

**ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND INFECTIOUS DISEASES**

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§ 1282. [1] **State Board of Health May Establish Quarantine and Control Epidemics.**—The state board of health is empowered to establish and strictly maintain quarantine at such places as it may deem proper, and forbid and prevent the assembling of the people in any place, when the said board or the state director of health or any county or municipal health officer deems that the public health and safety so demand, and may adopt rules and regulations to obstruct and prevent the introduction or spread of smallpox or other communicable or infectious diseases into or within the State, and shall have the power to enforce these regulations by detention and arrest, if necessary. It shall have power to enter into any town, city, factory, railroad train, steamboat or other place whatsoever, and enter upon and inspect private property for the purpose of investigating the sanitary and hygienic conditions and the presence of cases of infectious diseases, and may, at its discretion, take charge of any epidemic or endemic conditions, and enforce such regulations as it may prescribe. All expenses incurred in controlling any endemic or epidemic conditions shall be paid by the county or municipality in which such epidemic occurs.

§ 1283. [2] **Powers of County and Municipal Boards of Health to Establish Quarantine; Penalty for Violation.**—The county board of health of any county may declare quarantine therein, or in any particular district or place therein, whenever in their judgment it is necessary to prevent the spread of any communicable or infectious disease prevalent therein, or to prevent the introduction of any communicable or infectious disease prevailing in any other state, county or place, and of any and all persons and things likely to spread such infection. As soon as such quarantine is established such board shall, in writing, inform the state board of health thereof, the duty of which it shall be to ascertain, as soon as practicable, the necessity therefor, if any exists, and if the said state board or the state board or the state director of health, acting for the said state board, finds that no such necessity exists, the same shall, by the said state board, be declared raised. The said county board of health shall have power and authority to enforce such quarantine until the same is raised as aforesaid,

or by themselves, and may confine any such infected person, or any person liable to spread such infection, to the house or premises in which he resides, or if he has no residence in the county, at a place to be provided by them for the purpose; and if it shall become necessary to do so, they shall summon sufficient guard for the enforcement of their orders in the premises. Every person who shall fail or refuse to comply with any order made by such board under this section, and every person summoned as such guard who shall, without a lawful excuse, fail or refuse to obey the orders and directions of such board in enforcing said quarantine, shall be guilty of a misdemeanor, and for such offense shall be fined not less than twenty-five nor more than two hundred dollars. In cases of emergency or actual necessity, and when the court or corporate authorities are from any cause unable to meet or to provide for the emergency or the necessity of the case, all actual expenditures necessary for local and county quarantine, as provided for in this section, shall be certified by the county board of health to the county court, and the whole, or as much thereof as the said court may deem right and proper, shall be paid out of the county treasury. The board of health of any city, town or village shall have, within the municipality, the same powers and perform the same duties herein conferred upon and required of the county board of health in their county. So far as applicable the provisions of this section shall apply to any quarantine established and maintained by the state board of health pursuant to section one [ § 1282 ] of this article.

§ 1284. [3] **Communicable Disease on Vessels or Trains.**—The state department of health, its agents and employees, and the local boards of health, in the absence of the state department, its agents and employees, when they have reason to believe that any steamboat or other water craft navigating the Ohio River or its tributaries in this State, or any other of the waters of the State, or bordering thereon, is infected with any communicable disease, may prevent the landing of such boat or craft at any point in this State. They may also, if they have reason to believe that any railroad train, coach or other vehicles passing on or along any railroad in this State, contains any person having a communicable disease or any thing infected with contagious matter, detain such train, coach or vehicle at any station or point on such railroad where it can be done with safety, for a time sufficient to examine the same, and if found to be so infected, for a time sufficient to disinfect the same; and if the conductor or person in charge of such train, coach or vehicle, shall willfully fail or refuse to stop the said train, coach or vehicle for the time aforesaid, he shall be guilty of a misdemeanor and punished as prescribed in section two ( § 1283 ) of this article.

§ 1285. [4] **Compulsory Immunization of School Children; Offenses; Penalties.**—All children entering school for the first time in this State shall be or shall have been successfully immunized against smallpox and diphtheria. Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that a successful immunization for either or both smallpox and diphtheria is impossible or improper or sufficient reason why either or both immunizations should not be done, shall be immunized for both smallpox and diphtheria within the first month of attendance at school. No child or person shall be admitted or received in any of the public schools of the State after the first month of attendance at school until he or she has been successfully immunized as hereinafter provided, or produces a certificate from a reputable physician showing that a successful immunization for both smallpox and diphtheria has been done or is impossible or improper

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or other sufficient reasons why such immunizations have not been done. The teacher of such pupils entering school for the first time shall ascertain whether or not said pupils have been immunized against both smallpox and diphtheria and shall report to the county health officer all pupils who have not been immunized. It shall be the duty of the health officer in counties having a full-time health officer to see that children who have not been immunized before entering school be immunized during the first month.

