

T I T L E

Public Health Law

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P A R T I

Chapter 1 GENERAL PROVISIONS

§ 1. 1. Definitions and index to definitions of terms used in title.

1. Definitions. As used in this title and in any rules made thereunder, unless expressly stated or the context otherwise requires, the following terms have the meanings indicated in this paragraph:

- (a) "Adult" means a person who is eighteen years of age or over.
- (b) "Approved" means approved by the Minister or by the designated officers of the Ministry or by the rulers framed under this title, as the case may be.
- (c) "Basement" means any space underneath the first finished floor of a dwelling and partly below the curb level of the street upon which the dwelling abuts but having at least one-half of its height above such curb level.
- (d) "Building" includes any structure whatsoever, whether permanent or temporary, for whatsoever purpose used.
- (e) "Cellar" means any enclosed space in a dwelling having more than one-half of its height below the curb level of the street upon which the dwelling abuts and includes any vault or underground room.
- (f) "Cesspool" includes a watertight settlement tank or other tank for the reception or disposal of foul matter from buildings.
- (g) "Child" means a person who is under eighteen years of age.

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(h) "Cistern" includes a water-butt or any receptacle for the storage of water.

(i) "Condemn" means to declare that any article or thing is unfit for consumption.

(j) "Drain" means any device for carrying away surplus water or sewage together with its appurtenances, used for the drainage of one building only, or of premises within the same cartilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage of two or more buildings or premises occupied by different persons is conveyed and includes any Pipe or channel whether opened or closed used or intended to be used for drainage of land.

(k) "Dwelling" means any house, room, shed, hut, cave, tent, shelter, vehicle, vessel or boat or any other structure or place whatsoever, any portion thereof is used by any human being for sleeping or in which any human being lives.

(l) "Earthcloset" means a pit latrine, privy or a closet having a moveable receptable for the reception of faecal matter.

(m) "Embargo" means the sequestration of any animal, article or thing for the purpose of protecting the public health.

(n) "Erect" in reference to a dwelling or a room includes to alter, add to, or convert into, and "erected" has a corresponding meaning.

(o) "Factory" means any premises wherein, or within the close or curtilage or precincts of which steam, water, electricity, or other mechanical power is used for the Purposes of manufacture.

(p) "Guardian" means any person having custody and control of child, whether or not such guardian is court appointed or otherwise.

(q) "Land" includes any right over or in respect of land or any

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interest therein.

(r) "Latrine" includes privy, urinal, earthcloset and toilet.

(s) "Local Authority" means a governmental body responsible in its political unit for administration of the health laws established under section 4.3.

(t) "Licensed Physician" means a person who is currently licensed to practice medicine in Liberia pursuant to Part VII of this title. Herbalists or "native doctors" are excluded under this term.

(u) "Minister" means the Minister of Health and Social Welfare.

(v) "Occupant" or "occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies it and in the case of premises subdivided and let to lodgers or various tenants, the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

(w) "Offensive trade" includes any trade which in the course of its regular operation emits noxious or offensive gases or odors, including such trade as fish-curing and soap-boiling.

(x) "Officially published" means publication in a newspaper of general circulation in the area involved and, where feasible, by radio broadcast.

(y) "Owner" as regards immovable property includes any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as an agent for any person entitled thereto or interested therein. The term includes any lessee and any superintendent, overseer or manager of such lessee residing on the holding.

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(z) "Prejudicial to health" means injurious or likely to cause injury to health.

(aa) "Premises" includes any building, hut or tent, together with the land on which it is situated and the adjoining land used in connection therewith, and includes any vehicle, conveyance or vessel.

(bb) "Prescribed" means prescribed by, the Minister or by the designated officers of the Ministry or by the rules framed under this title, as the case may be.

(cc) "Privy" means a small building comprising a facility for urinating or defecating which is not water-flushed or connected to any sewage disposal system.

(dd) "Public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a hospital, college, school, theater, public hall, or as a public place of assembly for persons admitted by tickets or otherwise, or used or adapted to be used for any public purpose.

(ee) "Public latrine" means any latrine to which the public is admitted on payment or otherwise.

(ff) "Public vehicle" means every vehicle which plies or stands for hire, or is from time to time let out for hire or is intended to be let out for hire and includes any railway coach or aircraft.

(gg) "Sewer" means an artificial subterraneium conduct, other than a drain, used to carry off surplus water and waste matter.

(hh) "Slaughterhouse" means any premises set apart for the purpose of slaughter by Local Authority or other governmental agency.

(ii) "Street" shall mean any highway, road, or sanitary lane, and shall include any bridge, footway, square, court, alley or passage, whether a thoroughfare or a part of one or not, or a beach not being

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the property of a private owner.

(jj) "Toilet" means a facility for urinating or defecating which is, unless otherwise specified, water-flushed and which connects, directly or otherwise, with a private sewage disposal system or with a public sewage disposal system.

