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2022 Montana Code Annotated

Title 50. Health and Safety

Chapter 2. Local Boards of Health

Part 1. General Provisions

50-2-118. Powers and duties of local health officers

Universal Citation: MT Code § 50-2-118 (2022)

50-2-118. Powers and duties of local health officers. (1) Except as provided in subsection (3), in order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

- (a) make inspections for conditions of public health importance and issue written orders for compliance or for correction, destruction, or removal of the condition;
- (b) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events;
- (c) report communicable diseases to the department as required by rule;
- (d) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

(e) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

(2) A directive, mandate, or order issued by a local health officer in response to a declaration of emergency or disaster by the governor as allowed in [10-3-302 and] 10-3-303 or by the principal executive officer of a political subdivision as allowed in 10-3-402 and 10-3-403:

(a) remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order; and

(b) may not interfere with or otherwise limit, modify, or abridge a person's physical attendance at or operation of a religious facility, church, synagogue, or other place of worship.

(3) A local health officer may not enforce a regulation, directive, mandate, or order or issue an order that is in violation of 50-2-116(5).

(4) The prohibitions provided for in 50-2-116(5) do not restrict a local health officer from exercising the local health officer's authority under 50-2-123 or this section to enforce and ensure compliance by private businesses with all lawfully adopted regulations, directives, and orders.

History: En. Sec. 87, Ch. 197, L. 1967; amd. Sec. 2, Ch. 196, L. 1971; amd. Sec. 56, Ch. 349, L. 1974; R.C.M. 1947, 69-4510; amd. Sec. 1, Ch. 200, L. 1979; amd. Sec. 18, Ch. 708, L. 1991; amd. Sec. 8, Ch. 391, L. 2003; amd. Sec. 27, Ch. 474, L. 2003; amd. Sec. 6, Ch. 150, L. 2007; amd. Sec. 9, Ch. 408, L. 2021.

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