In counties where there is no full-time health officer or district health officer, the county court or municipal council shall appoint competent physicians to do the immunizations and fix their compensation. The expense incurred in carrying into effect the provisions of this section shall be deemed a part of the expense of the county, city, town or village as the case may be, and shall be charged and paid in the same manner as other expenses. County health departments shall furnish the biologicals for this immunization free of charge.

Health officers and physicians who shall do this immunization work shall give to all persons and children a certificate free of charge showing that they have been successfully immunized against smallpox and diphtheria, or he may give the certificate to any person or child whom he knows to have been successfully immunized against smallpox and diphtheria. If any physician shall give any person a false certificate of immunization against either small pox or diphtheria, he shall be guilty of a misdemeanor and upon conviction he shall be fined not less than twenty-five nor more than one hundred dollars.

Any parent or guardian who refuses to permit their child to be immunized against smallpox or diphtheria, who cannot give satisfactory proof that the child or person has been immunized against smallpox and diphtheria previously or a certificate from a reputable physician showing that a successful immunization for either or both is impossible or improper or sufficient reason why either or both immunizations should not be done, shall be guilty of a misdemeanor, and, except as herein otherwise provided, shall be punished by a fine of not less than ten nor more than fifty dollars for each offense.

**§ 1286. [5] Free Serum or Vaccine Preventives of Disease.**—The state board of health shall purchase vaccine lymph, diphtheria antitoxin, tetanus antitoxin and such other forms of serum or vaccine preventives of disease as he may deem necessary, and shall distribute the same, free of charge, in such quantities as he may deem necessary, to county and municipal health officers, to be used by them for the benefit of, and without expense to the indigent within their respective jurisdictions, and in other cases where it may be urgently necessary to check contagions and control epidemics.

The state board of health shall also deliver, free of charge, to such drug stores or other stores within each county as the health officer of such county may designate as proper depositories, such quantities of diphtheria antitoxin as said board may deem necessary for the use of the indigent of such county, and such antitoxin shall be kept at said drug stores or other stores at all times and in sufficient quantities to permit immediate delivery to any licensed physician who may require the same for the treatment of any indigent person inflicted with diphtheria, or to prevent such infection, without cost to the patient so treated. The state board of health shall take a receipt from the proprietor of each drug store or other store for any antitoxin delivered as herein provided.

cient reasons why such immunizations have not been done. If such pupils entering school for the first time shall ascertain that said pupils have been immunized against both smallpox and shall report to the county health officer all pupils who have not been immunized. It shall be the duty of the health officer in the absence of a full-time health officer to see that children who have not been immunized before entering school be immunized during the first

where there is no full-time health officer or district health officer the county court or municipal council shall appoint competent persons to do the immunizations and fix their compensation. The expense of carrying into effect the provisions of this section shall be deemed to be an expense of the county, city, town or village as the case may be charged and paid in the same manner as other expenses. The health departments shall furnish the biologicals for this immunization

Health officers and physicians who shall do this immunization work shall give to all persons and children a certificate free of charge showing that they have been successfully immunized against smallpox and diphtheria, and shall give the certificate to any person or child whom he knows to have not been successfully immunized against smallpox and diphtheria. If a health officer shall give any person a false certificate of immunization against smallpox or diphtheria, he shall be guilty of a misdemeanor and upon conviction he shall be fined not less than twenty-five nor more than fifty dollars.

A parent or guardian who refuses to permit their child to be immunized against smallpox or diphtheria, who cannot give satisfactory proof that their child or person has been immunized against smallpox and diphtheria, or who does not have a certificate from a reputable physician showing that a child's immunization for either or both is impossible or improper or who states the reason why either or both immunizations should not be done, shall be guilty of a misdemeanor, and, except as herein otherwise provided, shall be punished by a fine of not less than ten nor more than fifty dollars for each offense.

[5] **Free Serum or Vaccine Preventives of Disease.**—The board of health shall purchase vaccine lymph, diphtheria antitoxin, and such other forms of serum or vaccine preventives as he may deem necessary, and shall distribute the same, free of charge, in such quantities as he may deem necessary, to county and district health officers, to be used by them for the benefit of, and in accordance with the indigent within their respective jurisdictions, and in any place where it may be urgently necessary to check contagions and epidemics.

The board of health shall also deliver, free of charge, to such drug stores or other stores within each county as the health officer of such county may designate as proper depositories, such quantities of diphtheria antitoxin and such vaccine lymph as he may deem necessary for the use of the indigent and such antitoxin shall be kept at said drug stores or other depositories in sufficient quantities to permit immediate delivery to any physician who may require the same for the treatment of any person afflicted with diphtheria, or to prevent such infection, or to the patient so treated. The state board of health shall take from the proprietor of each drug store or other store for any amount delivered as herein provided.

The auditor of the State shall pay the actual cost of all said serum and vaccine preventives and the cost of delivering said diphtheria antitoxin to any drug store or other store, upon the presentation of the original invoices thereof, duly verified by affidavit and approved by the state director of health, and shall in addition pay to said drug stores or other stores, for delivery of said diphtheria antitoxin to the physicians aforesaid, a commission of ten per cent of the original cost of said antitoxin so delivered.

