

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 203

FINAL READING

Introduced by Kauth, 31.

Read first time January 14, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend
- 2 sections 71-1626, 71-1630, and 71-1632, Reissue Revised Statutes of
- 3 Nebraska; to define terms; to change powers and duties of health
- 4 directors as prescribed; to provide requirements relating to
- 5 community-wide directed health measures; to harmonize provisions;
- 6 and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-1626, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-1626 For purposes of sections 71-1626 to 71-1636 and section 4 of
4 this act:

5 (1) Community-wide directed health measure means a public health
6 action or intervention by a local public health department involving the
7 total population of the jurisdiction of such local public health
8 department when there are no known epidemiological links;

9 (2) (1) Core public health functions means assessment, policy
10 development, and assurance designed to protect and improve the health of
11 persons within a geographically defined community by (a) emphasizing
12 services to prevent illness, disease, and disability, (b) promoting
13 effective coordination and use of community resources, and (c) extending
14 health services into the community, including public health nursing,
15 disease prevention and control, public health education, and
16 environmental health services;

17 (3) (2) County, district, or city-county health department means a
18 governmental entity approved by the Department of Health and Human
19 Services as a local full-time public health service which (a) utilizes
20 local, state, federal, and other funds or any combination thereof, (b)
21 employs qualified public health medical, nursing, environmental health,
22 health education, and other essential personnel who work under the
23 direction and supervision of a full-time qualified medical director or of
24 a full-time qualified lay administrator and are assisted at least part
25 time by at least one medical consultant who shall be a licensed
26 physician, and (c) is operated in conformity with the rules, regulations,
27 and policies of the Department of Health and Human Services. The medical
28 director or lay administrator shall be called the health director; and

29 (4) Epidemiological link means an instance in which an individual
30 may have had exposure to a communicable disease and exposure through
31 known modes of transmission is plausible. An exposure may be considered

1 epidemiologically linked if at least one entity in the chain of
2 transmission is a contact or a confirmed, probable, or suspect case; and
3 (5) (3) Local public health department means a county, district, or
4 city-county health department.

5 **Sec. 2.** Section 71-1630, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-1630 (1) When a health department has been established by the
8 county board of a county and approved by the Department of Health and
9 Human Services as a county health department, the county board of such
10 county shall appoint a board of health which shall consist of the
11 following members: (a) One member of the county board; (b) one dentist;
12 (c) one physician; and (d) six public-spirited men or women interested in
13 the health of the community. The physician and dentist shall each serve
14 an initial term of three years. Three public-spirited men or women shall
15 each serve an initial term of three years, and three public-spirited men
16 or women shall each serve an initial term of two years. After the initial
17 terms of office expire, each new appointment shall be for a term of three
18 years. Appointments to fill any vacancies shall be for the unexpired term
19 of the member whose term is being filled by such appointment. A county
20 association or society of dentists or physicians or its managing board
21 may submit each year to the county board a list of three persons of
22 recognized ability in such profession. If such a list is submitted, the
23 county board, in making an appointment for such profession, shall
24 consider the names on the list and may appoint one of the persons so
25 named.

26 (2) When a district health department has been established by a
27 joint resolution of the county boards of each county in a district health
28 department, the county boards of such district shall meet and establish a
29 district board of health with due consideration for a fair and equitable
30 representation from the entire area to be served. The district board of
31 health shall consist of the following members: (a) One member of each

1 county board in the district, (b) at least one physician, (c) at least
2 one dentist, and (d) one or more public-spirited men or women interested
3 in the health of the community from each county in the district. One-
4 third of the members shall be appointed for terms of one year, one-third
5 for terms of two years, and one-third for terms of three years. After
6 their terms of office expire, each new appointment shall be for a term of
7 three years. Appointments to fill any vacancies shall be for the
8 unexpired terms. A county association or society of dentists or
9 physicians or its managing board may submit each year to the county
10 boards a list of three persons of recognized ability in such profession.
11 If such a list is submitted, the county boards, in making an appointment
12 for such profession, shall consider the names on the list and may appoint
13 one of the persons so named.

