

end thereof and inserting a semicolon and the following: "and the Veterans' Emergency Housing Act of 1946."

Ante, p. 207.
Short title.

SEC. 303. This Act may be cited as the "First Supplemental Appropriation Act, 1947".

Approved August 8, 1946.

[CHAPTER 871]

AN ACT

To amend the Act entitled "An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases", approved August 11, 1939.

August 8, 1946
[H. R. 4410]
[Public Law 664]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable disease", approved August 11, 1939 (53 Stat. 1408), be, and the same is hereby, amended by striking the period at the end of said section and inserting in lieu thereof a comma and the following: "including the authority and power to provide for the isolation, quarantine, and restriction of the movements of persons affected by or believed, upon probable cause, to be affected by communicable disease and of persons who are or are believed, upon probable cause, to be carriers of communicable disease."

District of Columbia.
Control of communicable diseases, etc.
D. C. Code § 6-118.

SEC. 2. That section 2 of the said Act approved August 11, 1939, be stricken out and in lieu thereof and by way of addition the following sections be inserted:

53 Stat. 1408.
D. C. Code § 6-119.

"SEC. 2. The words 'communicable disease' when hereinafter used shall mean such communicable diseases as the Commissioners by regulation shall denominate as such.

"Communicable disease."

"SEC. 3. Whenever the health officer has probable cause to believe that any person is affected with any communicable disease or is a carrier of communicable disease and that the continuance of such person in the place where he may be is likely to be dangerous to the lives or health of other persons, or that by reason of the noncooperation or carelessness of such person the public health is likely to be endangered, the health officer may by written order direct the removal by any designated officer or employee of the Health Department or by any member of the Metropolitan Police force of such person to and the detention of such person in any place or institution in the District of Columbia designated by the Health Officer, or any institution located without the District of Columbia which may be designated by the Health Officer and which is under the supervision of the government of the District of Columbia or any agency thereof. Such officer, employee, or member so designated in such order shall take such person into his custody and shall remove such person to such place or institution as may be designated in such order. Such officer, employee, or member shall immediately make known to such person the contents of such order, and also shall deliver to such person a true copy of such order.

Removal of persons believed to be carriers, etc.

"SEC. 4. A copy of the order provided for in section 3 hereof shall be delivered to the person in charge of such place or institution to which the person taken into custody may be removed and shall constitute the authority for the detention of such person in such place or institution until such order expires or until such person is discharged in the manner set forth in this section or section 5 of this Act. Such order shall expire forty-eight hours (exclusive of Sundays and holidays) after such officer, employee, or member shall take into his custody such person as provided in section 3, unless it shall be continued in force and effect by a judge of the Municipal Court for the District

Authority for detention.

Expiration of order.

of Columbia, or unless such detained person shall stipulate in writing that the order be continued in force and effect. Such order shall be continued in force and effect if it shall appear to said judge by affidavit that the probable cause, required by section 3, exists. If the judge continue in force and effect the order of the Health Officer, the judge at that time shall set a date for a hearing upon the question of whether the person detained is at the time of such hearing affected with any communicable disease or is a carrier of communicable disease and, if so affected, upon the further question whether his release would be likely to endanger the lives or health of any other person. If such person be not sooner discharged such hearing shall be had within ten days of the date of the order of the court continuing in force and effect the order of the Health Officer unless such hearing be continued by the court, or unless the detained person shall, in writing, waive such hearing, which waiver shall be filed with the court. Such hearing shall be in or out of the presence of the detained person, in the discretion of the court. If, after such hearing, the court shall find that the detained person is not affected with any communicable disease and is not a carrier of communicable disease, or that the discharge of such person, even though affected with, or a carrier of, a communicable disease is not likely to endanger the lives or health of any other person the court shall order such detained person to be discharged, otherwise the court shall continue in force and effect the order of the Health Officer until such person be discharged in the manner set forth in section 5 of this Act. If a minor is detained pursuant to this section or section 7 hereof, or is found guilty and sentence is suspended as provided in section 10 hereof, and such minor is in need of treatment for the communicable disease with which he is affected or of which he is a carrier, the court is empowered to authorize the Health Officer to administer such treatment or cause the same to be administered. No person under eighteen years of age detained under sections 3, 4, 5, or 7, shall be detained in a room in which a person over that age is so detained.

SEC. 5. It shall be the duty of the Health Officer to make or cause to be made by a physician such examination or examinations of such person as may be necessary to determine the existence or nonexistence of such communicable disease in such person or whether such person is a carrier of communicable disease. The diagnosis resulting from such examination or examinations shall be reduced to writing and signed by such examining physician within ten days after the removal of such person to such place or institution and a copy thereof shall be filed in the office of the person in charge of such place or institution and a copy in the office of the Health Officer. If such diagnosis does not disclose that such person is affected with such communicable disease or that such person is a carrier of communicable disease, such person shall be discharged from such place or institution forthwith. If the diagnosis does disclose that such person is affected with such communicable disease or that such person is a carrier of communicable disease, the person in charge of the place or institution to which the infected person has been removed shall, subject to the provisions of section 4, detain such person for such reasonable time as may be fixed by regulation under the authority of this Act as is deemed necessary in the interest of public health and safety for the isolation, quarantine, and restriction of movement of persons affected by the particular communicable disease or of persons found to be carriers of the particular communicable disease, unless sooner discharged by the Health Officer or the municipal court. A person so detained, however, may apply at any time to the person in charge of such place or institution for his discharge, and the person in charge

Hearing.