§ 1287. [6] **Nuisances Affecting Public Health.**—The state board of health, the state director of health or any county or municipal health officer shall inquire into and investigate all nuisances affecting the public health within its or his jurisdiction; and the said board or any such officer or the county court of any county or any municipality is authorized and empowered to apply to the circuit court of the county in which any such nuisance exists, or to the judge thereof in vacation, for an injunction forthwith to restrain, prevent or abate such nuisance.

§ 1288. [7] **Inflammation of the Eyes of the New-Born.**—Any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two weeks after the birth of such infant, shall be known as "inflammation of the eyes of the new-born" (ophthalmia neonatorum).

§ 1289. [8] **Same; Duty of Those Assisting at Childbirth to Report Cases; Treatment.**—It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant, at childbirth, or at any time within two weeks after childbirth, knowing that the condition described in the preceding section exists, immediately to report such fact in writing to the local health officer of the county or municipality within which the infant or the mother of any infant may reside. In the event of there being no health officer in such county or municipality, the nurse or midwife in attendance shall immediately report the condition to some qualified practitioner of medicine and thereupon withdraw from the case except as she may act under the physician's instructions. On receipt of such report, the health officer, or the physician notified by a midwife where no health officer exists, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye, or eyes, of said infant, and shall for indigent cases provide the necessary treatment at the expense of said county or municipality.

§ 1290. [9] **Same; Duties of Local Health Officer.**—It shall be the duty of the local health officer to investigate, or have investigated, every such case reported to him in pursuance of law, and any other cases that may come to his attention; to report all cases of inflammation of the eyes of the new-born and the result of all such investigations as the public health council shall direct; and to conform to such other rules and regulations as the public health council shall promulgate for his further guidance.

§ 1291. [10] **Same; Use of Silver Nitrate Drops as Prophylactic; Birth Report.**—It shall be unlawful for any physician, or midwife practicing midwifery, to neglect or otherwise fail to instill or have instilled, immediately upon its birth, in the eyes of the new-born babe, one or two drops of a one per cent

solution of silver nitrate or midwife above solution

§ 1292. [11] **Duty of the Local Health Officer.**—The duty of the local health officer on each day of each month to make reports of births and deaths to the board of health that the solution of silver nitrate or midwife above solution

§ 1293. [12] **Duty of the Local Health Officer.**—The duty of the local health officer on each day of each month to make reports of births and deaths to the board of health that the solution of silver nitrate or midwife above solution

(a) To enforce the provisions of this act, inclusive, of the provisions of this act

(b) To provide for the purpose of the provisions of this act, to be deemed necessary

(c) To provide for the purpose of the provisions of this act, to be deemed necessary

(d) To provide for the purpose of the provisions of this act, to be deemed necessary

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(f) To provide for the purpose of the provisions of this act, to be deemed necessary

(g) To provide for the purpose of the provisions of this act, to be deemed necessary

§ 1294. [13] **Duty of the Local Health Officer.**—The duty of the local health officer on each day of each month to make reports of births and deaths to the board of health that the solution of silver nitrate or midwife above solution

solution of silver nitrate, furnished by the public health council. Every physician or midwife shall, in making a report of a birth, state whether or not the above solution was instilled into the eyes of said infant.

**§ 1292. [11] Same; Duty of Clerk of County Court.**—It shall be the duty of the clerk of the county court of each county, on or before the fifteenth day of each month, to certify to the prosecuting attorney of his county all reports of births filed during the preceding calendar month which fail to show that the solution hereinbefore provided for was instilled.

**§ 1293. [12] Same; Duties of State Board of Health.**—It shall be the duty of the state board of health:

(a) To enforce the provisions of sections seven to thirteen, [§§ 1288-1294] inclusive, of this article;

(b) To promulgate such rules and regulations as shall be necessary for the purpose of enforcing said provisions, and as the state board of health may deem necessary for the further and proper guidance of local health officers;

(c) To provide for the gratuitous distribution of one per cent solution of silver nitrate outfits, together with proper directions for the use and administration thereof, to all physicians and midwives who may be engaged in the practice of obstetrics, or assisting at childbirth;

(d) To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new-born as is necessary for prompt and effective treatment;

(e) To furnish copies of sections seven to thirteen, [§§ 1288-1294] inclusive, of this article to all physicians and midwives who may be engaged in the practice of obstetrics, or assisting at childbirth;

(f) To keep a proper record of any and all cases of inflammation of the eyes of the new-born of which reports are filed with the state board of health pursuant to law, or which may come to their attention in any way, and to constitute such records a part of the annual report to the governor;

(g) To report any and all violations of the public health laws or of any rules or regulations lawfully adopted pursuant thereto that may come to their attention, to the prosecuting attorney of the county wherein said violations may have occurred, and to assist said official in any way possible in the prosecution of such cases.

**§ 1294. [13] Same; Offenses; Penalties.**—Whoever, being a physician, surgeon, midwife, obstetrician, nurse, manager or person in charge of a maternity home or hospital, parent, relative, or person attending upon or assisting at the birth of an infant, violates any of the provisions of sections eight or ten of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars.