) prohibiting pollution of
12 any water supply; (c) regulating the use of privies and cesspools; (d) reg-
13 ulating the disposition of excremental matter; (e) regulating the control of
14 fly and mosquito breeding places; (f) regulating the detection, reporting,
15 prevention and control of communicable and preventable diseases; (g) reg-
16 ulating the conduct of public funerals; (h) regulating the conduct of boarding
17 homes for children; (i) regulating the conduct of maternity homes and the
18 care of maternity and infant patients therein; (j) regulating the conduct of
19 camps; (k) regulating the production, distribution and sale of certified milk;
20 (l) regulating the preparation, handling, transportation, burial or other dis-
21 posal, disinterment and reburial of dead human bodies; and (m) prescribing
22 standards of cleanliness for public eating rooms and restaurants.

23 Prior to the final adoption by the council of any sanitary regulation or
24 amendment thereto or repealer thereof the council shall hold a public hearing
25 thereon. The council shall cause to be published, at least fifteen days prior to
26 such hearing, in such manner as such council shall determine, a notice of such
27 hearing, specifying the time when and the place where such hearing will be
28 held, together with the text of the proposed regulation, amendment or re-
29 pealer.

1 8. Every sanitary regulation or amendment thereto or repealer thereof
2 adopted in accordance with the provisions of section seven of this act shall
3 state the date on which it takes effect, and a copy thereof, duly signed by the
4 chairman of the council, shall be sent by the commissioner to each local board
5 of health and to the governing body of each municipality within the State, and
6 shall be published in such manner as the Public Health Council may from
7 time to time determine. The commissioner, or one of the bureau directors
8 designated by him, shall, for a fee of one dollar (\$1.00) each, furnish copies
9 of the State Sanitary Code and its amendments certified by the chairman of
10 the council and such certified copies shall be received in evidence in all court
11 or other judicial proceedings in the State.

1 9. The provisions of the State Sanitary Code shall have the force and
2 effect of law. Such code shall be observed throughout the State and shall be
3 enforced by each local board of health, the local police authorities and other
4 enforcement agencies. Nothing herein contained however shall be deemed to
5 limit the right of any local board of health to adopt such ordinances, rules and
6 regulations, as, in its opinion, may be necessary for the particular locality
7 under its jurisdiction; but such ordinances, rules and regulations shall not be
8 in conflict with the laws of this State or the provisions of the State Sanitary
9 Code, except, however, that such ordinances, rules and regulations may be
10 more restrictive than the provisions of the State Sanitary Code.

1 10. Each violation of any provision of the State Sanitary Code shall con-
2 stitute a separate offense and each such violation shall be punishable by a pen-
3 alty of not less than twenty-five dollars (\$25.00) nor more than one hundred

4 dollars (\$100.00). Each such penalty shall be sued for and recovered in an
5 action at law, in any court of competent jurisdiction, by and in the name of
6 the State Department of Health or by and in the name of the local board of
7 health of the municipality in which the violation occurred.

7½ The pleadings in any such action shall conform in all respects to the
8 practice prevailing in the court in which the action shall be instituted,
9 but no pleading or process shall be set aside or invalidated by reason of
10 any formal or technical defects therein if the same contain a statement of
11 the nature of the alleged violation and of the section of the State Sanitary
12 Code alleged to have been violated. Upon the attention of the court being
13 called to any such formal or technical defect, the same shall be immediately
14 corrected and the pleading or process amended as a matter of course. As
15 to all other defects in pleadings or process, the same may be amended in
16 the discretion of the court, as in any other action or proceeding in such court.

17 In any such action when judgment is rendered against a defendant other
18 than a body corporate, execution may be issued against his goods and chattels
19 and body without any order of the court for that purpose first had and
20 obtained.

21 If the officer executing such writ is unable to find within his jurisdiction
22 sufficient goods and chattels of the defendant to satisfy the judgment, he
23 shall deliver the body of the defendant to the keeper of the common jail of
24 such county, there to be detained until discharged by the court in which the
25 judgment was obtained, or by one of the justices of the Supreme Court,
26 when such court or justice is satisfied that further confinement will not
27 result in the payment of the judgment and costs.

28 If judgment is rendered against a body corporate, execution shall be
29 issued against the goods and chattels of such body corporate as in other
30 actions at law.

31 Any penalty recovered in any such action shall be paid to the plaintiff
32 therein. When the plaintiff is the State Department of Health, the penalty
33 recovered shall be paid by the department to the State Treasurer. When

34 the plaintiff is a local board of health, the penalty recovered shall be paid
35 by the local board into the treasury of the municipality within which the
36 local board has jurisdiction.

1 11. In addition to its powers and duties otherwise provided in this act,
2 the Public Health Council may:

3 a. Request from the commissioner such information, concerning the
4 work of the department, as it may deem necessary;

5 b. Consider any matter relating to the preservation and improve-
6 ment of public health, and may advise the commissioner thereon;

7 c. From time to time submit to the commissioner any recommenda-
8 tions which it may deem necessary for the proper conduct of the
9 department;

10 d. Study and investigate the public health activities of the State and
11 report its findings thereon to the Governor and the Legislature.

1 12. Every local board of health shall file with the commissioner a certified
2 copy of every by-law or ordinance of such board immediately upon passage
3 of the same.

4 The Public Health Council may modify or annul any order, regula-
5 tion, by-law or ordinance of any local board of health if, after giving reason-
6 able notice and affording an opportunity to be heard to the members of such
7 local board, the council shall determine that such order, regulation, by-law
8 or ordinance concerns a matter which affects the public health beyond the
9 territory over which such local board has jurisdiction.

ARTICLE IV

POWERS AND DUTIES OF THE COMMISSIONER

1 13. The commissioner shall, subject to approval by the Public Health
2 Council, prescribe the organization of the department. He shall, subject to
3 the provisions of Title 11 of the Revised Statutes relating to Civil Service,
4 appoint the directors of the bureaus and such other personnel as he may
5 consider necessary for the efficient performance of the work of the depart-
6 ment.

7 He shall prescribe the duties of all such persons thus appointed and shall,
8 subject to approval by the Public Health Council, fix their compensation
9 within the limits of available appropriations. All such persons thus ap-
10 pointed shall be in the classified service of the Civil Service of the State,
11 unless otherwise provided by law.

1 14. Subject to approval by the Public Health Council, the commissioner
2 may, subject to any provisions of Title 11 of the Revised Statutes relating
3 thereto, abolish any office or position which in his judgment it may be unne-
4 cessary to retain.

1 15. The commissioner, in addition to his powers and duties otherwise
2 provided in this act or by any other law, shall:

3 a. Exercise all functions and powers of the department not spe-
4 cifically vested in the Public Health Council by this act;

5 b. Adopt rules and regulations governing the internal management
6 of the department;

7 c. Administer the work of the department;

8 d. Enforce all laws relating to the health of the people of the State,
9 and all provisions of the State Sanitary Code;

10 e. Administer all laws which are by their terms included under his
11 jurisdiction or under the jurisdiction of the department;

12 f. Maintain liaison with local, State and Federal officials and agencies
13 concerned with matters of public health or otherwise related to the func-
14 tions of the department;

15 g. Report to the Governor, the Legislature, and the Public Health
16 Council, with respect to the work of the department, on March fifteenth of
17 each year and at such other times as he may deem in the public interest;

18 h. Institute or cause to be instituted such legal proceedings or
19 processes as may be necessary properly to enforce and give effect to any
20 of his powers or duties as prescribed in this act;

21 i. Cause studies to be made to determine whether the recognized pub-
22 lic health activities of local health departments are being conducted and

23 whether minimum standards of performance are being met in all municipi-
24 palities of the State and for the purposes of this subsection, the com-
25 missioner shall recommend and the Public Health Council shall prescribe
26 what are to be considered as "recognized public health activities" and
27 "minimum standards of performance";

28 j. Require local boards of health to establish and maintain a pro-
29 gram of recognized public health activities and to meet minimum stand-
30 ards of performance as prescribed by the Public Health Council in accord-
31 ance with the provisions of subsection "i" of this section.

1 16. The commissioner shall have full access to any premises for the pur-
2 pose of examination if he has reason to believe that on the premises there
3 exists a violation of any health law of the State or any provision of the State
4 Sanitary Code.

1 17. The commissioner shall have the same right of inspection in regard
2 to all matters affecting the public health as has been or may be conferred
3 upon the local boards of health.

