

CHAPTER 252

COMMUNICABLE DISEASES

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Cross-reference: See definitions in s. 250.01.

252.01 Definitions. In this chapter:

- (1g) “Emergency medical responder” has the meaning given in s. 256.01 (4p).
- (1m) “HIV” means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.
- (2) “HIV infection” means the pathological state produced by a human body in response to the presence of HIV.
- (2m) “HIV test” means a test for the presence of HIV or an antibody to HIV.
- (3) “Municipality” means any city, village or town.
- (4) “Peace officer” has the meaning given in s. 939.22 (22).
- (5) “Physician assistant” means a person licensed under s. 448.974.
- (6) “State epidemiologist” means the individual appointed by the state health officer under s. 250.02 (1) as the state epidemiologist for acute and communicable diseases.
- (7) “State patrol officer” means an officer of the state traffic patrol under s. 110.07 (1) (a).

- (8) “Validated HIV test result” means a result of an HIV test that meets the validation requirements determined to be necessary by the state epidemiologist.

History: 1993 a. 27 ss. 281, 283, 320, 338, 339, 341; 1993 a. 252; 2005 a. 187; 2009 a. 209; 2011 a. 161; 2017 a. 12; 2021 a. 23; 2025 a. 17, 18.

252.02 Powers and duties of department.

- (1) The department may establish systems of disease surveillance and inspection to ascertain the presence of any communicable disease. Any agent of the department may, with a special inspection warrant issued under s. 66.0119, enter any building, vessel or conveyance to inspect the same and remove therefrom any person affected by a communicable disease. For this purpose, the agent may require the person in charge of the vessel or conveyance, other than a railway car, to stop the same at any place and may require the conductor of any railway train to stop the train at any station or upon any sidetrack, for such time as may be necessary.
- (2) In an emergency, the department may provide those sick with a communicable disease with medical aid and temporary hospital accommodation.
- (3) The department may close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics.
- (4) Except as provided in ss. 93.07 (24) (e) and 97.59, the department may promulgate and enforce rules or issue orders for guarding against the introduction of any communicable disease into the state, for the control and suppression of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a communicable disease and for the sanitary care of jails, state prisons, mental health institutions, schools, and public buildings and connected premises. Any rule or order may be made applicable to the whole or any specified part of the state, or to any vessel or other conveyance. The department may issue orders for any city, village or county by service upon the local health officer. Rules that are promulgated and orders that are issued under this subsection supersede conflicting or less stringent local regulations, orders or ordinances.
- (5) If any public officer or employee or any person in charge of any building, vessel, conveyance, jail, state prison, mental health institution or school fails to comply with a rule promulgated or order issued under sub. (4), the department may appoint an agent to execute its rules or orders. Expenses that an agent incurs shall be paid by the unit of government that employs the person or of which the public officer is a member. If the building, vessel, conveyance, mental health institution or school is privately owned the state shall pay the expenses that the agent incurs.
- (6) The department may authorize and implement all emergency measures necessary to control communicable diseases.
- (7) The department shall promulgate rules that specify medical conditions treatable by prescriptions or nonprescription drug products for which pharmacists and pharmacies must report under s. 450.145 (1).

History: 1981 c. 291; 1993 a. 27 s. 284; Stats. 1993 s. 252.02; 1999 a. 150 s. 672; 2001 a. 109; 2005 a. 198; 2015 a. 55.

Cross-reference: See also ch. DHS 145, Wis. adm. code.

An order issued by the Department of Health Services confining all people to their homes, forbidding travel, and closing businesses exceeded the statutory authority of this section. *Wisconsin Legislature v. Palm*, 2020 WI 42, 391 Wis. 2d 497, 942 N.W.2d 900, 20-0765.

Discussing whether an emergency order issued by the Department of Health Services under sub. (3) is a rule that must comply with rule-making procedures in ch. 227. *Tavern League of Wisconsin, Inc. v. Palm*, 2021 WI 33, 396 Wis. 2d 434, 957 N.W.2d 261, 20-1742.

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.

- (2j) A local health officer may not issue a mandate to close any business in order to control an outbreak or epidemic of communicable disease for longer than 30 days unless the governing body of the political subdivision in which the order is intended to apply approves one extension of the order, not to exceed 30 days. A mandate to close more than one business as provided under this subsection may not distinguish between essential and nonessential businesses. In this subsection, “political subdivision” means a city, village, town, or county.
- (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; 2023 a. 12.

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.

This section grants local health officers the authority to issue public health orders. *Becker v. Dane County*, 2022 WI 63, 403 Wis. 2d 424, 977 N.W.2d 390, 21-1343.