(kk) "Trade premises" means any premises (other than a factory) used or intended to be used for carrying on any trade or business.

(ll) "Urinal" means a facility for urinating which is, unless otherwise, with a private disposal system or with a public sewage disposal system.

(mm) "Vehicle" means every means of conveyance or of transit or parts thereof manufactured for use or capable of being used on land, water, or in the air and in whatever way driven or propelled or carried.

(nn) "water closet" means a facility for urinating or defecating which is, unless otherwise specified, water-flushed and which connects directly or otherwise, with a private sewage disposal system or with a public sewage disposal system.

(oo) "workplace" does not include a factory or workshop, but save as aforesaid, includes any place in which persons are employed otherwise than in domestic service.

(pp) "Workshop" means any building or part of a building in which manual labor is exercised for purposes of trade.

2. *Index to definitions applicable to title contained in other chapters.* Definitions contained in other chapters which also apply to the provisions of this title and to any rules made thereunder and the sections in which they appear are as follows:

(a) "Agricultural Waste". Section 24.1 (d).

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- (b) "Author of nuisance". Section 21.4.
- (c) "Carrier". Section 11.1(a)
- (d) "Case". Section 11.1(b)
- (e) "Communicable disease". Section 11.1(c)
- (f) "Contact". Section 11.1(d)
- (g) "Disinfection". Section 11.1(e)
- (h) "Disinfestation". Section 11.1(f)
- (i) "Drinking Water". Section 24.1(b)
- (j) "Eating place". Section 26.1(e)
- (k) "Exclude". Section 11.1(g)
- (l) "Food". Section 26.1(a)
- (m) "Food establishment". Section 26.1(b)
- (n) "Food handler". Section 26.1(c)
- (o) "Industrial Waste". Section 24.1.(d)
- (p) "Isolate". Section 11.1(j)
- (q) "Permit". Section 2.2(a)
- (r) "Permittee". Section 2.2(b)
- (s) "Quarantine". Section 11.1(k).
- (t) "Restaurant". Section 26.1(d).,
- (u) "Sewage". Section 24.1(c).
- (v) "Surveillance". Section 11.1(j)
- (w) "Vector". Section 11.1(m).
- (x) "Waters" or waters of the Republic". Section 24.1(a).¹

Chapter 2. GENERAL PERMIT PROVISIONS

- § 2.1. Scope.
- § 2.2. Chapter definitions.
- § 2.3. Applications: Procedure, contents, issuance.
- § 2.4. Expiration date of permits and fees.
- § 2.5. Permits not transferable; exception.
- § 2.6. Permit to be visibly kept on premises; mutilation prohibited.
- § 2.7. Conditions of permit to be observed; suspension and

1. Prior legislation: 1956 Code 31.1; L. 1953-54, ch. XXI, § 4.

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reinstatement.

§ 2.8. Revocation.

§ 2.9. Denial, suspension and revocation: when effective.

§ 2.1. Scope.

Except where otherwise expressly provided, the provisions in this chapter relating to permits apply to requirements for the issuance, renewal, suspension and revocation of permits pursuant to any provision with respect thereto contained in the title. Except for the issuance of burial or cremation permits and transit permits in connection therewith, for which regulations shall be promulgated by the Principal Registrar of vital statistics after consultation with and the approval of the Minister and which are not within the purview of this chapter.

§ 2.2. Chapter definitions.

When used in this chapter the following words have the meanings herein ascribed to them.

(a) "Permit" means a written authorization to carry on specified activities as regulated by this title and includes a certificate of approval.

(b) "Permittee" means a person who holds a valid permit as defined in subsection (a) issued by the Minister pursuant to this chapter.

§ 2.3. Applications: Procedure, contents, issuance.

The following shall govern applications for the issuance of permits under this title and of renewals thereof:

(a) Application for a permit or for the renewal of a permit shall be made on forms furnished by the Minister (i) by the individual who is to be the permittee, or (ii) if a partnership or group other than a corporation is to be the permittee, by one individual who is a member of the group, or (iii) if a corporation is to be the permittee,

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by an officer of the corporation.

(b) The maker of the application shall be 21 years of age or over. The Minister in his discretion, may waive this requirement for a maker of an application who is 18 years of age or over and under 21 years of age and who is in the opinion of the Minister is sufficiently competent and responsible as to assure that the public health will not be jeopardized if a permit is granted for the business, trade, occupation or other activity for which he, his group, or corporation is applying.

(c) The application shall contain all information called by the forms. It shall be signed by the applicant and such signature shall constitute an agreement that the permittee assumes responsibility for the conduct of the business, occupation or other activity concerned in accordance with the requirements of this title.