1 18. The commissioner shall exercise general supervision over all matters
2 relating to sanitation and hygiene throughout the State. Whenever in the
3 opinion of the commissioner it is necessary or advisable, a sanitary survey of
4 the whole or of any part of the State shall be made. The commissioner may
5 enter upon, examine and survey any source and means of water supply,
6 sewage disposal plant, sewage system, prison, public or private place of de-
7 tention, asylum, hospital, school, public building, private institution, factory,
8 workshop, tenement, public wash room, public rest room, public toilet and
9 toilet facility, public eating room and restaurant, and also any premises in
10 which he has reason to believe there exists a violation of any health law of
11 the State, any provision of the State Sanitary Code, or any law which he
12 has the duty of administering.

1 19. The commissioner may make a sanitary inspection of any person or
2 property in transportation through the State, and of any car, boat, or other
3 vehicle in which such person or property may be transported, and may en-

4 force such detention or disinfection as may be necessary for the public safety.

1 20. Every local health official shall furnish the commissioner with such
2 information as the commissioner may demand, and shall perform such acts
3 as the commissioner may direct, with regard to, and within, the territory
4 under the jurisdiction of the local health official.

1 21. At least once in every year the commissioner shall call together local
2 health officials for a general conference on the subject of the health of the
3 people of the State, and a discussion of ways and means to promote the
4 same and to prevent disease.

1 22. Each local board of health may appoint one or more of its members,
2 officers, or employees as a delegate or delegates to attend the annual confer-
3 ence. The actual traveling and hotel expenses of each delegate shall be paid
4 by the treasurer or other disbursing officer of the municipality within which
5 the local board has jurisdiction, upon presentation by each delegate of a cer-
6 tificate of his appointment and a bill of his expenses duly verified by affidavit.

1 23. The commissioner shall call to the attention of any local board of
2 health, by such notice as he may deem reasonable, any failure on its part
3 to enforce the laws of the State or the provisions of the State Sanitary Code
4 and afford such local board an opportunity to explain its failure. The de-
5 termination of the commissioner as to what is a reasonable notice shall be
6 conclusive. If, after a hearing, it is found that no good reason exists for the
7 failure of the local board of health to enforce the law or the provisions of the
8 State Sanitary Code, the commissioner shall issue an order directing it to do
9 so.

10 If the local board fails to comply with such order within the time speci-
11 fied, or, if none is specified, within a reasonable time, the commissioner shall
12 immediately take such action as may be necessary to perform the acts speci-
13 fied in the order.

14 In all legal proceedings the order of the commissioner shall be prima
15 facie evidence of compliance with the provisions of this section, and con-
16 clusive evidence of the violation recited in the order.

1 24. Any contracts which the commissioner may make for the purpose
2 of carrying out the power given to him in the second paragraph of section
3 twenty-three of this act shall be binding upon the local municipality and shall
4 have the same force and effect as if duly authorized and made by the local
5 board of health.

1 25. Any moneys expended by the State, and the amount of all obligations
2 incurred by the State Department, to comply with the orders mentioned in
3 section twenty-three of this act may be recovered in an action at law, in the
4 name of the State Department, from the municipality the local board of
5 health of which failed to comply with the order, and when recovered shall be
6 paid to the State Treasurer.

1 26. Whenever any nuisance or source of foulness within the territorial
2 jurisdiction of any local board of health is of such a nature that, in the opin-
3 ion of the commissioner, it is hazardous to the health of persons residing
4 within the limits of the jurisdiction of such local board, the commissioner may
5 cause a notice in writing, signed by him, to be sent to the local board, requir-
6 ing it to cause the nuisance or source of foulness to be abated within such
7 time as the commissioner by the notice may specify.

1 27. If no action for abatement, as provided in section twenty-six of
2 this act shall be taken by the local board within the time specified in the
3 notice, or if in the opinion of the commissioner the action of the local board
4 shall not be such as the necessities of the case seem to him to require, the
5 commissioner may file a bill in the Court of Chancery in the name of the State
6 on the relation of the commissioner for an injunction to prohibit the continu-
7 ance of the nuisance or source of foulness.

1 28. Whenever any nuisance or foul odors injurious to the public health
2 within the territorial jurisdiction of a local board shall have a source of
3 origin outside such territorial jurisdiction, the State Commissioner of Health
4 may file a bill in the Court of Chancery, in the name of the State, on the
5 relation of the commissioner, for an injunction to prohibit the continuance of
6 the nuisance or source of foulness or ill health.

1 29. Any action instituted under sections twenty-six to twenty-eight of
2 this act shall proceed in the Court of Chancery according to the rules and
3 practice in such cases on the relation of individuals. Cases of emergency
4 shall have precedence over other pending litigation and may have final hear-
5 ing within such time and on such notice as the Chancellor may direct.

1 30. In every such action in which it shall be ascertained by the Court of
2 Chancery that the nuisance or source of foulness or ill health existed at the
3 time of the filing of the bill, substantially as therein set forth, the court may
4 abate the same by an injunction or otherwise, according to the practice of the
5 court. The court may charge the costs of the action upon the property
6 whereon the nuisance or source of foulness or ill health is found. Payment
7 of the costs may be enforced by the sale of property or any part of it, by writ
8 of fieri facias, or the court may order the persons who caused the nuisance
9 or source of foulness or ill health, or allowed the same to continue, to pay
10 the costs, and may enforce obedience to such order.

1 31. In case no such nuisance or source of foulness or ill health shall be
2 found to exist, costs shall not be awarded against the commissioner unless it
3 shall appear that no probable cause existed for bringing such suit.

1 32. Whenever the approval of the Department of Health is required to
2 any act, plan, paper, or proposed undertaking, the commissioner or one of
3 the bureau directors authorized for such purpose by him, shall examine
4 the same. If such examination is made by a bureau director he shall re-
5 port to the commissioner the results of his examination, together with his
6 recommendations for action. If in conducting such examination the com-
7 missioner deems it necessary, he shall conduct hearings and examine wit-
8 nesses.

1 33. The commissioner may cause to be made, in the State laboratory,
2 analyses and examinations of samples of water, food, drugs, pathological
3 materials and similar substances, when requested to do so by any official
4 agency in this State or by any duly licensed physician, dentist, pharmacist, or
5 veterinarian of this State.

6 The commissioner shall fix the charges to be made for analyses and
7 examinations and shall make rules governing the collection and examination
8 of samples.

9 All moneys received for the analyses and examinations of such samples
10 shall be paid by the commissioner to the State Treasurer.

1 34. Subject to approval by the Governor and the Public Health Council,
2 the commissioner may accept and administer for the State any grant, gift or
3 bequest to be applied, principal or income, or both, for the purpose specified
4 in such grant, gift or bequest, to the maintenance and use of any service in,
5 or activity of, the department.

1 35. Subject to approval by the Public Health Council, the commissioner
2 may accept the services of any local or Federal official or agency in such
3 manner and in such capacities as he may deem appropriate.

1 36. Subject to approval by the Governor and the Public Health Coun-
2 cil, the commissioner may apply for and accept grants from the Federal
3 Government or any officer or agency thereof, and may comply with the terms,
4 conditions and limitations thereof, for any of the purposes of this act. Any
5 moneys so received may be expended by the department, subject to any
6 limitations imposed in the grant, to effect any of the purposes of this act,
7 upon warrant of the Commissioner of Taxation and Finance on vouchers cer-
8 tified or approved by the Commissioner of Health.

ARTICLE V

FUNCTIONS OF THE DEPARTMENT

1 37. The department shall formulate comprehensive policies for the pro-
2 motion of public health and the prevention of disease within the State. It
3 shall in addition to other powers and duties vested in it by this act or by
4 any other law:

5 a. Collect, preserve and tabulate all information required by law in
6 reference to births, marriages, deaths and all vital facts and shall ob-
7 tain, collect and preserve such information relating to the health of

8 the people of the State and to the prevention of disease as may be use-
9-10 ful in the discharge of the functions of the department;

11 b. Prepare and administer or supervise a State-wide program of
12 health education, prepare and make available to practicing physicians and
13 local boards of health in the State technical information concerning public
14 health, co-operate with the Commissioner of Education in the prepara-
15 tion and distribution of health bulletins among all the public schools of
16 the State for the purpose of educating children in sanitation and hygiene,
16½ co-operate with the Commissioner of Education in the preparation of a
17 program of school health services.

