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2022 Wisconsin Statutes & Annotations

Chapter 252 - Communicable diseases.

252.03 - Duties of local health officers.

Universal Citation: WI Stat § 252.03 (2022)

252.03 Duties of local health officers.

(1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances and make a full report to the appropriate governing body and also to the department. The local health officer shall promptly take all measures necessary to prevent, suppress and control communicable diseases, and shall report to the appropriate governing body the progress of the communicable diseases and the measures used against them, as needed to keep the appropriate governing body fully informed, or at such intervals as the secretary may direct. The local health officer may inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.

(2) Local health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the department of measures taken.

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person may interfere with the investigation under this chapter of any place or its occupants by local health officers or their assistants.

History: 1981 c. 291; 1993 a. 27 s. 285; Stats. 1993 s. 252.03.

Local health officers do not have the statutory power to close schools under this section. This section lists a series of discrete powers afforded local health officers in order to address communicable diseases. Because the legislature expressly granted local health officers discrete powers under this section but omitted the power to close schools, local health officers do not possess that power. *James v. Heinrich*, 2021 WI 58, 397 Wis. 2d 516, 960 N.W.2d 350, 20-1419.

Although the Wisconsin Supreme Court's decision in *Palm*, 2020 WI 42, is not directly controlling on powers of local health officers under this section, it is advisable to limit enforcement under this section to ordinances or administrative enforcement. Also, local authorities should ensure that any measures that direct people to stay at home, forbid certain travel, or close certain businesses speak specifically to the local authority's statutory power under subs. (1) and (2) to "prevent, suppress and control communicable diseases" and "forbid public gatherings when deemed necessary to control outbreaks or epidemics." OAG 3-20.

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