

## Local Health Department Powers and Essential Public Health Services Compared

The Michigan legislature enacted the Michigan Public Health Code in 1978, and granted broad and flexible authority to public health departments to protect the public from health threats.

In 1994, the U.S. Centers for Disease Control adopted a list of ten essential public health services to provide a national framework for public health performance standards. The framework describes public health activities that should be undertaken in all communities and defines responsibilities of local public health systems. The ten essential health services also provide the framework for the National Accreditation Program for state and local health departments. Accreditation promotes voluntary national standard to measure and improve performance across local and state health departments, and is intended to encourage strategic investments and promote innovation through the advancement of evidence-based practices in public health.

The following documents how the Michigan Public Health Code empowers local public health systems to perform in all areas of the ten essential services framework.

### The CDC Ten Essential Health Services

Michigan Public Health Code	Monitor health status to identify and solve community health problems	Diagnose and investigate health problems and hazards in the community	Inform educate and empower people about health issues	Mobilize community partnership and action to identify and solve health problems	Develop policies and plans that support individual and community health efforts	Enforce laws and regulations that protect health and ensure safety	Link people to needed personal health services and assure the provision of care when otherwise unavailable	Assure competent public and personal health care workforce	Evaluate effectiveness, accessibility and quality of personal and population-based health services	Research for new insights and innovative solutions to health problems
<b>General Public Health Authority<sup>1</sup></b>										
<b>333.2433 Local health department; powers and duties generally.</b>  Sec. 2433. (1) A local health department <b>shall</b> continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of environmental health hazards; prevention and control of diseases; prevention and control of health problems of particularly vulnerable population groups; development of health care facilities and health services delivery systems; and regulation of health care facilities and health services delivery systems to the extent provided by law.	✓	✓	✓	✓	✓	✓	✓			

<sup>1</sup> General Public Health Authority sections are quoted in whole or part from the Public Health Code.

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(2) A local health department shall: (a) Implement and enforce laws for which responsibility is vested in the local health department.						✓				
(b) Utilize vital and health statistics and provide for epidemiological and other research studies for the purpose of protecting the public health.	✓								✓	✓
(c) Make investigations and inquiries as to: (i) The causes of disease and especially of epidemics. (ii) The causes of morbidity and mortality. (iii) The causes, prevention, and control of environmental health hazards, nuisances, and sources of illness.	✓	✓								✓
(d) Plan, implement, and evaluate health education through the provision of expert technical assistance, or financial support, or both.			✓	✓	✓				✓	
(e) Provide or demonstrate the provision of required services as set forth in section 2473(2). <sup>2</sup>					✓	✓				
(f) Have powers necessary or appropriate to perform the duties and exercise the powers given by law to the local health officer and which are not otherwise prohibited by law.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(g) Plan, implement, and evaluate nutrition services by provision of expert technical assistance or financial support, or both.				✓					✓	
<b>333.2435 Local health department; additional powers.</b> Sec. 2435.  A local health department may:  (a) Engage in research programs and staff professional training programs.								✓		✓

<sup>2</sup> Required services are to be directed at: prevention and control of environmental health hazards, diseases, and health problems of particularly vulnerable population groups; development of health care facilities and agencies and health services delivery systems; and regulation of health care facilities and agencies, and health services delivery systems to the extent provided by law.

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(b) Advise other local agencies and persons as to the location, drainage, water supply, disposal of solid waste, heating, and ventilation of buildings.			✓	✓			✓	✓		
(c) Enter into an agreement, contract, or arrangement with a governmental entity or other person necessary or appropriate to assist the local health department in carrying out its duties and functions unless otherwise prohibited by law.				✓		✓	✓			
(d) Adopt regulations to properly safeguard the public health and to prevent the spread of diseases and sources of contamination...					✓					
<p><b>333.2451 Imminent danger to health or lives; informing individuals affected; order; noncompliance; petition to restrain condition or practice; “imminent danger” and “person” defined.</b></p> <p>Sec. 2451. (1) Upon a determination that an imminent danger to the health or lives of individuals exists in the area served by the local health department, the local health officer immediately shall inform the individuals affected by the imminent danger and issue an order which shall be delivered to a person authorized to avoid, correct, or remove the imminent danger or be posted at or near the imminent danger. The order shall incorporate the findings of the local health department and require immediate action necessary to avoid, correct, or remove the imminent danger. The order may specify action to be taken or prohibit the presence of individuals in locations or under conditions where the imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove the imminent danger.</p>			✓		✓	✓				
(2) Upon the failure of a person to comply promptly with an order issued under this section, the local health department may petition a circuit or district court having jurisdiction to restrain a condition or practice which the local health officer determines causes the imminent danger or to require action to avoid, correct, or remove the imminent danger...						✓				