17½ c. Administer or supervise a program of public health nursing, pre-
18 scribe the minimum qualifications of all public health nurses engaged in
19 official public health work, and encourage and aid in co-ordinating local
20 public health nursing services;

21 d. Encourage, direct and aid in co-ordinating local programs con-
22 cerning control of preventable diseases in accordance with a unified
23 State-wide plan which shall be formulated by the department;

24 e. Administer or supervise a program of maternal and child health
25 services, encourage and aid in co-ordinating local programs concerning
26 maternal and infant hygiene, and encourage and aid in co-ordinating local
27 programs concerning prenatal and post-natal care, and may, when re-
28 quested by a local board of education, supervise the work of school nurses;

28½ f. Administer or supervise a program of dental health, encourage
29 and aid in co-ordinating local programs concerning dental health;

30 g. Establish and maintain adequate serological, bacteriological and
31 chemical laboratories with such expert assistance and such facilities as
32 are necessary for routine examinations and analyses, and for original in-
33 vestigations and reseach in matters affecting public health;

34 h. Administer or supervise a program of industrial hygiene, encour-
35 age the establishment of medical, dental, environmental engineering and
36 nursing services in all industrial plants in the State, co-operate with the

37 State Department of Labor in formulating rules and regulations con-
38 cerning industrial sanitary conditions;

39 i. Supervise sanitary engineering facilities and projects within the
40 State, authority for which is now or may hereafter be vested by law in
41 the State Department of Health, and shall, in the exercise of such
42 supervision, make and enforce rules and regulations concerning plans
43 and specifications, or either, for the construction, improvement, alteration
44 or operation of all public water supplies, all public bathing places, and of
45 sewerage systems and disposal plants for treatment of sewage, wastes
46 and other deleterious matter, liquid or solid, discharged into any of the
47 waters of the State, require all such plans or specifications, or either, to
48 be first approved by it before any work thereunder shall be commenced,
49 inspect all such projects during the progress thereof and enforce com-
50 pliance with such approved plans and specifications;

51 j. Enforce the State food, drug, and cosmetic laws and collaborate
52 in the enforcement of the Federal Food, Drug, and Cosmetic Act;

53 k. Keep complete and accurate minutes of all hearings held before
54 the commissioner or any member of the department pursuant to the pro-
55 visions of this act.

56 All such minutes shall be retained in a permanent record, and shall be
57 available for public inspection at all times during the office hours of the de-
58 partment.

ARTICLE VI

EXAMINATION AND LICENSING OF HEALTH OFFICERS AND INSPECTORS

1 38. The Public Health Council shall prescribe the qualifications of health
2 officers, sanitary inspectors and plumbing inspectors.

3 As used in this section and sections thirty-nine to forty-two of this act,
4 "sanitary inspector" applies to every officer appointed by a local board of
5 health to aid in the enforcement of the sanitary laws of this State, or the
6 rules, regulations and ordinances of such local board, except health officers,

7 plumbing inspectors and persons performing merely clerical duties in the
8 office of the local board.

1 39. The commissioner shall cause examinations to be conducted in such
2 manner and at such times and places as he may prescribe, for the purpose
3 of determining the qualifications of applicants for licenses as health officers,
4 sanitary inspectors and plumbing inspectors.

1 40. Every such examination shall be in such public health subjects as the
2 commissioner shall direct.

1 41. The commissioner shall, in the name of the department, issue the
2 following classes of licenses:

- 3 a. Health officer's license;
- 4 b. Sanitary inspector's license of the first class;
- 5 c. Sanitary inspector's license of the second class;
- 6 d. Sanitary inspector's license of the third class;
- 7 e. Plumbing inspector's license.

8 However, any such license heretofore issued by the State Department of
9 Health shall, unless suspended or revoked in accordance with the provisions
10 of sections forty-three and forty-four of this act, remain in effect during the
11 term thereof.

1 42. Each applicant whose examination shall be approved by the com-
2 missioner shall receive the license to which his examination may entitle him.

1 43. Any license issued in accordance with the provisions of this article,
2 and any license of any class specified in section forty-one hereof heretofore
3 issued by the State Department of Health, may be suspended or revoked, in
4 the manner provided in section forty-four hereof, for any of the following
4½ causes:

- 5 a. Violation of any of the provisions of this act or of any law relat-
5½ ing to public health;
- 6 b. Violation of any provision of the State Sanitary Code;
- 7 c. Violation of any applicable local health regulation or ordinance;

8 d. Any act or happening occurring after the making of application
9 for such license which, if the same had occurred prior to said time, would
10 have prevented the issuance of such license.

1 44. Upon written charges alleging any such violation, act or happening
2 being filed with the Public Health Council by the commissioner or by the local
3 board of health within whose territory or jurisdiction such violation, act or
4 happening occurred, said Public Health Council shall thereupon fix a time and
5 place for a hearing before it thereon. Said Public Health Council shall, at
6 least ten days prior to such hearing, cause to be served upon the licensee,
7 either personally or by mailing the same by registered mail addressed to him
8 at his home address, a written copy of the charges and a written notice of the
9 time and place of the hearing.

10 At the hearing the Public Health Council shall hear all witnesses and re-
11 ceive all evidence produced, and if the charges are found to be true in fact,
12 and just cause be shown, the Public Health Council may suspend or revoke
13 said license.

14 A suspension or revocation of license shall be effected by a notice in
15 writing of such suspension or revocation, designating the effective date
16 thereof, and in case of suspension, the term of such suspension, which notice
17 may be served upon the licensee personally or by mailing the same by regis-
18 tered mail addressed to him at his home address.

19 A copy of such notice of suspension or revocation of license shall be filed
20 with the local board by the commissioner.

ARTICLE VII

HEARINGS AND INVESTIGATIONS

1 45. Whenever it is necessary for the Department of Health to hold any
2 hearing or to make any investigation, under any law or rule, the hearing may
3 be held or the examination be made by the direction of the commissioner, in
4 accordance with such rules as he may prescribe. The hearing or investiga-
5 tion may be before the commissioner or a member of the department desig-

6 nated by him. If before a member of the department so designated, he shall
7 submit to the commissioner the evidence taken by him, together with his
8 recommendations.

1 46. The commissioner and any member of the department authorized for
2 such purpose by him, may, in any part of the State, administer oaths and ex-
3 amine witnesses under oath in any matter relating to the powers and duties of
4 the department, or to the health of the people of the State, or to the pre-
5 vention of disease. Any persons who, having been so sworn, willfully gives
6 false testimony shall be guilty of perjury.

1 47. The commissioner may issue subpoenas, signed by him requiring the
2 attendance of witnesses and the production of books and papers in any part
3 of the State before him, or a member of the department designated by him.

1 48. Any person who, being served with a subpoena issued pursuant to
2 the provisions of section forty-seven of this act, shall fail to attend or give
3 testimony, unless such testimony incriminate him or subject him to a fine
4 or punishment, shall be liable to a penalty of five hundred dollars (\$500.00)
5 for each offense, to be recovered in the name of the State; the penalty, when
6 recovered, to be paid to the State Treasurer.

1 49. The Attorney-General shall prosecute the action for the recovery of
2 the penalty prescribed in section forty-eight of this act when requested so
3 to do by the commissioner, and when, in his judgment, the facts and the law
4 warrant such prosecution.

ARTICLE VIII

STATE HEALTH DISTRICTS

1 50. The commissioner may, subject to approval by the Public Health
2 Council, from time to time establish such health districts as he may deem
3 necessary. He shall, subject to the provisions of Title 11 of the Revised Stat-
4 utes, relating to civil service, appoint, for each of such districts, a district
5 State health officer who shall be a person qualified in public health adminis-
6 tration. All such persons thus appointed shall be in the classified service of

7 the civil service of the State, unless otherwise provided by law. The commis-
8 sioner shall, subject to approval by the Public Health Council, and within the
9 limits of available appropriations therefor, fix the compensation of each of
10 the district State health officers thus appointed. Each district State health
11 officer, under the direction of the commissioner and subject to the provisions
12 of the State Sanitary Code, shall, in addition to such other duties as may be
13 imposed upon him by the commissioner, perform the following duties:

- 13½ a. Keep himself informed as to the work of each local health depart-
14 ment within his health district;
- 14½ b. Aid each local health officer within his health district in the per-
15 formance of his duties, and particularly during the prevalence of any con-
16 tagious disease;
- 17 c. Assist each local health officer within his health district in mak-
18 ing an annual health survey of the territory within his jurisdiction, and
19 in maintaining therein a continuous sanitary supervision;
- 20 d. Call together the local health officers within the district or any
21 portion of it from time to time for conference;
- 22 e. Adjust questions of jurisdiction arising between local health offi-
23 cers within his district;
- 24 f. Study the causes of excessive mortality from any disease in any
25 portion of his district;
- 26 g. Promote efficient registration of births and deaths;
- 27 h. Endeavor to enlist the co-operation of all the organizations con-
28 cerned or interested in public health activities within his district, in the
29 improvement of public health therein;
- 30 i. Disseminate information to the general public in all matters per-
31 taining to public health; and
- 32 j. Act as the representative of the commissioner, and under his
33 direction, in securing the enforcement within his district of the provi-
34 sions of the State Sanitary Code and of the laws of this State pertain-
35 ing to public health.

