

71-501. Contagious diseases; local public health department; county board of health; powers and duties.

(1) The local public health department as defined in section 71-1626 or the county board of a county that has not established or joined in the establishment of a local public health department shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, and malignant diseases in the county or counties under its jurisdiction.

(2) The county board of a county that has not established or joined in the establishment of a local public health department shall establish a county board of health consisting of three members: The sheriff, who shall be chairperson and quarantine officer; a physician who resides permanently in the county, but if the county has no resident physician, then one conveniently situated, who shall be medical adviser, and who shall be chosen by the county board; and the county clerk, who shall be secretary. The county board may pay the chairperson of the county board of health a salary for such services not to exceed fifty dollars per month, as fixed by the county board.

(3) The local public health department or the county board of health shall make rules and regulations to safeguard the health of the people and prevent nuisances and insanitary conditions and shall enforce and provide penalties for the violation of such rules and regulations for the county or counties under its jurisdiction except for incorporated cities and villages. If the local public health department or the county board of health fails to enact such rules and regulations, it shall enforce the rules and regulations adopted and promulgated by the Department of Health and Human Services.

Source: Laws 1901, c. 49, § 1, p. 403; Laws 1903, c. 62, § 1, p. 358; Laws 1911, c. 79, § 1, p. 328; Laws 1919, c. 55, § 1, p. 159; Laws 1919, c. 190, tit. VI, art. II, div. VIII, § 1, p. 779; Laws 1921, c. 71, § 1, p. 270; C.S.1922, § 8222; C.S.1929, § 71-2301; R.S.1943, § 71-501; Laws 1951, c. 228, § 1, p. 829; Laws 1971, LB 43, § 1; Laws 1996, LB 1044, § 486; Laws 1997, LB 197, § 2; Laws 1999, LB 272, § 23; Laws 2004, LB 1005, § 53; Laws 2007, LB296, § 374.

Annotations

A county board of health may be compelled by mandamus to abate a nuisance endangering health where the existence of the nuisance is not in dispute. *State ex rel. Glatfelter v. Clark*, 106 Neb. 59, 182 N.W. 569 (1921).

Employment of a physician to aid in bringing an epidemic under control is within the express authority given the county board to provide regulations to prevent the spread of contagious diseases. *Bartlett v. Dahlsten*, 104 Neb. 738, 178 N.W. 636 (1920).

A county is not liable for necessities furnished to persons, not paupers, while quarantined for the public safety where such liability is not expressly imposed by statute. *Dodge County v. Diers*, 69 Neb. 361, 95 N.W. 602 (1903).