14 (3) Except as provided in subsection (4) of this section, when the
15 county board of any county and the city council of any city located in
16 such county have executed an agreement, approved by the Department of
17 Health and Human Services, for maintaining a city-county health
18 department, the city and county shall establish a city-county board of
19 health. It shall consist of the following members selected by a majority
20 vote of the city council and the county board, with due consideration to
21 be given in an endeavor to secure a fair and equitable representation
22 from the entire area to be served: (a) One representative of the county
23 board, (b) one representative from the city council, (c) one physician,
24 (d) one dentist, and (e) five public-spirited men or women, not employed
25 in the health industry or in the health professions, who are interested
26 in the health of the community. One-third of its members shall be
27 appointed for terms of one year, one-third for terms of two years, and
28 one-third for terms of three years. After their terms of office expire,
29 each new appointment shall be for a period of three years. A county
30 association or society of dentists or physicians or its managing board
31 may submit each year to the city council and the county board a list of

1 three persons of recognized ability in such profession. If such a list is
2 submitted, the city council and the county board, in making an
3 appointment for such profession, shall consider the names on the list and
4 may appoint one of the persons so named.

5 (4)(a) When the county board of any county having a population of
6 more than two hundred thousand inhabitants and the city council of any
7 city located in such county have executed an agreement, approved by the
8 Department of Health and Human Services, for maintaining a city-county
9 health department on or after January 1, 1997, the city and county shall
10 establish a city-county board of health. The board shall consist of the
11 following members to be appointed by the mayor with the consent of the
12 city council and county board: One representative of the county board,
13 one representative from the city council, one physician, one dentist, and
14 five public-spirited persons who are interested in the health of the
15 community. Three of the members shall be appointed for terms of one year,
16 three for terms of two years, and three for terms of three years. After
17 the initial terms of office expire, each successor member shall be
18 appointed for a term of three years. The physician and dentist members
19 shall be appointed as provided in this subdivision. The mayor shall
20 invite the local county association or society of dentists or physicians
21 or its managing board to timely submit to the mayor a list of three
22 persons of recognized ability in the profession. A list is timely
23 submitted if it is submitted within sixty days after the mayor's
24 invitation. If the list is not timely submitted, the mayor may consider
25 the list timely submitted at any time prior to making an appointment,
26 otherwise the mayor shall appoint a person of recognized ability in the
27 profession. If the list is timely submitted, the mayor shall consider the
28 names on the list and shall either appoint one of the persons on the list
29 or invite a list of three new names using the process provided in this
30 subdivision.

31 (b) The board of health shall, immediately after appointment, meet

1 and organize by the election of one of its own members as president and
2 one as vice president. The board members may elect such other officers as
3 they deem necessary and may adopt and promulgate rules for the guidance
4 of the board which are not inconsistent with law or the agreement
5 creating the board. If any board member resigns or ceases to meet the
6 requirements for eligibility on the board, or if there is any other
7 vacancy on the board, the mayor shall appoint another representative to
8 serve for the member's unexpired term subject to consent by a majority
9 vote of both the city council and the county board. Any appointment to
10 fill a vacancy on the board shall be for the unexpired term of the member
11 whose vacancy is being filled.

12 (c) The board of health shall have the following duties:

13 (i) Assessment of community health status and available resources
14 for health matters, including collecting and analyzing relevant data and
15 annually reporting and making recommendations on improving public health
16 matters to the mayor, city council, and county board;

17 (ii) Policy development for proposals before the board of health,
18 the city council, and the county board to support and improve public
19 health, including appointing, with the approval of the mayor, city
20 council, and county board, advisory committees to the board of health to
21 facilitate community development functions and coalition building related
22 to public health and adopting and approving official health department
23 policies consistent with applicable law and approved by the affirmative
24 vote of not less than five board members at a regular meeting of the
25 board in the following areas:

26 (A) Community health services and health promotion and outreach,
27 specifically including policies related to the following:

28 (I) Client services and fees;

29 (II) Standing orders, supervision, screening, and emergency and
30 referral protocols and procedures;

31 (III) Monitoring and reporting; and

1 (IV) Communicable disease investigation, immunization, vaccination,
2 testing, and prevention measures, including measures to arrest the
3 progress of communicable diseases;

4 (B) Environmental health, specifically including policies related to
5 the following:

6 (I) Permitting, inspection, and enforcement;

7 (II) Monitoring, sampling, and reporting;

8 (III) Technical assistance and plan review; and

9 (IV) Prevention measures;

10 (C) Investigating and controlling diseases and injury, specifically
11 including policies related to the following:

12 (I) Permitting, inspection, and enforcement;

13 (II) Monitoring, sampling, and reporting;

14 (III) Technical assistance and plan review; and

15 (IV) Prevention measures; and

16 (D) Other health matters as may be requested by the city council or
17 county board; and

18 (iii) Assurance that needed services are available through public or
19 private sources in the community, including:

20 (A) Acting in an advisory capacity to review and recommend changes
21 to ordinances, resolutions, and resource allocations before the city
22 council or county board related to health matters;

23 (B) Annually reviewing and recommending changes in the proposed
24 budget for resource allocations related to the health department as
25 provided in the city-county agreement; and

26 (C) Monitoring and reviewing the enforcement of laws and regulations
27 of the board of health, city council, and county board related to public
28 health in the community.