ARTICLE IX

GENERAL

1 51. The offices of Perth Amboy Port health officer and deputy Perth
2 Amboy Port health officer are hereby abolished. The terms of office of the
3 present Perth Amboy Port health officer and deputy Perth Amboy Port
4 health officer shall expire on the thirtieth day of June, one thousand nine
5 hundred and forty-seven.

1 52. The functions, powers, duties, records and property of the present
2 State Department of Health and of the Perth Amboy Port health officer are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised and used by it pursuant to the pro-
5 visions of this act and as otherwise provided by law.

1 53. The terms of office of all the members of the present State Board
2 of Health shall expire on the thirtieth day of June, one thousand nine hun-
3 dred and forty-seven.

1 54. The term of office of the present State Director of Health shall ex-
2 pire on the thirtieth day of June, one thousand nine hundred and forty-seven,
3 but he shall continue in office until a State Commissioner of Health is ap-
4 pointed and qualified as provided in section three of this act.

1 55. The functions, powers and duties of the State Board of Health and
2 the functions, powers and duties of the present Director of Health are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised in accordance with the provisions of
5 this act and as otherwise provided by law.

1 56. The regulations contained in the present State Sanitary Code shall
2 continue with full force and effect until superseded pursuant to sections seven
3 and eight of this act.

1 57. All appropriations available and to become available to the present
2 State Department of Health and all appropriations available and to become

3 available to the offices abolished by this act are hereby transferred to the
4 State Department of Health established under this act.

1 58. The employees of the present State Department of Health, except
2 as otherwise provided in this act, are hereby transferred to the State De-
3 partment of Health established under this act. Persons so transferred shall
4 be assigned to such duties as the commissioner shall determine.

1 59. Nothing in this act shall be construed to deprive any person of any
2 right or protection provided him by Title 11 of the Revised Statutes or by
3 any pension law or retirement system.

1 60. The department shall be provided with suitable quarters which shall
2 be sufficient to house all of the bureaus of the department within the same
3 building.

1 61. Whenever the terms "State Board of Health," "State Department
2 of Health" and "Department of Health" occur or any reference is made
3 to any of said terms, in any law, they, and each of them, shall be deemed to
4 mean or refer to the State Department of Health as described in this act.
5 The Commissioner of Health shall, except as may be otherwise provided by
6 this act, have all powers conferred and perform all the duties imposed by
7 law upon the State Board of Health, or any member, committee or officer
8 thereof, including the secretary.

1 62. Whenever the terms "State Director of Health," "Perth Amboy
2 Port health officer" and "deputy Perth Amboy Port health officer" occur
3 or any reference is made to any of said terms, in any law, they, and each
4 of them, shall be deemed to mean or refer to the State Commissioner of
5 Health as described in this act.

1 63. This act shall not affect actions or proceedings, civil or criminal,
2 brought by or against the State Board of Health or the State Department of
3 Health, and pending on the first day of July, one thousand nine hundred and
4 forty-seven, and such actions or proceedings may be prosecuted or defended
5 in the same manner and to the same effect by the State Commissioner of
6 Health as if the foregoing provisions had not taken effect. Nor shall any of

7 the foregoing provisions affect in any manner any order or recommendation
8 made by, or other matters or proceedings before, such State Board of Health
9 or State Department of Health, and all such matters and proceedings pend-
10 ing before such board or department on said date shall be continued before
11 the State Commissioner of Health.

1 64. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this title unless otherwise specifically indicated:

3 "State department," "department of health" and "department"

4 mean the State Department of Health;

5 "Commissioner" or "Director" means the State Commissioner of
6 Health who is the chief administrative officer of the State Department of
7-11 Health;

12 "Council" means the Public Health Council in the State Department of
13 Health;

14 "Bureau" means one of the bureaus in the State Department of Health;

15 "Bureau director" means the director of one of the bureaus in the State
16 Department of Health;

17 "Local board" or "local board of health" means the board of health of
18 any municipality or the boards, body, or officers in such municipality law-
19 fully exercising any of the powers of a local board of health under the laws
20 governing such municipality.

1 65. The following sections of the Revised Statutes are hereby repealed:
2 Revised Statutes, sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114 and
3 26:4-115.

1 66. This act is intended to protect the public health in this State and shall
2 be liberally construed.

1 67. This act shall not be construed to deny the right of a person, parent,
2 guardian or custodian to treat or provide treatment for himself or an ill
3 minor in accordance with the religious tenets of any church as is now or may
4 hereafter be authorized by other statutes of this State, or to require any
5 such person or any of his minor children to submit to physical examination

6 other than as is now or may hereafter be required by other statutes of this
7 State, or to require any such person or any of his minor children to
8 submit to confinement in any hospital or medical institution other than as is
9 now or may hereafter be required by other statutes of this State; *provided,*
10 *always, however,* that the laws, rules and regulations relating to com-
11 municable diseases and sanitary matters are not violated.

1 68. This act shall take effect on the first day of July, one thousand nine
2 hundred and forty-seven, except that any appointment and any confirmation
3 of any appointment permitted by this act may be made prior to such date.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 6

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1947

By Mr. W. H. JONES

Referred to Committee on Judiciary

AN ACT relating to public health; providing for the establishment in the Executive Branch of the State Government of a State Department of Health, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of public health activities; abolishing the offices of Perth Amboy Port health officer and deputy Perth Amboy Port health officer; transferring to, and vesting in said State Department of Health the functions, powers and duties of the Perth Amboy Port health officer and of the deputy Perth Amboy Port health officer; amending section 26:1-1, repealing sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114, 26:4-115, and supplementing Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

ARTICLE I

DEFINITIONS

1 1. As used in this act, unless otherwise specifically indicated, "State
2 Department," "Department of Health" and "department" mean the State
3 Department of Health;

4 "Commissioner" means the State Commissioner of Health who is the
5 chief administrative officer of the State Department of Health;

6 "Council" means the Public Health Council in the State Department of
7 Health;

8 "Bureau" means one of the bureaus in the State Department of Health;

9 "Bureau director" means the director of one of the bureaus in the State
10 Department of Health;

11 "Local board" or "local board of health" means the board of health of
12 any municipality or the boards, bodies or officers in such municipality lawfully
13 exercising any of the powers of a local board of health under the laws gov-
14 erning such municipality.

ARTICLE II

1 2. There is hereby established, in the Executive Branch of the State Gov-
2 ernment, a State Department of Health.

1 3. The chief administrative officer of the department shall be the State
2 Commissioner of Health, who shall be a duly licensed physician, a graduate
3 of a regularly chartered and legally constituted medical school or college,
4-7 with skill in sanitary science, and with at least five years of full-time
8 experience in an administrative or executive capacity in a public health
9 agency. He shall be appointed by the Governor, by and with the advice and
10 consent of the Senate, and shall hold office for a term of five years and until
11 his successor is appointed and qualified.

12 He shall devote his entire time and attention to the duties of his office and
13 shall receive an annual compensation of fifteen thousand dollars (\$15,000.00).
14 He may be removed from office by the Governor, for cause.

15 Any vacancy occurring in the office of commissioner shall be filled in the
16 same manner as the original appointment, but for the unexpired term only.

1 4. There shall be in the department a Public Health Council which shall
2 consist of seven members, each of whom shall be chosen with due regard to
3 his knowledge of and interest in public health and each of whom shall be a
4 citizen of this State. Two of such members shall be duly licensed phy-
5 sicians. Each member shall be appointed by the Governor, by and with the
6 advice and consent of the Senate, for a term of seven years and until his suc-
7 cessor is appointed and qualified; *provided, however*, that the first appoint-

8 ments hereunder shall be for terms which shall commence on the first day of
9 July, one thousand nine hundred and forty-seven, and shall continue one for
10 one year, one for two years, one for three years, one for four years, one for
11 five years, one for six years and one for seven years. Any member of the
12 Public Health Council may be removed from office by the Governor, for cause.

13 Any vacancy occurring in the membership of the council for any cause
14 shall be filled in the same manner as the original appointment but for the
15 unexpired term only.