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<p><b>333.2453 Epidemic; emergency order and procedures; involuntary detention and treatment.</b></p> <p>(1) If a local health officer determines that control of an epidemic is necessary to protect the public health, the local health officer may issue an emergency order to prohibit the gathering of people for any purpose and may establish procedures to be followed by persons, including a local governmental entity, during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.</p>						✓				
<p>(2) A local health department or the department may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in sections 5201 to 5238.</p>						✓				
<p><b>333.2455 Building or condition violating health laws or constituting nuisance, unsanitary condition, or cause of illness; order; noncompliance; warrant; assessment and collection of expenses; liability; judicial order; other powers not affected.</b></p> <p>Sec. 2455. (1) A local health department or the department may issue an order to avoid, correct, or remove, at the owner's expense, a building or condition which violates health laws or which the local health officer or director reasonably believes to be a nuisance, unsanitary condition, or cause of illness....</p>						✓				
<p><b>333.2461 Violation; schedule of monetary civil penalties; issuance, contents, and delivery of citation.</b></p> <p>Sec. 2461. (1) ... a local governing entity may adopt a schedule of monetary civil penalties of not more than \$1,000.00 for each violation or day that the violation continues which may be assessed for a specified violation of this code or a rule promulgated, regulation adopted, or order issued which the local health department has the authority and duty to enforce.</p> <p>(2) If a local health department representative believes that a person has violated this code or a rule promulgated, regulation adopted, or order issued under this code which the local health department has the authority and duty to enforce, the representative may issue a citation at that time or not later than 90 days after discovery of the alleged violation.</p>						✓				

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<p><b>333.2465 Injunctive action; liability for damages.</b></p> <p>Sec. 2465. (1) Notwithstanding the existence and pursuit of any other remedy, a local health officer, without posting bond, may maintain injunctive action to restrain, prevent, or correct a violation of a law, rule, or order which the officer has the duty to enforce, or to restrain, prevent, or correct an activity or condition which the officer believes adversely affects the public health.</p>						✓				
<p>(2) A local health officer or an employee or representative of a local health department is not personally liable for damages sustained in the performance of local health department functions, except for wanton and willful misconduct.</p>						✓				
<b>Specific Programs and Areas<sup>3</sup></b>										
<b>Communicable Disease</b>										
<p><b>333.5111, 333.5115</b> State health department to determine reportable diseases and may promulgate rules including rules for reporting to local health department; state health department may establish minimum standards and procedures for local health departments discovery and elimination of communicable diseases and infections.</p>	✓	✓			✓					
<p><b>333.5114</b> HIV infected test subjects to be reported to local health departments.</p>	✓	✓								
<p><b>333.5114a</b> Individuals with HIV infection to be referred to local health department for assistance with partner notification.</p>			✓				✓			
<p><b>333.5117</b> Local health department to issue order authorizing care, furnish care as required to individuals with serious communicable disease (other than HIV).</p>						✓	✓			

<sup>3</sup> The Specific Programs and Areas part includes citations and descriptions of relevant sections of the Public Health Code. In addition to the Public Health Code, other laws that are not covered by this document empower local health departments to exercise authority and provide for services to protect the public, either directly or through agreements with federal or state agencies.

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<p><b>Communicable Disease, continued</b></p> <p><b>333.5203, 333.5205, 333.5207</b> Local health officer shall issue a warning notice against individual with serious communicable disease who is a health threat to others requiring individual's cooperation with disease control efforts. Local health officer may petition court for order to compel necessary measures to prevent and control disease. Local health offer may seek ex parte order in an emergency.</p> <p><b>333.5921, 333.5923</b> Provides for the Michigan Health Initiative, which may include development of HIV educational material and pre- and post testing for HIV and Hepatitis C Virus by local health departments.</p> <p><b>333.9203, 333.9204</b> Requires local health departments to conduct free periodic immunization clinics and to provide free mass immunization clinics for protection of the public in case of an epidemic or threatened epidemic of a disease as ordered by the state health director. A health professional other than a physician may administer an immunizing agent as long as the agent is being administered under the direction of a physician.</p> <p><b>333.9621</b> A local health department may require a microbiological examination and analysis of blood, sputum, urine, water, milk, or other substance from a locality where there is an outbreak of a communicable disease or epidemic requiring the examination or analysis to protect the public health or for locating sources of infection The examination and analyses for this purpose shall be without charge.</p>			✓			✓	✓			
<b>Family Planning</b>										
<p><b>333.9131</b> The state and local health departments shall publicize the places where family planning services are available.</p> <p><b>333.17745a</b> A dispensing prescriber may delegate the delivery of prelabeled, prepackaged oral contraceptives by a public health program that does not have an on-site pharmacy, including a local health department.</p>							✓			