Minors.

Examination and diagnosis.

Discharge from institution, etc.

Detention for quarantine, etc.

Application for discharge.

of such place or institution shall deliver the application for discharge to the Health Officer, who shall give to such person an opportunity to be heard before the Health Officer. If after hearing held by the Health Officer, the Health Officer be of the opinion that such person is not affected with such communicable disease and that such person is not a carrier of communicable disease, then such person shall be discharged. If denied his discharge such detained person may apply to the Municipal Court for the District of Columbia for such discharge and the hearing on such application shall be in or out of the presence of the detained person, in the discretion of the court. Only such persons as have a direct interest in the case and their representatives shall be admitted to any hearing held pursuant to this section or section 4 of this Act: *Provided*, That if the detained person shall request a public hearing then the general public shall be admitted thereto.

Public hearing.

"SEC. 6. It shall be unlawful for a person detained in a place or institution pursuant to an order of the Health Officer to leave said place or institution unless discharged in the manner provided in sections 4 or 5 of this Act.

Unlawful leave.

"SEC. 7. (a) In aid of the powers vested in the Health Officer to cause the removal to and detention in a place or institution of a person who is affected or is believed, upon probable cause, to be affected with any communicable disease or is or is believed, upon probable cause, to be a carrier of communicable disease as provided in this Act, the Municipal Court for the District of Columbia, or any judge thereof, is authorized to issue a warrant for the arrest of such person and his removal to a place or institution as defined in section 3 of this Act, which warrant shall be directed to the Major and Superintendent of Police. When such person has been removed to such place or institution under authority of a warrant issued pursuant to this section, such person shall not be discharged from such place or institution except in the manner provided in section 5.

Warrant for arrest.

"(b) No such warrant of arrest and removal shall be issued except upon probable cause supported by affidavit or affidavits particularly describing the person to be taken, which said affidavit or affidavits shall set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

Affidavit.

"(c) A warrant may in all cases be served by the Major and Superintendent of Police or by any officer or member of the Metropolitan Police, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

Serving of warrant,
etc.

"(d) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

"(e) A warrant must be returned to the court within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

"(f) It shall be the duty of the said court to maintain and keep records of all warrants issued and the returns thereon.

"SEC. 8. The Health Officer may, without fee or hindrance, enter, examine, and inspect all vessels, premises, grounds, structures, buildings, and every part thereof in the District of Columbia for the purpose of carrying out the provisions of this Act and the regulations issued hereunder. The owner or his agent or representative and the lessee or occupant of any such vessel, premises, grounds, structure, or building, or part thereof, and every person having the care and management thereof shall at all times when required by any such officer or employee give them free access thereto and refusal so to do shall be punishable as a violation of this Act.

Free access to build-
ings, etc.

Interference, etc.

"SEC. 9. It shall be unlawful for any person knowingly to obstruct, resist, oppose, or interfere with any person performing any duty or function under the authority of this Act or any regulation promulgated thereunder.

Penalties.

"SEC. 10. Any person who violates any of the provisions of section 6, 8, or 9 of this Act shall be punished by a fine of not more than \$300 or by imprisonment for not longer than ninety days, or both such fine and imprisonment, in the discretion of the court. The Commissioners of the District of Columbia shall have power to prescribe penalties of fine not to exceed \$300 or imprisonment not to exceed ninety days, or both, in the discretion of the court for the violation of any regulation promulgated under this Act. All prosecutions for violations of this Act or the regulations promulgated thereunder shall be in the Criminal Division of the Municipal Court for the District of Columbia, in the name of the District of Columbia upon information filed by the corporation counsel of the District of Columbia or any of his assistants. The court may impose conditions upon any person found guilty under the aforesaid provisions and so long as such person shall comply therewith to the satisfaction of the court the imposition or execution of sentence may be suspended for such period as the court may direct; and the court may at or before the expiration of such period vacate such sentence or cause it to be executed. Conditions thus imposed by the court may include submission to medical and mental examination, diagnosis, and treatment by proper public health and welfare authorities or by any licensed physician approved by the court, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant. The Health Officer of the District of Columbia, the Metropolitan Police force, and employees of the Board of Public Welfare are authorized and directed to perform such duties as may be directed by the court in effectuating compliance with the conditions so imposed upon any defendant.

Prosecutions.

Imposition of conditions by court.

Persons relying on spiritual means to cure disease, etc.

"SEC. 11. With respect to all persons who, either on behalf of themselves or their minor children or wards, rely in good faith upon spiritual means or prayer in the free exercise of religion to prevent or cure disease, nothing in this Act shall have the effect of requiring or giving any health officer or other person the right to compel any such person, minor child or ward, to go to or be confined in a hospital or other medical institution unless no other place for quarantine of such person, minor child or ward can be secured, nor to compel any such person, child or ward to submit to any medical treatment.

"Health Officer."

"SEC. 12. Wherever the term 'Health Officer' is used in this Act it shall mean the Health Officer of the District of Columbia and his duly authorized agents.

Construing of provisions.

"SEC. 13. Each and every provision of this Act shall be construed liberally in aid of the powers vested in the public authorities looking to the protection of the public health, comfort, and welfare and not by way of limitation."

53 Stat. 1408.
D. C. Code § 6-119
note.

SEC. 3. That section 3 of the said Act approved August 11, 1939, be renumbered as section 13.

Approved August 8, 1946.