16 The members of the council shall serve without compensation, but shall
17 be reimbursed for necessary expenses incurred in the performance of their
18 duties.

1 5. There shall be within the department such bureaus as the commis-
2 sioner may, subject to approval by the Public Health Council, from time to
3 time establish. Each bureau shall be under the supervision of a director,
4 who shall be a person qualified by training and experience to direct the work
5 assigned to it; and two or more bureaus may be consolidated by the com-
6 missioner. The commissioner may authorize one of the bureau directors to
7 act for him and in his place, as his deputy, during his absence or disabil-
8 ity. The commissioner may delegate such of his powers, as he may deem
9 desirable for the efficient administration of the department, to be exercised
10 under his direction and supervision by one or more of the bureau directors.

11 Each bureau director shall devote his entire time and attention to the
12 performance of his duties.

ARTICLE III

POWERS AND DUTIES OF THE PUBLIC HEALTH COUNCIL

1 6. The Public Health Council shall enact and from time to time may
2 amend rules in relation to its meetings and the transaction of its business.
3 It shall meet in the offices of the department at Trenton in each month at
4 such times as its rules may prescribe. It shall meet at such other times and
5 places within the State as, in its judgment, may be necessary. Four mem-

6 bers of the council shall constitute a quorum thereof and, except as otherwise
7 provided in section seven of this act, all action shall be taken by a majority
8 vote. The commissioner shall attend all meetings of the council.

9 The council shall elect one of its members chairman who shall hold of-
10 fice for one year and until his successor shall be elected.

11 The council shall keep complete and accurate minutes of all of its meet-
12 ings, hearings, and other sessions. All such minutes shall be retained in a per-
13 manent record, and shall be available for public inspection at all times during
14 the office hours of the department.

1 7. The Public Health Council shall have power, by the affirmative vote
2 of a majority of all of its members, to establish, and from time to time amend
3 and repeal, such reasonable sanitary regulations not inconsistent with the
4 provisions of this act or the provisions of any other law of this State as may
5 be necessary properly to preserve and improve the public health in this
6 State. The regulations so established shall be called the State Sanitary Code.

7 The State Sanitary Code may cover any subject affecting public health,
8 or the preservation and improvement of public health and the prevention of
9 disease in the State of New Jersey. In addition thereto, and not in limitation
10 thereof, said State Sanitary Code may contain sanitary regulations: (a) pro-
11 hibiting nuisances hazardous to human health; (b) prohibiting pollution of
12 any water supply; (c) regulating the use of privies and cesspools; (d) reg-
13 ulating the disposition of excremental matter; (e) regulating the control of
14 fly and mosquito breeding places; (f) regulating the detection, reporting,
15 prevention and control of communicable and preventable diseases; (g) reg-
16 ulating the conduct of public funerals; (h) regulating the conduct of boarding
17 homes for children; (i) regulating the conduct of maternity homes and the
18 care of maternity and infant patients therein; (j) regulating the conduct of
19 camps; (k) regulating the production, distribution and sale of certified milk;
20 (l) regulating the preparation, handling, transportation, burial or other dis-
21 posal, disinterment and reburial of dead human bodies; and (m) prescribing
22 standards of cleanliness for public eating rooms and restaurants.

23 Prior to the final adoption by the council of any sanitary regulation or
24 amendment thereto or repealer thereof the council shall hold a public hearing
25 thereon. The council shall cause to be published, at least fifteen days prior to
26 such hearing, in such manner as such council shall determine, a notice of such
27 hearing, specifying the time when and the place where such hearing will be
28 held, together with the text of the proposed regulation, amendment or re-
29 pealer.

1 8. Every sanitary regulation or amendment thereto or repealer thereof
2 adopted in accordance with the provisions of section seven of this act shall
3 state the date on which it takes effect, and a copy thereof, duly signed by the
4 chairman of the council, shall be sent by the commissioner to each local board
5 of health and to the governing body of each municipality within the State, and
6 shall be published in such manner as the Public Health Council may from
7 time to time determine. The commissioner, or one of the bureau directors
8 designated by him, shall, for a fee of one dollar (\$1.00) each, furnish copies
9 of the State Sanitary Code and its amendments certified by the chairman of
10 the council and such certified copies shall be received in evidence in all court
11 or other judicial proceedings in the State.

1 9. The provisions of the State Sanitary Code shall have the force and
2 effect of law. Such code shall be observed throughout the State and shall be
3 enforced by each local board of health, the local police authorities and other
4 enforcement agencies. Nothing herein contained however shall be deemed to
5 limit the right of any local board of health to adopt such ordinances, rules and
6 regulations, as, in its opinion, may be necessary for the particular locality
7 under its jurisdiction; but such ordinances, rules and regulations shall not be
8 in conflict with the laws of this State or the provisions of the State Sanitary
9 Code, except, however, that such ordinances, rules and regulations may be
10 more restrictive than the provisions of the State Sanitary Code.

1 10. Each violation of any provision of the State Sanitary Code shall con-
2 stitute a separate offense and each such violation shall be punishable by a pen-
3 alty of not less than twenty-five dollars (\$25.00) nor more than one hundred

4 dollars (\$100.00). Each such penalty shall be sued for and recovered in an
5 action at law, in any court of competent jurisdiction, by and in the name of
6 the State Department of Health or by and in the name of the local board of
7 health of the municipality in which the violation occurred.

7½ The pleadings in any such action shall conform in all respects to the
8 practice prevailing in the court in which the action shall be instituted,
9 but no pleading or process shall be set aside or invalidated by reason of
10 any formal or technical defects therein if the same contain a statement of
11 the nature of the alleged violation and of the section of the State Sanitary
12 Code alleged to have been violated. Upon the attention of the court being
13 called to any such formal or technical defect, the same shall be immediately
14 corrected and the pleading or process amended as a matter of course. As
15 to all other defects in pleadings or process, the same may be amended in
16 the discretion of the court, as in any other action or proceeding in such court.

17 In any such action when judgment is rendered against a defendant other
18 than a body corporate, execution may be issued against his goods and chattels
19 and body without any order of the court for that purpose first had and
20 obtained.

21 If the officer executing such writ is unable to find within his jurisdiction
22 sufficient goods and chattels of the defendant to satisfy the judgment, he
23 shall deliver the body of the defendant to the keeper of the common jail of
24 such county, there to be detained until discharged by the court in which the
25 judgment was obtained, or by one of the justices of the Supreme Court,
26 when such court or justice is satisfied that further confinement will not
27 result in the payment of the judgment and costs.

28 If judgment is rendered against a body corporate, execution shall be
29 issued against the goods and chattels of such body corporate as in other
30 actions at law.

31 Any penalty recovered in any such action shall be paid to the plaintiff
32 therein. When the plaintiff is the State Department of Health, the penalty
33 recovered shall be paid by the department to the State Treasurer. When

34 the plaintiff is a local board of health, the penalty recovered shall be paid
 35 by the local board into the treasury of the municipality within which the
 36 local board has jurisdiction.

1 11. In addition to its powers and duties otherwise provided in this act,
 2 the Public Health Council may:

3 a. Request from the commissioner such information, concerning the
 4 work of the department, as it may deem necessary;

5 b. Consider any matter relating to the preservation and improve-
 6 ment of public health, and may advise the commissioner thereon;

7 c. From time to time submit to the commissioner any recommenda-
 8 tions which it may deem necessary for the proper conduct of the
 9 department;

10 d. Study and investigate the public health activities of the State and
 11 report its findings thereon to the Governor and the Legislature.

1 12. Every local board of health shall file with the commissioner a certified
 2 copy of every by-law or ordinance of such board immediately upon passage
 3 of the same.

4 The Public Health Council may modify or annul any order, regula-
 5 tion, by-law or ordinance of any local board of health if, after giving reason-
 6 able notice and affording an opportunity to be heard to the members of such
 7 local board, the council shall determine that such order, regulation, by-law
 8 or ordinance concerns a matter which affects the public health beyond the
 9 territory over which such local board has jurisdiction.

ARTICLE IV

POWERS AND DUTIES OF THE COMMISSIONER

1 13. The commissioner shall, subject to approval by the Public Health
 2 Council, prescribe the organization of the department. He shall, subject to
 3 the provisions of Title 11 of the Revised Statutes relating to Civil Service,
 4 appoint the directors of the bureaus and such other personnel as he may
 5 consider necessary for the efficient performance of the work of the depart-
 6 ment.

