

**DEPARTMENT OF HEALTH, CREATION**  
**Act of Apr. 27, 1905, P.L. 312, No. 218**  
AN ACT

Cl. 35

Creating a Department of Health, and defining its powers and duties.

Section 1. Be it enacted, &c., (a) The Department of Health shall consist of a Secretary of Health, an advisory board and a Physician General.

(b) The secretary shall be the head of the department, and shall be appointed by the Governor, with the advice and consent of the Senate. The secretary shall be either a graduate of an accredited medical or osteopathic medical school who is a practicing physician licensed by the Commonwealth or an individual with professional experience in the field of public health, health services delivery or education or training of health service professionals. The secretary shall serve at the pleasure of the Governor.

(c) There shall be an office of Physician General within the administrative structure of the department. The Physician General shall be appointed by the Governor by and with the advice and consent of the Senate. The department shall provide adequate staff and other support as needed. The Physician General shall be a graduate of an accredited medical or osteopathic medical school and shall be a practicing physician licensed by the Commonwealth. The Physician General shall serve at the pleasure of the Governor. The Physician General shall:

(1) Advise the Governor and the secretary on health policy.

(2) Participate in the decision-making process of the department on policies relating to all medical and public health-related issues and in the decision-making process of other executive branch agencies as directed by the Governor.

(3) Review professional standards and practices in medicine and public health which are related to matters within the jurisdiction of the department and other executive branch agencies.

(4) Consult with recognized experts on medical and public health matters which are within the jurisdiction of the department and other executive branch agencies.

(5) Provide advice on medical and public health issues to the secretary and to other executive branch agencies.

(6) Coordinate educational, informational and other programs for the promotion of wellness, public health and related medical issues in this Commonwealth and serve as the primary advocate for these programs.

(7) Consult with experts in this Commonwealth and other states regarding medical research, innovation and development which relate to programs and issues of importance to the department and the Commonwealth.

(8) Perform such other duties as directed by the Governor.

(9) When the secretary is not a physician, serve as a voting member of the State Board of Medicine and the State Board of Osteopathic Medicine. The Physician General may provide a designee to serve in his or her stead. The salary and other conditions of employment shall be set by the Executive Board.

(d) The department shall have an official seal.

(1 amended July 2, 1996, P.L.518, No.87)

Section 2. (2 repealed Jun. 7, 1923, P.L.498, No.274)

Section 3. (3 repealed Jun. 7, 1923, P.L.498, No.274)

Section 4. (4 repealed Jun. 7, 1923, P.L.498, No.274)

Section 5. (5 repealed Jun. 7, 1923, P.L.498, No.274)

Section 6. (6 repealed Jun. 7, 1923, P.L.498, No.274)

Section 7. The Commissioner may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto, and he may purchase such supplies and materials as may be necessary in carrying on the work of his department.

He may issue subpoenas to secure the attendance of witnesses, and compel them to testify in any matter or proceeding before him or his authorized agent.

He may issue warrants to any sheriff, constable, or policeman to apprehend and arrest such persons who disobey the quarantine orders or regulations of the Department of Health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the Commissioner.

Section 8. (a) It shall be the duty of the Department of Health to protect the health of the people of the State, and to determine and employ the most efficient and practical means for the prevention and suppression of disease.

(b) The Secretary of Health shall cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose the secretary, and any person authorized by the secretary so to do, may, without fee or hindrance, enter, examine and survey all grounds, vehicles, apartments, buildings, and places within the State, and all persons so authorized by the secretary shall have the powers and authority conferred by law upon constables. ((b) amended Dec. 14, 2023, P.L.419, No.50)

(c) (1) With the exception of a State health center in any county that is established as a separate county health department under the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, the department shall operate public State health centers and provide at a minimum those public health services in effect as of July 1, 1995. The department shall not enter into contracts with any additional private providers that would result in the elimination of any State health center nor reduce the scope of services currently provided nor reduce the number of centers.

(2) ((2) expired December 31, 1997. See Act 87 of 1996.)