29 (d) The mayor of the city shall appoint, with the approval of the
30 board of health, city council, and county board, the health director of
31 the health department. The health director shall be a member of the

1 unclassified service of the city under the direction and supervision of
2 the mayor. The health director shall be well-trained in public health
3 work, but ~~he or she~~ need not be a graduate of an accredited medical
4 school. If the health director is not a graduate of an accredited medical
5 school, the health director shall be assisted at least part time by at
6 least one medical consultant who is a licensed physician. The mayor shall
7 submit the health department budget to the city council and county board.
8 The mayor shall also provide budget information to the board of health
9 with sufficient time to allow such board to consider such information.
10 The mayor may enter into contracts and accept grants on behalf of the
11 health department. The mayor may terminate the health director with
12 approval of a majority vote of the city council, the county board, and
13 the board of health. The health director shall:

14 (i) Provide administrative supervision of the health department;
15 (ii) Make all necessary sanitary and health investigations and
16 inspections;

17 (iii) Investigate the existence of any contagious or infectious
18 disease. The health director shall receive written approval by a majority
19 of the publicly elected representatives of the county board and city
20 council who are appointed to the city-county health department pursuant
21 to subdivision (4)(a) of this section for community-wide directed health
22 measures prior to issuance of such measures. Such directed health
23 measures shall be submitted to the city-county board of health for
24 ratification at a regular or emergency meeting of the board. Any duties
25 required to be carried out by a public body under this subdivision may be
26 completed using virtual conferencing when permitted under subsection (7)
27 of section 84-1411. For purposes of this subdivision, written includes
28 electronic records or documents ~~and adopt measures to arrest the progress~~
29 ~~of the disease;~~

30 (iv) Distribute free, as the local needs may require, all vaccines,
31 drugs, serums, and other preparations obtained from the Department of

1 Health and Human Services or otherwise provided for public health
2 purposes;

3 (v) Give professional advice and information to school authorities
4 and other public agencies on all matters pertaining to sanitation and
5 public health;

6 (vi) Inform the board of health when the city council or county
7 board is considering proposals related to health matters or has otherwise
8 requested recommendations from the board of health;

9 (vii) Inform the board of health of developments in the field of
10 public health and of any need for updating or adding to or deleting from
11 the programs of the health department; and

12 (viii) Perform duties and functions as otherwise provided by law.

13 **Sec. 3.** Section 71-1632, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 71-1632 ~~The Except as provided in subsection (4) of section 71-1630,~~
16 the health director of a county, district, or city-county health
17 department shall have the power and duty to (1) be the executive officer
18 of the local boards of health; (2) appoint, subject to any applicable
19 county or city civil service laws, rules, or regulations, a properly
20 functioning staff and other personnel as may be necessary, whose
21 qualifications shall conform to the United States Public Health Standards
22 and whose remuneration shall conform to an established compensation
23 schedule set by such local board of health and which is reviewed and
24 approved annually by such board; (3) issue and enforce community-wide
25 directed health measures. The health director shall receive approval of
26 such directed health measures in writing prior to issuance by a majority
27 of the publicly elected representatives of the county board or, in the
28 case of a city-county health department, written approval by a majority
29 of the publicly elected representatives of the city council, and such
30 directed health measures shall be submitted to the board of health for
31 ratification at a regular or emergency meeting of the board. Any duties

1 required to be carried out by a public body under this subdivision may be
2 completed using virtual conferencing when permitted under subsection (7)
3 of section 84-1411. For purposes of this subdivision, written or in
4 writing includes electronic records or documents; (4) {3} review
5 annually, with the local board of health, the proposed budget of the
6 department; (5) {4} organize, with the approval of the local board of
7 health, a citizens' advisory health council that will aid in developing a
8 public health program to meet the particular needs, hazards, and problems
9 of the health district; and (6) {5} organize, with the approval of the
10 local board of health, a medical and dental advisory committee.

11 **Sec. 4.** A community-wide directed health measure (1) shall be
12 subject to approval as provided in sections 71-1630 and 71-1632, (2)
13 shall expire seven days after the date of issuance, and (3) may be
14 reauthorized subject to approval as provided in sections 71-1630 and
15 71-1632.

16 **Sec. 5.** Original sections 71-1626, 71-1630, and 71-1632, Reissue
17 Revised Statutes of Nebraska, are repealed.