7 He shall prescribe the duties of all such persons thus appointed and shall,
8 subject to approval by the Public Health Council, fix their compensation
9 within the limits of available appropriations. All such persons thus ap-
10 pointed shall be in the classified service of the Civil Service of the State,
11 unless otherwise provided by law.

1 14. Subject to approval by the Public Health Council, the commissioner
2 may, subject to any provisions of Title 11 of the Revised Statutes relating
3 thereto, abolish any office or position which in his judgment it may be unne-
4 cessary to retain.

1 15. The commissioner, in addition to his powers and duties otherwise
2 provided in this act or by any other law, shall:

3 a. Exercise all functions and powers of the department not spe-
4 cifically vested in the Public Health Council by this act;

5 b. Adopt rules and regulations governing the internal management
6 of the department;

7 c. Administer the work of the department;

8 d. Enforce all laws relating to the health of the people of the State,
9 and all provisions of the State Sanitary Code;

10 e. Administer all laws which are by their terms included under his
11 jurisdiction or under the jurisdiction of the department;

12 f. Maintain liaison with local, State and Federal officials and agencies
13 concerned with matters of public health or otherwise related to the func-
14 tions of the department;

15 g. Report to the Governor, the Legislature, and the Public Health
16 Council, with respect to the work of the department, on March fifteenth of
17 each year and at such other times as he may deem in the public interest;

18 h. Institute or cause to be instituted such legal proceedings or
19 processes as may be necessary properly to enforce and give effect to any
20 of his powers or duties as prescribed in this act;

21 i. Cause studies to be made to determine whether the recognized pub-
22 lic health activities of local health departments are being conducted and

23 whether minimum standards of performance are being met in all municipi-
24 palities of the State and for the purposes of this subsection, the com-
25 missioner shall recommend and the Public Health Council shall prescribe
26 what are to be considered as "recognized public health activities" and
27 "minimum standards of performance";

28 j. Require local boards of health to establish and maintain a pro-
29 gram of recognized public health activities and to meet minimum stand-
30 ards of performance as prescribed by the Public Health Council in accord-
31 ance with the provisions of subsection "i" of this section.

1 16. The commissioner shall have full access to any premises for the pur-
2 pose of examination if he has reason to believe that on the premises there
3 exists a violation of any health law of the State or any provision of the State
4 Sanitary Code.

1 17. The commissioner shall have the same right of inspection in regard
2 to all matters affecting the public health as has been or may be conferred
3 upon the local boards of health.

1 18. The commissioner shall exercise general supervision over all matters
2 relating to sanitation and hygiene throughout the State. Whenever in the
3 opinion of the commissioner it is necessary or advisable, a sanitary survey of
4 the whole or of any part of the State shall be made. The commissioner may
5 enter upon, examine and survey any source and means of water supply,
6 sewage disposal plant, sewage system, prison, public or private place of de-
7 tention, asylum, hospital, school, public building, private institution, factory,
8 workshop, tenement, public wash room, public rest room, public toilet and
9 toilet facility, public eating room and restaurant, and also any premises in
10 which he has reason to believe there exists a violation of any health law of
11 the State, any provision of the State Sanitary Code, or any law which he
12 has the duty of administering.

1 19. The commissioner may make a sanitary inspection of any person or
2 property in transportation through the State, and of any car, boat, or other
3 vehicle in which such person or property may be transported, and may en-

4 force such detention or disinfection as may be necessary for the public safety.

1 20. Every local health official shall furnish the commissioner with such
2 information as the commissioner may demand, and shall perform such acts
3 as the commissioner may direct, with regard to, and within, the territory
4 under the jurisdiction of the local health official.

1 21. At least once in every year the commissioner shall call together local
2 health officials for a general conference on the subject of the health of the
3 people of the State, and a discussion of ways and means to promote the
4 same and to prevent disease.

1 22. Each local board of health may appoint one or more of its members,
2 officers, or employees as a delegate or delegates to attend the annual confer-
3 ence. The actual traveling and hotel expenses of each delegate shall be paid
4 by the treasurer or other disbursing officer of the municipality within which
5 the local board has jurisdiction, upon presentation by each delegate of a cer-
6 tificate of his appointment and a bill of his expenses duly verified by affidavit.

1 23. The commissioner shall call to the attention of any local board of
2 health, by such notice as he may deem reasonable, any failure on its part
3 to enforce the laws of the State or the provisions of the State Sanitary Code
4 and afford such local board an opportunity to explain its failure. The de-
5 termination of the commissioner as to what is a reasonable notice shall be
6 conclusive. If, after a hearing, it is found that no good reason exists for the
7 failure of the local board of health to enforce the law or the provisions of the
8 State Sanitary Code, the commissioner shall issue an order directing it to do
9 so.

10 If the local board fails to comply with such order within the time speci-
11 fied, or, if none is specified, within a reasonable time, the commissioner shall
12 immediately take such action as may be necessary to perform the acts speci-
13 fied in the order.

14 In all legal proceedings the order of the commissioner shall be prima
15 facie evidence of compliance with the provisions of this section, and con-
16 clusive evidence of the violation recited in the order.

1 24. Any contracts which the commissioner may make for the purpose
2 of carrying out the power given to him in the second paragraph of section
3 twenty-three of this act shall be binding upon the local municipality and shall
4 have the same force and effect as if duly authorized and made by the local
5 board of health.

1 25. Any moneys expended by the State, and the amount of all obligations
2 incurred by the State Department, to comply with the orders mentioned in
3 section twenty-three of this act may be recovered in an action at law, in the
4 name of the State Department, from the municipality the local board of
5 health of which failed to comply with the order, and when recovered shall be
6 paid to the State Treasurer.

1 26. Whenever any nuisance or source of foulness within the territorial
2 jurisdiction of any local board of health is of such a nature that, in the opin-
3 ion of the commissioner, it is hazardous to the health of persons residing
4 within the limits of the jurisdiction of such local board, the commissioner may
5 cause a notice in writing, signed by him, to be sent to the local board, requir-
6 ing it to cause the nuisance or source of foulness to be abated within such
7 time as the commissioner by the notice may specify.

1 27. If no action for abatement, as provided in section twenty-six of
2 this act shall be taken by the local board within the time specified in the
3 notice, or if in the opinion of the commissioner the action of the local board
4 shall not be such as the necessities of the case seem to him to require, the
5 commissioner may file a bill in the Court of Chancery in the name of the State
6 on the relation of the commissioner for an injunction to prohibit the continu-
7 ance of the nuisance or source of foulness.

1 28. Whenever any nuisance or foul odors injurious to the public health
2 within the territorial jurisdiction of a local board shall have a source of
3 origin outside such territorial jurisdiction, the State Commissioner of Health
4 may file a bill in the Court of Chancery, in the name of the State, on the
5 relation of the commissioner, for an injunction to prohibit the continuance of
6 the nuisance or source of foulness or ill health.

1 29. Any action instituted under sections twenty-six to twenty-eight of
2 this act shall proceed in the Court of Chancery according to the rules and
3 practice in such cases on the relation of individuals. Cases of emergency
4 shall have precedence over other pending litigation and may have final hear-
5 ing within such time and on such notice as the Chancellor may direct.

1 30. In every such action in which it shall be ascertained by the Court of
2 Chancery that the nuisance or source of foulness or ill health existed at the
3 time of the filing of the bill, substantially as therein set forth, the court may
4 abate the same by an injunction or otherwise, according to the practice of the
5 court. The court may charge the costs of the action upon the property
6 whereon the nuisance or source of foulness or ill health is found. Payment
7 of the costs may be enforced by the sale of property or any part of it, by writ
8 of fieri facias, or the court may order the persons who caused the nuisance
9 or source of foulness or ill health, or allowed the same to continue, to pay
10 the costs, and may enforce obedience to such order.

1 31. In case no such nuisance or source of foulness or ill health shall be
2 found to exist, costs shall not be awarded against the commissioner unless it
3 shall appear that no probable cause existed for bringing such suit.

1 32. Whenever the approval of the Department of Health is required to
2 any act, plan, paper, or proposed undertaking, the commissioner or one of
3 the bureau directors authorized for such purpose by him, shall examine
4 the same. If such examination is made by a bureau director he shall re-
5 port to the commissioner the results of his examination, together with his
6 recommendations for action. If in conducting such examination the com-
7 missioner deems it necessary, he shall conduct hearings and examine wit-
8 nesses.

1 33. The commissioner may cause to be made, in the State laboratory,
2 analyses and examinations of samples of water, food, drugs, pathological
3 materials and similar substances, when requested to do so by any official
4 agency in this State or by any duly licensed physician, dentist, pharmacist, or
5 veterinarian of this State.