(3) ((3) expired December 31, 1997. See Act 87 of 1996.)

(4) (Deleted by amendment).

((c) amended Dec. 14, 2023, P.L.419, No.50)

(d) The department shall maintain and operate a State Public Health Laboratory that shall assure the availability of reliable clinical laboratory services and laboratory-based information that are needed by clinicians and other health providers for proper diagnosis and treatment, prevention of disease and promotion of the health of the citizens of this Commonwealth. The State Public Health Laboratory shall arrange for and perform clinical tests to identify diseases and provide epidemiological and surveillance support. The State Public Health Laboratory shall not contract with outside laboratories to perform testing in rabies, measles, rubella, Lyme disease, influenza and tuberculosis identification. The State Public Health Laboratory shall be administered and maintained in a manner in effect as of July 1, 1995.

(e) The department shall apportion this Commonwealth into dental health districts administered by a public health dentist within the department, who shall implement dental health policies and programs for the various counties and political subdivisions within this Commonwealth.

(8 amended July 2, 1996, P.L.518, No.87)

Section 9. The Commissioner shall have power and authority to order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations.

If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the Commissioner of Health for the abatement or removal thereof, the Commissioner, his agents or employes, may enter upon the premises to which such order relates and abate or remove such nuisance.

The expense of such abatement or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance, and such expense shall be a lien upon the lands upon which the nuisance was maintained; for which a claim may be filed by the Commissioner, in the name of the Commonwealth, in the court of common pleas for the county in which the lands are, within six months from the date of completion of the work of abatement or removal, subject to the same proceedings for entry or revival of judgment and execution as are provided by law for other municipal liens. The Commissioner may also maintain an action against such owner or occupant, in the name of the Commonwealth, to recover the amount of such expense, in the same way as debts of like amount are by law recoverable; and the same, when recovered either by enforcement of the lien or by the personal action, shall be paid to the State Treasurer, to be held and used as the funds of the Department of Health; but a final recovery of the amount, in one proceeding, shall be a bar to the further continuance of the other: Provided, however, That this act shall not apply to waters pumped or flowing from coal mines or tanneries.

Section 10. (10 repealed Jun. 29, 1953, P.L.304, No.66)

Section 11. (11 repealed Apr. 4, 1929, P.L.151, No.153)

Section 12. The Commissioner of Health may revoke or modify any order, regulation, by-law, or ordinance of a local board of health, concerning a matter which, in his judgment, affects the public health beyond the territory over which such local board has jurisdiction.

Section 13. (13 repealed Jun. 7, 1923, P.L.498, No.274)

Section 14. The Commissioner of Health, in addition to the powers conferred by this act, shall have all the powers conferred, and perform all the duties heretofore imposed, by law upon the State Board of Health, or any member, committee or officer thereof, including the secretary.

This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the State Board of Health or its officers; but such actions or proceedings may be prosecuted or defended, in the same manner and to the same effect, by the Commissioner of Health as if originally begun by or against him. Nor shall any provision hereof affect in any manner any order or recommendation made by, or any other matters or proceedings before, the State Board of Health, and all such matters and proceedings pending before the board when this act takes effect shall be continued before the Commissioner of Health.

Section 15. (15 repealed Jul. 31, 1968, P.L.769, No.240)

Section 16. Every person who violates any order or regulation of the Department of Health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the Department of Health, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or

magistrate of the county wherein such violation or offense is committed, be sentenced to pay a fine of not less than ten (\$10.00) dollars and costs nor more than fifty (\$50.00) dollars and costs, such fine to be paid to the county in which the violation or offense is committed. In default of payment such fine and costs the offender shall be sentenced to be confined in the proper county jail for a period of thirty days.

(16 amended Apr. 7, 1927, P.L.154, No.122)

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 17. All necessary expenses under the provisions of this act shall, after approval in writing by the Governor and the Commissioner of Health, be paid by the State Treasurer, upon the warrant of the Auditor General, in the manner now provided by law.