

LEGISLATIVE BILL 763

Approved by the Governor April 14, 1986

Introduced by Miller, 37

AN ACT relating to health; to amend sections 71-502, 71-503, 71-503.01, and 71-505, Reissue Revised Statutes of Nebraska, 1943; to provide for regulations; to require the reporting of poisoning and other illness; to provide for confidentiality of reports of certain diseases and poisonings; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-502. The Department of Health shall have supervision and control of all matters relating to necessary communicable disease control sanitation and quarantine, and shall formulate, adopt, and publish promulgate such proper and reasonable general rules and regulations as will best serve to promote communicable disease control sanitation throughout the state, and prevent the introduction or spread of disease. In addition to such general and standing rules and regulations, (1) in cases of emergency wherein the health of the people of the entire state or any locality therein shall be menaced by or exposed to any contagious, infectious, or epidemic disease or diseases arising from insanitary conditions illness, or poisoning, or (2) when a local board of health having jurisdiction of a particular locality shall fail or refuse to act with sufficient promptitude and efficiency in any such emergency, or (3) in localities wherein no local board of health shall have been established, as provided by law, the department shall adopt, promulgate, and enforce special communicable disease control quarantine and sanitary regulations such as the occasion and proper protection of the public health may require. All necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village, or county, for and within which the same shall have been incurred. All officers and other persons shall obey and enforce such communicable disease control quarantine and sanitary rules and regulations as may be

adopted and promulgated by the department. Any person who shall fail, neglect, or refuse to obey or enforce such rules or regulations shall be guilty of a Class V misdemeanor.

Sec. 2. That section 71-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-503. All attending physicians shall report to the official local health department or the Department of Health promptly, upon the discovery thereof, the existence of any contagious or infectious diseases and such other disease, illness, or poisoning as the Department of Health may from time to time specify. Any attending physician, knowing of the existence of any such disease, illness, or poisoning, who shall fail fails promptly to report the same in accordance with the provisions of this section, shall be deemed guilty of a Class V misdemeanor for each offense.

Sec. 3. That section 71-503.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-503.01. ~~Wherever Whenever~~ any statute of the state, or any ordinance or resolution of a municipal corporation or political subdivision enacted pursuant to statute, or any rule of an administrative agency adopted pursuant to statute requires medical practitioners or other persons to report cases of communicable diseases, including venereal sexually transmitted diseases and other reportable diseases, illnesses, or poisonings, or to give notification of positive laboratory findings to any governmental agency or officer the Department of Health, or any county or city board of health, local health department established pursuant to sections 71-1626 to 71-1636, city health department, local health agency, or any state or local public official exercising the duties and responsibilities of any board of health or health department, such reports or notifications shall be confidential. Any, and any medical practitioner or other person making such reports or notifications shall be immune from suit for slander or libel or breach of privileged communication based on any statements contained in such report. The appropriate board, health department, agency, or official may: (1) Publish analyses of such reports and information for scientific and public health purposes in such a manner as to assure that the identity of any individual concerned cannot be ascertained; (2) discuss the report or notification with the attending physician; and (3) make such investigation as deemed necessary.

Sec. 4. That section 71-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-505. It shall be the duty of the Department of Health, in addition to other duties provided by law, to secure and maintain in all parts of the state an official record and notification of reportable diseases, illnesses, or poisonings; to provide popular literature upon the different branches of public health, and distribute the same free throughout the state in a manner best calculated to promote that interest; to prepare and exhibit in the different communities of the state public health demonstrations, accompanied by lectures, and ~~moving pictures~~ audio-visual aids; and in all other effective ways to prevent the origin and spread of disease, and promote the general public health.

Sec. 5. That original sections 71-502, 71-503, 71-503.01, and 71-505, Reissue Revised Statutes of Nebraska, 1943, are repealed.