6 The commissioner shall fix the charges to be made for analyses and
7 examinations and shall make rules governing the collection and examination
8 of samples.

9 All moneys received for the analyses and examinations of such samples
10 shall be paid by the commissioner to the State Treasurer.

1 34. Subject to approval by the Governor and the Public Health Council,
2 the commissioner may accept and administer for the State any grant, gift or
3 bequest to be applied, principal or income, or both, for the purpose specified
4 in such grant, gift or bequest, to the maintenance and use of any service in,
5 or activity of, the department.

1 35. Subject to approval by the Public Health Council, the commissioner
2 may accept the services of any local or Federal official or agency in such
3 manner and in such capacities as he may deem appropriate.

1 36. Subject to approval by the Governor and the Public Health Coun-
2 cil, the commissioner may apply for and accept grants from the Federal
3 Government or any officer or agency thereof, and may comply with the terms,
4 conditions and limitations thereof, for any of the purposes of this act. Any
5 moneys so received may be expended by the department, subject to any
6 limitations imposed in the grant, to effect any of the purposes of this act,
7 upon warrant of the Commissioner of Taxation and Finance on vouchers cer-
8 tified or approved by the Commissioner of Health.

ARTICLE V

FUNCTIONS OF THE DEPARTMENT

1 37. The department shall formulate comprehensive policies for the pro-
2 motion of public health and the prevention of disease within the State. It
3 shall in addition to other powers and duties vested in it by this act or by
4 any other law:

5 a. Collect, preserve and tabulate all information required by law in
6 reference to births, marriages, deaths and all vital facts and shall ob-
7 tain, collect and preserve such information relating to the health of

8 the people of the State and to the prevention of disease as may be use-
9-10 ful in the discharge of the functions of the department;

11 b. Prepare and administer or supervise a State-wide program of
12 health education, prepare and make available to practicing physicians and
13 local boards of health in the State technical information concerning public
14 health, co-operate with the Commissioner of Education in the prepara-
15 tion and distribution of health bulletins among all the public schools of
16 the State for the purpose of educating children in sanitation and hygiene,
16½ co-operate with the Commissioner of Education in the preparation of a
17 program of school health services.

17½ c. Administer or supervise a program of public health nursing, pre-
18 scribe the minimum qualifications of all public health nurses engaged in
19 official public health work, and encourage and aid in co-ordinating local
20 public health nursing services;

21 d. Encourage, direct and aid in co-ordinating local programs con-
22 cerning control of preventable diseases in accordance with a unified
23 State-wide plan which shall be formulated by the department;

24 e. Administer or supervise a program of maternal and child health
25 services, encourage and aid in co-ordinating local programs concerning
26 maternal and infant hygiene, and encourage and aid in co-ordinating local
27 programs concerning prenatal and post-natal care, and may, when re-
28 quested by a local board of education, supervise the work of school nurses;

28½ f. Administer or supervise a program of dental health, encourage
29 and aid in co-ordinating local programs concerning dental health;

30 g. Establish and maintain adequate serological, bacteriological and
31 chemical laboratories with such expert assistance and such facilities as
32 are necessary for routine examinations and analyses, and for original in-
33 vestigations and reseach in matters affecting public health;

34 h. Administer or supervise a program of industrial hygiene, encour-
35 age the establishment of medical, dental, environmental engineering and
36 nursing services in all industrial plants in the State, co-operate with the

37 State Department of Labor in formulating rules and regulations con-
38 cerning industrial sanitary conditions;

39 i. Supervise sanitary engineering facilities and projects within the
40 State, authority for which is now or may hereafter be vested by law in
41 the State Department of Health, and shall, in the exercise of such
42 supervision, make and enforce rules and regulations concerning plans
43 and specifications, or either, for the construction, improvement, alteration
44 or operation of all public water supplies, all public bathing places, and of
45 sewerage systems and disposal plants for treatment of sewage, wastes
46 and other deleterious matter, liquid or solid, discharged into any of the
47 waters of the State, require all such plans or specifications, or either, to
48 be first approved by it before any work thereunder shall be commenced,
49 inspect all such projects during the progress thereof and enforce com-
50 pliance with such approved plans and specifications;

51 j. Enforce the State food, drug, and cosmetic laws and collaborate
52 in the enforcement of the Federal Food, Drug, and Cosmetic Act;

53 k. Keep complete and accurate minutes of all hearings held before
54 the commissioner or any member of the department pursuant to the pro-
55 visions of this act.

56 All such minutes shall be retained in a permanent record, and shall be
57 available for public inspection at all times during the office hours of the de-
58 partment.

ARTICLE VI

EXAMINATION AND LICENSING OF HEALTH OFFICERS AND INSPECTORS

1 38. The Public Health Council shall prescribe the qualifications of health
2 officers, sanitary inspectors, food and drug inspectors, milk inspectors, meat
3 inspectors, and plumbing inspectors.

1 39. The commissioner shall cause examinations to be conducted in such
2 manner and at such times and places as he may prescribe, for the purpose
3 of determining the qualifications of applicants for licenses as health officers,

4 sanitary inspectors, food and drug inspectors, milk inspectors, meat inspec-
5 tors, and plumbing inspectors, of the classes and grades set forth in section
6 forty-one hereof.

1 40. Every such examination shall be in such public health subjects as the
2 commissioner shall direct.

1 41. The commissioner shall, in the name of the department, issue the
2 following classes and grades of licenses:

- 3 a. Health officer's license;
- 4 b. Sanitary inspector's license of the first grade;
- 5 c. Sanitary inspector's license of the second grade;
- 6 d. Plumbing inspector's license of the first grade;
- 7 e. Plumbing inspector's license of the second grade;
- 8 f. Food and drug inspector's license;
- 9 g. Milk inspector's license;
- 10 h. Meat inspector's license.

11 However, any health officer's license, sanitary inspector's license, and
12 plumbing inspector's license heretofore issued by the State Department of
13 Health shall, unless suspended or revoked in accordance with the provisions
14 of sections forty-three and forty-four of this act, remain in effect during the
15 term thereof.

1 42. Each applicant whose examination shall be approved by the com-
2 missioner shall receive the license to which his examination may entitle him.

1 43. Any license issued in accordance with the provisions of this article,
2 and any health officer's license, sanitary inspector's license, and plumbing in-
3 spector's license heretofore issued by the State Department of Health, may be
4 suspended or revoked, in the manner provided in section forty-four hereof,
4½ for any of the following causes:

- 5 a. Violation of any of the provisions of this act or of any law relat-
5½ ing to public health;
- 6 b. Violation of any provision of the State Sanitary Code;
- 7 c. Violation of any applicable local health regulation or ordinance;

8 d. Any act or happening occurring after the making of application
9 for such license which, if the same had occurred prior to said time, would
10 have prevented the issuance of such license.

1 44. Upon written charges alleging any such violation, act or happening
2 being filed with the Public Health Council by the commissioner or by the local
3 board of health within whose territory or jurisdiction such violation, act or
4 happening occurred, said Public Health Council shall thereupon fix a time and
5 place for a hearing before it thereon. Said Public Health Council shall, at
6 least ten days prior to such hearing, cause to be served upon the licensee,
7 either personally or by mailing the same by registered mail addressed to him
8 at his home address, a written copy of the charges and a written notice of the
9 time and place of the hearing.

10 At the hearing the Public Health Council shall hear all witnesses and re-
11 ceive all evidence produced, and if the charges are found to be true in fact,
12 and just cause be shown, the Public Health Council may suspend or revoke
13 said license.

14 A suspension or revocation of license shall be effected by a notice in
15 writing of such suspension or revocation, designating the effective date
16 thereof, and in case of suspension, the term of such suspension, which notice
17 may be served upon the licensee personally or by mailing the same by regis-
18 tered mail addressed to him at his home address.

19 A copy of such notice of suspension or revocation of license shall be filed
20 with the local board by the commissioner.

ARTICLE VII

HEARINGS AND INVESTIGATIONS

1 45. Whenever it is necessary for the Department of Health to hold any
2 hearing or to make any investigation, under any law or rule, the hearing may
3 be held or the examination be made by the direction of the commissioner, in
4 accordance with such rules as he may prescribe. The hearing or investiga-
5 tion may be before the commissioner or a member of the department desig-

6 nated by him. If before a member of the department so designated, he shall
7 submit to the commissioner the evidence taken by him, together with his
8 recommendations.