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<b>Screening</b>										
<p><b>333.9152</b> Provides for implementation of scoliosis and other spinal disorder detection programs by local health departments in accordance with guidelines issued by the state health department.</p>	✓	✓					✓			
<p><b>333.9301, 333.9305</b> A local health department shall conduct periodic hearing and vision testing and screening programs without charge for children residing in its jurisdiction. The local health department, upon request, shall provide information concerning the availability and sources of vision and hearing treatment required to eliminate or reduce an identified problem.</p>	✓	✓	✓				✓			
<b>Environmental Public Health, generally</b>										
<p><b>333.12103</b> Local health department to carry out environmental health activities in local jurisdictions in accordance with policies and environmental health services plan of the Department of Environmental Quality.</p>	✓	✓				✓				
<p><b>333.9621</b> A local health department may require examination and analysis of public water supplies and water used by the public to assure quality and safety. The examination and analyses for these purposes shall be without charge.</p>		✓								
<b>Drug Manufacturing Dwellings</b>										
<p><b>333.12103</b> In conjunction with state health department, local health department determines whether premises are contaminated due to drug manufacturing, orders occupants to vacate, determines whether owner has made premises safe to be re-inhabited.</p>		✓				✓				

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<b>Agricultural Labor Camps</b>										
<p><b>333.12401-333.12434, 333.12425</b> Provides for inspection, licensing, and enforcement of standards for agricultural labor camps by the Michigan Department of Agriculture and Rural Development. The Department may use the services of local health departments for inspections and investigations.</p>		✓				✓				
<b>Campgrounds</b>										
<p><b>333.12507-333.12516</b> Provides for inspection, licensing, and enforcement of standards for campgrounds by the Department of Environmental Quality. The Department may delegate these functions to local health departments.</p>		✓				✓				
<b>Public Swimming Pools; Bathing Beaches</b>										
<p><b>333.12521-333.12534</b> Provides for inspection, licensing, and enforcement of standards for public swimming pools by the Department of Environmental Quality. The Department may delegate these functions to local health departments.</p>		✓				✓				
<p><b>333.12541-333.12546</b> Authorizes local health officers to test and evaluate the quality of water at bathing beaches to determine whether the water is safe for bathing purposes, to implement state sanitation standards, and to petition the court to close beaches that are unsafe.</p>	✓					✓				
<b>Private Water Supply and Sewer Systems</b>										
<p><b>333.12707- 333.12709</b> Well record keeping, inspections, and violations</p>	✓	✓			✓	✓	✓			
<p><b>333.12711</b> Advisory board; creation; appointment and qualifications of members</p>				✓				✓	✓	
<p><b>333.12714-333.12715</b> Rules and construction of code implemented and enforced by local department and advisory board</p>						✓				



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<p><b>Private Water Supply and Sewer Systems, continued</b></p> <p><b>333.12754 – 333.12756</b> Authority to issue notice and compel action for failure to connect sanitary sewer, deferment of payment by reason of hardship</p> <p><b>333.12771</b> Outhouses; rules; violation; public nuisance</p>						✓ ✓				
<b>Clean Indoor Air</b>										
<p><b>333.12601-12617, 333.12613</b> Prohibits smoking in most places of employment and public places. Allows the state health department to delegate enforcement to local health departments.</p> <p><b>333.12905-333.12915, 333.12613</b> Prohibits smoking in food service establishments. Allows the state health department to delegate enforcement to local health departments.</p>		✓ ✓				✓ ✓				
<b>Body Art Facilities</b>										
<p><b>333.13101-333.13112, 333.13105</b> Provides for licensing and enforcement of standards for body art facilities by the state health department. Inspections to be conducted by local health departments.</p>		✓				✓				
<b>Dry Cleaning</b>										
<p><b>333.13301-333.13325, 333.13307</b> Provides for inspection, licensing, and enforcement of standards for dry cleaning establishments by the Michigan Department of Environmental Quality. The Department may delegate permit inspections and approvals to local health departments.</p>	✓	✓				✓				

## SUPPORTERS



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**This document was developed by Monica Hammer, J.D., Visiting Attorney, with the assistance of Denise Chrysler, J.D., Director, Network for Public Health Law – Mid-States Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.**