

IN THE SENATE

SENATE BILL NO. 1326

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO SUICIDE PREVENTION; AMENDING SECTION 56-1003, IDAHO CODE, TO  
2 GRANT CERTAIN AUTHORITY TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND  
3 WELFARE AND TO MAKE A TECHNICAL CORRECTION.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 56-1003, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have  
9 the following powers and duties:

10 (1) All of the powers and duties of the department of public health, the  
11 department of health, the board of health and all nonenvironmental protec-  
12 tion duties of the department of health and welfare are hereby vested to the  
13 director of the department of health and welfare. Provided however, that  
14 oversight of the department and rulemaking and hearing functions relating  
15 to public health and licensure and certification standards shall be vested  
16 in the board of health and welfare. Except when the authority is vested in  
17 the board of health and welfare under law, the director shall have all such  
18 powers and duties as may have been or could have been exercised by his pre-  
19 decessors in law, including the authority to adopt, promulgate, and enforce  
20 rules, and shall be the successor in law to all contractual obligations en-  
21 tered into by predecessors in law. All rulemaking proceedings and hearings  
22 of the director shall be governed by the provisions of chapter 52, title 67,  
23 Idaho Code.

24 (2) The director shall, pursuant and subject to the provisions of the  
25 Idaho Code, and the provisions of this chapter, formulate and recommend to  
26 the board rules, codes and standards, as may be necessary to deal with prob-  
27 lems related to personal health, and licensure and certification require-  
28 ments pertinent thereto, which shall, upon adoption by the board, have the  
29 force of law relating to any purpose which may be necessary and feasible for  
30 enforcing the provisions of this chapter including, but not limited to, the  
31 maintenance and protection of personal health. Any such rule or standard may  
32 be of general application throughout the state or may be limited as to times,  
33 places, circumstances or conditions in order to make due allowance for vari-  
34 ations therein.

35 (3) The director, under the rules, codes or standards adopted by him,  
36 shall have the general supervision of the promotion and protection of the  
37 life, health and mental health of the people of this state. The powers and  
38 duties of the director shall include, but not be limited to, the following:

39 (a) The issuance of licenses and permits as prescribed by law and by the  
40 rules of the board;

41 (b) The supervision and administration of laboratories and the super-  
42 vision and administration of standards of tests for environmental pol-

1 lution, chemical analyses and communicable diseases. The director may  
2 require that laboratories operated by any city, county, institution,  
3 person, firm or corporation for health or environmental purposes con-  
4 form to standards set by the board of health and welfare and the board of  
5 environmental quality;

6 (c) The supervision and administration of a mental health program,  
7 which shall include services for the evaluation, screening, custody and  
8 treatment of the mentally ill and those persons suffering from a mental  
9 defect, or mental defects, and services for the prevention of suicide;

10 (d) The enforcement of minimum standards of health, safety and sanita-  
11 tion for all public swimming pools within the state;

12 (e) The supervision and administration of the various schools, hos-  
13 pitals and institutions that were the responsibility of the board of  
14 health;

15 (f) The supervision and administration of services dealing with the  
16 problems of alcoholism including, but not limited to, the care and reha-  
17 bilitation of persons suffering from alcoholism;

18 (g) The establishment of liaison with other governmental departments,  
19 agencies and boards in order to effectively assist other governmental  
20 entities with the planning for the control of or abatement of health  
21 problems. All of the rules and standards adopted by the board shall  
22 apply to state institutions;

23 (h) The supervision and administration of an emergency medical service  
24 program including, but not limited to, assisting other governmental  
25 agencies and local governmental units, in providing first aid emergency  
26 medical services and for transportation of the sick and injured;

27 (i) The supervision and administration of administrative units whose  
28 responsibility shall be to assist and encourage counties, cities, other  
29 governmental units, and industries in the control of and/or abatement  
30 of health problems; and

31 (j) The enforcement of all laws, rules, codes and standards relating to  
32 health.

33 (4) The director, when so designated by the governor, shall have the  
34 power to apply for, receive on behalf of the state, and utilize any federal  
35 aid, grants, gifts, gratuities, or moneys made available through the federal  
36 government.

37 (5) The director shall have the power to enter into and make contracts  
38 and agreements with any public agencies or municipal corporations for fa-  
39 cilities, land, and equipment when such use will have a beneficial, recre-  
40 ational, or therapeutic effect or be in the best interest in carrying out the  
41 duties imposed upon the department.

42 The director shall also have the power to enter into contracts for the  
43 expenditure of state matching funds for local purposes. This subsection  
44 will constitute the authority for public agencies or municipal corporations  
45 to enter into such contracts and expend money for the purposes delineated in  
46 such contracts.

47 (6) The director is authorized to adopt an official seal to be used on  
48 appropriate occasions, in connection with the functions of the department or  
49 the board, and such seal shall be judicially noticed. Copies of any books,  
50 records, papers and other documents in the department shall be admitted in

1 evidence equally with the originals thereof when authenticated under such  
2 seal.

3 (7) The director, under rules adopted by the board of health and wel-  
4 fare, shall have the power to impose and enforce orders of isolation and  
5 quarantine to protect the public from the spread of infectious or communi-  
6 cable diseases or from contamination from chemical or biological agents,  
7 whether naturally occurring or propagated by criminal or terrorist act.

8 (a) An order of isolation or quarantine issued pursuant to this section  
9 shall be a final agency action for purposes of judicial review. How-  
10 ever, this shall not prevent the director from reconsidering, amend-  
11 ing or withdrawing the order. Judicial review of orders of isolation or  
12 quarantine shall be de novo. The court may affirm, reverse or modify the  
13 order and shall affirm the order if it appears by a preponderance of the  
14 evidence that the order is reasonably necessary to protect the public  
15 from a substantial and immediate danger of the spread of an infectious  
16 or communicable disease or from contamination by a chemical or biologi-  
17 cal agent.

18 (b) If the director has reasonable cause to believe a chemical or bi-  
19 ological agent has been released in an identifiable place, including a  
20 building or structure, an order of quarantine may be imposed to prevent  
21 the movement of persons into or out of that place, for a limited period  
22 of time, for the purpose of determining whether a person or persons at  
23 that place have been contaminated with a chemical or biological agent  
24 which may create a substantial and immediate danger to the public.

25 (c) Any person who violates an order of isolation or quarantine shall be  
26 guilty of a misdemeanor.

27 (8) The director shall develop safeguards necessary to ensure the se-  
28 curity of nonpublic personal information in the department's possession and  
29 to prevent undue disclosure of such information. The director shall estab-  
30 lish a process to authenticate requests made by a person, entity or jurisdic-  
31 tion arising under the 2007 Hague Convention on the International Recovery  
32 of Child Support and Other Forms of Family Maintenance. In the event the de-  
33 partment becomes aware of any improper disclosure, the director shall take  
34 all actions required under section 28-51-105, Idaho Code.