

O.C.G.A. § 31-3-2.1

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*** Current through the 2010 Regular Session ***

TITLE 31. HEALTH
CHAPTER 3. COUNTY BOARDS OF HEALTH

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O.C.G.A. § **31-3-2.1** (2010)

§ **31-3-2.1**. Option for certain counties to create board of health and wellness by ordinance

(a) This Code section shall apply only to those counties of this state having a population of 800,000 or more according to the United States decennial census of 2000 or any future such census. To the extent that this Code section conflicts with or is inconsistent with other provisions of this chapter, the provisions of this Code section shall control within the counties in which this Code section is applicable. As used in this Code section, the word "county" means a county to which this Code section is applicable.

(b) In lieu of the county board of health provided for by Code Section 31-3-2, each county shall be authorized to provide by ordinance duly adopted by the governing body of such county for the creation of a county board of health. A county electing to create its board of health by ordinance shall provide for a board of health of seven members, but on and after April 14, 1998, that board of health shall be renamed the county board of health and wellness and the department of health of that county shall be renamed the county department of health and wellness. The change in name of such board and department shall not affect in any way the powers and duties of such board or department or employees thereof. Four of such members shall consist of persons who shall be members of the board of health and wellness by virtue of their offices. Such members shall be the county superintendent of schools; the chairperson or the elective chief executive officer of the governing authority of the county; the superintendent of schools of the largest, by population, independent school system located wholly or partially within the county; and the mayor of the largest municipality, by population, located wholly or partially within the county. The ordinance creating the county board of health may authorize such ex officio members to designate a person to serve in the place of such ex officio members, and a person so designated shall serve for a term concurrent with the term of office of the official who appointed such person, except that the appointing official may remove the person so appointed at any time and within the sole discretion of the appointing official. One of the remaining members shall be appointed by the governing authority of the county and one shall be appointed by the governing authority of the largest, by population, municipality located wholly or partially within the county. Such members so appointed shall not be members of the respective governing authorities making such appointment. The seventh member, who shall be a reputable physician preferably having a background in public health, shall be appointed by the grand jury of the county. The terms of office, method of filling vacancies, and any other matters not provided for by this subsection relative to the members of the board shall be provided for by the ordinance adopted pursuant to the authority of this Code section.

(c) In counties which adopt an ordinance pursuant to this Code section:

(1) The county board of health and wellness shall have supervision over all matters relating to health and sanitation within the county, with authority to declare and enforce quarantine therein subject to the provisions of law;

(2) All of the power, authority, duties, and responsibilities of county boards of health and wellness in

such counties, whether derived from this Code section or any other existing law, shall be exercised and discharged throughout the entire area of said county both inside and outside of the corporate limits of municipalities located in whole or in part therein;

(3) The county attorney or law department of such county shall furnish whatever professional legal assistance may be needed by the county board of health and wellness or other authority for the enforcement of this Code section or other powers of the board of health and wellness by any of the means authorized by law;

(4) The governing authority of the county shall be authorized to adopt a system of rules, regulations, and orders covering health and sanitation within the county, and such system of rules, regulations, and orders may be based on recommendations by the county board of health and wellness. Such rules, regulations, and orders when adopted shall be recorded on the minutes of the governing authority of such county, and a certified copy thereof shall be furnished to the department of health and wellness of such county;

(5) The certificate of attestation of the chairperson or any other member of the county board of health and wellness shall give sufficient validity or authenticity to any copy or transcript of any record, document, paper, or file or other matter or thing in the office of the chairperson or other member or pertaining thereto to admit the same in evidence; and

(6) The board of health and wellness shall not have authority to provide the rules, regulations, or orders to carry out its powers and duties but shall use rules, regulations, and orders adopted by the governing authority of the county and spread upon its minutes. The violation of any such rule, regulation, or order is declared to be a nuisance, per se, and shall be subject to be abated as a nuisance, or enjoined as such. The violation of any such rules, regulations, or order is declared to be a misdemeanor, and any person, firm, or corporation, upon conviction thereof in any court of competent jurisdiction, shall be punished as for a misdemeanor.

(d) Effective July 1, 1987, the employees of a county board and county department of health and wellness subject to the provisions of this Code section shall be eligible to and shall participate in the state employees' health insurance plan provided for by Article 1 of Chapter 18 of Title 45, and each such employee shall be an "employee," as defined by paragraph (2) of Code Section 45-18-1, for all purposes under said state employees' health insurance plan. Employee and employer contributions required for participation in the state employees' health insurance plan by such employees shall be based on state salaries paid to such employees or paid from state funds to the county for the purpose of paying the compensation of such employees, and salary supplements paid from county funds, as authorized by subsection (e) of this Code section, shall not be considered in the determination of such employee and employer contributions. Employer contributions required for the participation of such employees in the state employees' health insurance plan shall be paid from state funds in the same manner and to the same extent as employer contributions are paid from state funds for participation in such plan by employees of other county boards and departments of health. Employee contributions for such participation shall be withheld and paid as provided by regulations adopted for such purpose by the State Personnel Board.

(e) The governing authority of a county subject to this Code section is authorized to supplement from county funds state compensation paid to employees of its county board or department of health and wellness or to supplement from county funds the amount received by the county from state funds for the purposes of paying the compensation to such employees.

(f) In addition to its general powers to enact laws not in conflict with the Constitution of Georgia and of the United States, this Code section is adopted pursuant to the authority of an amendment to the Constitution of Georgia as set forth at Ga. L. 1951, p. 828, authorizing the General Assembly, by general, local, or special law, to determine and prescribe all the powers, responsibilities, and limitations of certain counties subject to this Code section with respect to health and sanitation.

HISTORY: Code 1981, § 31-3-2.1, enacted by Ga. L. 1985, p. 384, § 1; Ga. L. 1987, p. 169, § 1; Ga. L. 1991, p. 94, § 31; Ga. L. 1998, p. 916, § 1; Ga. L. 2002, p. 1473, § 1.