

CHAPTER VIII
REGULATIONS GOVERNING
COMMUNICABLE DISEASES

8.1 **Purpose** - These regulations are enacted for the purpose of preventing, reporting, controlling, treating and eliminating communicable, environmental, and occupational diseases and for that purpose they are intended to adopt Missouri Department of Health regulations dealing with Communicable Diseases codified in the Code of State Regulations effective as of the date this chapter is adopted, 19 CSR 20-20.010 through 19 CSR 20-20.100 as the same may be adopted and enforced by local health authorities and departments.

8.2 **Statutory Authority and Incorporation of Certain Regulations by Reference-** These regulations are enacted under authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo. The provisions of 19 CSR 20-20.010 through 19 CSR 20-20.100 of the Code of State Regulations are hereby incorporated by reference as if fully set forth herein verbatim as existing on the date this chapter is adopted.

8.3 **Definitions** - As used in this chapter, unless the context clearly indicates otherwise, the definitions found in 19 CSR 20-20.010 shall be applicable to this chapter and the following words and terms shall have the following special meanings:

8.3.1 **Health Director or Director** - The Health Director shall be the same person and perform the same functions as the Local Health Authority described in 19 CSR 20-20.010(24). The Health Director shall generally supervise the administration of this chapter. As used in this chapter, the term Health Director or

Director shall also include any person to whom the Director has delegated the performance of any duties required of the Health Director under this chapter. A Health Director also may be specially appointed if ordered by the Boone County Commission under circumstances reasonably requiring such appointment. In the absence of special appointment and designation, the Health Director shall be the acting or permanent director of the Columbia/Boone County Health Department.

8.3.2 **Health Department** - The Columbia/Boone County Health Department is hereby designated the Local Public Health Agency as defined in 19 CSR 20-20.010(25).

8.3.3 **Person** - "Person" shall have the same meaning as defined in 19 CSR 20-20.010(28) and in addition thereto shall include any legal entity of any type and any group or association of individuals.

8.4 **Compliance Required** - It shall be unlawful for any person to violate any provision of these regulations or any directive issued by the Health Director or Health Department made for the purpose of implementing any section or provision of these regulations, including but not limited to any reporting or record keeping requirement, any order or directive for isolation or quarantine when issued pursuant to these regulations, and compliance with any requirement or directive intended to control, treat, or eliminate a communicable, environmental or occupational disease regulated hereunder.

8.5 **Enforcement** - The Health Director is hereby authorized to seek the assistance of the circuit court in enforcement of these regulations, as necessary to protect the public health, including obtaining issuance of restraining orders and other orders of injunction, and other equitable remedy as may be necessary and appropriate under the circumstances.

- 8.6 **Interpretation and Severability:** The regulations enacted under this chapter are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. In the event of conflict between any regulation contained herein and any other rule, regulations or law, the provision more protective of the public health shall apply; provided, however, that in the event of irreconcilable conflict between any provision of these regulations and rules or regulations enacted by the Department of Health under Chapter 192 RSMo, or the Department of Social Services under Chapter 198 RSMo, the rules or regulations enacted by those departments under those chapters shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.
- 8.7 **Jurisdiction** - The regulations contained in this chapter shall be applicable to all incorporated and unincorporated areas within Boone County, Missouri.
- 8.8 **Penalties and Remedies** - Any person who violates any requirement or provision of these regulations shall be deemed guilty of a misdemeanor and shall be punished as provided by law; each day of violation of any such regulation shall constitute a separate and distinct offense. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplementary and in addition to any other remedy provided or authorized by law or equity for enforcement of these regulations. Provided, however, the failure of the Health Director or Department to enforce any provision of these regulations, or to

perform any duty prescribed for them hereunder, shall not itself not constitute a violation of these regulations, nor is any regulation in this chapter intended to create any legal responsibility or give rise to any legal liability on the part of the Health Director or Department to the benefit of any person who is or claims to be affected by any such failure or nonperformance. In any circumstance deemed to be or declared to be a health emergency, the Health Director or the County Commission may convene an Emergency Administrative Review Board consisting of three members with such qualifications as may be appropriate for the appointment as established by the appointing person or body. The Emergency Administrative Review Board shall be a fact-finding quasi-judicial body formed to provide prompt review and advisory rulings on an expedited basis of all written complaints, grievances, and petitions for redress not involving claims for monetary compensation, concerning actions taken to enforce the powers granted the Health Director and Department hereunder, and requests for variances from the enforcement of these regulations on the basis of unnecessary hardship which variance shall have no detrimental impact or effect on the public health, safety or welfare. Rulings of the administrative review board shall be in writing with a written statement of the facts upon which the ruling is made and an explanation of the reasons for the ruling. Such rulings shall be promptly forwarded to the Health Director or County Commission for such action as may be permitted by law. Any judicial review of the actions taken by the Health Director or Department under authority of this chapter shall be as provided in chapter 536 RSMo.