1 46. The commissioner and any member of the department authorized for
2 such purpose by him, may, in any part of the State, administer oaths and ex-
3 amine witnesses under oath in any matter relating to the powers and duties of
4 the department, or to the health of the people of the State, or to the pre-
5 vention of disease. Any persons who, having been so sworn, willfully gives
6 false testimony shall be guilty of perjury.

1 47. The commissioner may issue subpoenas, signed by him requiring the
2 attendance of witnesses and the production of books and papers in any part
3 of the State before him, or a member of the department designated by him.

1 48. Any person who, being served with a subpoena issued pursuant to
2 the provisions of section forty-seven of this act, shall fail to attend or give
3 testimony, unless such testimony incriminate him or subject him to a fine
4 or punishment, shall be liable to a penalty of five hundred dollars (\$500.00)
5 for each offense, to be recovered in the name of the State; the penalty, when
6 recovered, to be paid to the State Treasurer.

1 49. The Attorney-General shall prosecute the action for the recovery of
2 the penalty prescribed in section forty-eight of this act when requested so
3 to do by the commissioner, and when, in his judgment, the facts and the law
4 warrant such prosecution.

ARTICLE VIII

STATE HEALTH DISTRICTS

1 50. The commissioner may, subject to approval by the Public Health
2 Council, from time to time establish such health districts as he may deem
3 necessary. He shall, subject to the provisions of Title 11 of the Revised Stat-
4 utes, relating to civil service, appoint, for each of such districts, a district
5 State health officer who shall be a person qualified in public health adminis-
6 tration. All such persons thus appointed shall be in the classified service of

7 the civil service of the State, unless otherwise provided by law. The commis-
8 sioner shall, subject to approval by the Public Health Council, and within the
9 limits of available appropriations therefor, fix the compensation of each of
10 the district State health officers thus appointed. Each district State health
11 officer, under the direction of the commissioner and subject to the provisions
12 of the State Sanitary Code, shall, in addition to such other duties as may be
13 imposed upon him by the commissioner, perform the following duties:

13½ a. Keep himself informed as to the work of each local health depart-
14 ment within his health district;

14½ b. Aid each local health officer within his health district in the per-
15 formance of his duties, and particularly during the prevalence of any con-
16 tagious disease;

17 c. Assist each local health officer within his health district in mak-
18 ing an annual health survey of the territory within his jurisdiction, and
19 in maintaining therein a continuous sanitary supervision;

20 d. Call together the local health officers within the district or any
21 portion of it from time to time for conference;

22 e. Adjust questions of jurisdiction arising between local health offi-
23 cers within his district;

24 f. Study the causes of excessive mortality from any disease in any
25 portion of his district;

26 g. Promote efficient registration of births and deaths;

27 h. Endeavor to enlist the co-operation of all the organizations con-
28 cerned or interested in public health activities within his district, in the
29 improvement of public health therein;

30 i. Disseminate information to the general public in all matters per-
31 taining to public health; and

32 j. Act as the representative of the commissioner, and under his
33 direction, in securing the enforcement within his district of the provi-
34 sions of the State Sanitary Code and of the laws of this State pertain-
35 ing to public health.

ARTICLE IX

GENERAL

1 51. The offices of Perth Amboy Port health officer and deputy Perth
2 Amboy Port health officer are hereby abolished. The terms of office of the
3 present Perth Amboy Port health officer and deputy Perth Amboy Port
4 health officer shall expire on the thirtieth day of June, one thousand nine
5 hundred and forty-seven.

1 52. The functions, powers, duties, records and property of the present
2 State Department of Health and of the Perth Amboy Port health officer are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised and used by it pursuant to the pro-
5 visions of this act and as otherwise provided by law.

1 53. The terms of office of all the members of the present State Board
2 of Health shall expire on the thirtieth day of June, one thousand nine hun-
3 dred and forty-seven.

1 54. The term of office of the present State Director of Health shall ex-
2 pire on the thirtieth day of June, one thousand nine hundred and forty-seven,
3 but he shall continue in office until a State Commissioner of Health is ap-
4 pointed and qualified as provided in section three of this act.

1 55. The functions, powers and duties of the State Board of Health and
2 the functions, powers and duties of the present Director of Health are
3 hereby transferred to and vested in the State Department of Health estab-
4 lished under this act, to be exercised in accordance with the provisions of
5 this act and as otherwise provided by law.

1 56. The regulations contained in the present State Sanitary Code shall
2 continue with full force and effect until superseded pursuant to sections seven
3 and eight of this act.

1 57. All appropriations available and to become available to the present
2 State Department of Health and all appropriations available and to become

3 available to the offices abolished by this act are hereby transferred to the
4 State Department of Health established under this act.

1 58. The employees of the present State Department of Health, except
2 as otherwise provided in this act, are hereby transferred to the State De-
3 partment of Health established under this act. Persons so transferred shall
4 be assigned to such duties as the commissioner shall determine.

1 59. Nothing in this act shall be construed to deprive any person of any
2 right or protection provided him by Title 11 of the Revised Statutes or by
3 any pension law or retirement system.

1 60. The department shall be provided with suitable quarters which shall
2 be sufficient to house all of the bureaus of the department within the same
3 building.

1 61. Whenever the terms "State Board of Health," "State Department
2 of Health" and "Department of Health" occur or any reference is made
3 to any of said terms, in any law, they, and each of them, shall be deemed to
4 mean or refer to the State Department of Health as described in this act.
5 The Commissioner of Health shall, except as may be otherwise provided by
6 this act, have all powers conferred and perform all the duties imposed by
7 law upon the State Board of Health, or any member, committee or officer
8 thereof, including the secretary.

1 62. Whenever the terms "State Director of Health," "Perth Amboy
2 Port health officer" and "deputy Perth Amboy Port health officer" occur
3 or any reference is made to any of said terms, in any law, they, and each
4 of them, shall be deemed to mean or refer to the State Commissioner of
5 Health as described in this act.

1 63. This act shall not affect actions or proceedings, civil or criminal,
2 brought by or against the State Board of Health or the State Department of
3 Health, and pending on the first day of July, one thousand nine hundred and
4 forty-seven, and such actions or proceedings may be prosecuted or defended
5 in the same manner and to the same effect by the State Commissioner of
6 Health as if the foregoing provisions had not taken effect. Nor shall any of

7 the foregoing provisions affect in any manner any order or recommendation
 8 made by, or other matters or proceedings before, such State Board of Health
 9 or State Department of Health, and all such matters and proceedings pend-
 10 ing before such board or department on said date shall be continued before
 11 the State Commissioner of Health.

1 64. Section 26:1-1 of the Revised Statutes is amended to read as follows:

2 26:1-1. As used in this title unless otherwise specifically indicated:

3 "State department," "department of health" and "department"
 4 mean the State Department of Health;

5 "Commissioner" or "Director" means the State Commissioner of
 6 Health who is the chief administrative officer of the State Department of
 7-11 Health;

12 "Council" means the Public Health Council in the State Department of
 13 Health;

14 "Bureau" means one of the bureaus in the State Department of Health;

15 "Bureau director" means the director of one of the bureaus in the State
 16 Department of Health;

17 "Local board" or "local board of health" means the board of health of
 18 any municipality or the boards, body, or officers in such municipality law-
 19 fully exercising any of the powers of a local board of health under the laws
 20 governing such municipality.

1 65. The following sections of the Revised Statutes are hereby repealed:

2 Revised Statutes, sections 26:2-1 to 26:2-55, inclusive, 26:4-111, 26:4-114 and
 3 26:4-115.

1 66. This act is intended to protect the public health in this State and shall
 2 be liberally construed.

1 67. This act shall not be construed to deny the right of a person, parent,
 2 guardian or custodian to treat or provide treatment for himself or an ill
 3 minor in accordance with the religious tenets of any church as is now or may
 4 hereafter be authorized by other statutes of this State, or to require any
 5 such person or any of his minor children to submit to physical examination

6 other than as is now or may hereafter be required by other statutes of this
7 State, or to require any such person or any of his minor children to
8 submit to confinement in any hospital or medical institution other than as is
9 now or may hereafter be required by other statutes of this State; *provided,*
10 *always, however,* that the laws, rules and regulations relating to com-
11 municable diseases and sanitary matters are not violated.

1 68. The powers, duties and functions vested in the State Department of
2 Health under the provisions of this act shall not be construed to affect in any
3 manner the powers, duties and functions vested in the State Department of
4 Labor or the State Commissioner of Labor under any other provisions of
5 law.

1 69. This act shall take effect on the first day of July, one thousand nine
2 hundred and forty-seven, except that any appointment and any confirmation
3 of any appointment permitted by this act may be made prior to such date.