(d) The application shall be accompanied by such other information, evidence or documentation as the Minister may require or as may be provided for in this title. In addition to the information specifically required to be submitted pursuant to this title, in applying for a permit or for a renewal thereof, or if no specific information is required for certain permits pursuant to this title, the Minister may require the following information:

(i) The name, age, sex, residence and business address of the permittee, and if the permittee is a partnership or other group, of each member of such partnership or group, and if the permittee is a corporation, of each officer of the corporation.

(ii) The ability of the permittee, or of its individual members or officers, to read and write English; and

(iii) To the extent that such information is relevant to the conduct of the business, trade, occupation or other activity under permit, information concerning the permittee, its indi-

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vidual members or officers, relating to education, training or experience, moral character, physical health, addiction to alcohol or habit-forming drugs, history of prior criminal conviction, including violations and offenses, history of mental illness and record of insolvency or bankruptcy;

(e) The Minister shall not issue a permit unless, on the basis of the application and other papers submitted, and on the basis of an Investigation conducted by the national board representing the particular profession concerned, he is satisfied that the provisions of this title will be met.

§ 2.4. Expiration date of permits and fees.

Except as otherwise provided by law, all permits issued under the provisions of this chapter shall be valid for a period of one calendar year and shall be renewed prior to the expiration date. However, a person who after the first day of January of any year commences any undertaking for which such a permit is required, shall prior thereto obtain appropriate permit for the remaining portion of the calendar year and shall pay as a fee therefor at the rate of one-twelfth of the annual prescribed fee for each month or fraction of a month the permit is issued. Such apportionment shall not be effective when a delayed application is made for the renewal of a permit which has expired. Unless otherwise provided, the annual fee for all permits issued hereunder is \$12. Applications for permits and for renewals thereof shall be accompanied by proof of payment of the fees prescribed herein.

§ 2.5. Permits not transferable; exception.

Any purported or attempted transfer of a permit to a person not named herein as permittee, or any change in the place of business stated in a permit, automatically revokes such permit. When a permit is issued to two or more individuals, to a partnership or to a group other than a partnership, and one or more of the individuals concerned ceases to be active in the conduct of the business or activity or otherwise ceases to be a permittee, the Minister may approve, in writing, the continuation

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of the business or activity by the remaining permittees during the unexpired period of such permit.

§ 2.6. Permit to be visibly kept on premises; mutilation prohibited.

A permit shall be kept on the premises designated on the permit. It shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public. It shall be available for inspection at all times. No person shall mutilate, obstruct or tear down a permit.

§ 2.7. Conditions of permit to be observed; suspension and reinstatement.

A permittee shall comply with the conditions contained in his permit as well as with all applicable provisions of this title. The Minister is authorized to suspend immediately upon notice any permit issued under authority of this chapter if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Minister shall, immediately after prompt hearing and inspection of the establishment involved, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended.

§ 2.8. Revocation.

The Minister, after notice and hearing, may revoke any permit for willful or continued violation of the provisions of this title or for such other reason as he determines is sufficient grounds for revocation. All permits revoked pursuant to this section shall be surrendered forthwith to the Minister.

§ 2.9. Denial, suspension and revocation; when effective.

The action of the Minister in denying issuance of a permit, or suspending or revoking a permit, shall become final two days after

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service of notice thereof on the applicant or permittee concerned, exclusive of the day of service.

Chapter 3. PROVISIONS FOR REVIEW OF ADMINISTRATIVE DETERMINATIONS.

- § 3.1. Administrative appeals from determinations made under provisions of title; exceptions; stays pending appeal.
- § 3.2. Office of Administrative Appeals created to conduct reviews.
- § 3.1. **Administrative appeals from determinations made under provisions of title; exceptions; stays pending appeal.**

1. Right established. Except with respect to determinations made by the Minister of Health and Social Welfare regarding charges of professional misconduct pursuant to the provisions of subchapter (c) of chapter 61, from which there shall be no administrative appeal, and except for determinations made by local authorities, for which provisions regarding administrative appeals are set forth in sections 4.14 and 4.15, any person aggrieved by an order, decision, direction, notice or other initial administrative determination made under the provisions of this title may appeal therefrom to the Minister for an administrative review of any such administrative determination in accordance with rules to be promulgated by him, by serving a written notice of appeal upon the Minister within five days following the service upon him of a copy of any such administrative determination.

2. Stay of determination. Until the decision on the appeal is made, the order, decision, direction, notice or other initial administrative determination appealed from shall remain in full force and effect unless the Administrator of the Office of Administrative Appeals or the Appellate Review Officer designated or appointed to hear and report on the matters to be presented on the appeal, by an order in writing, shall direct that it be stayed during the pendency of the appeal.

§ 3.2. Office of Administrative Appeals created to conduct reviews.

An Office of Administrative Appeals is hereby created for the purpose of hearing appeals perfected under section 3.1 which shall be subject to the authority and direction of the Minister of Health and Social Welfare and shall be composed of the Deputy Minister as Administrator and Appellate Review Officer and, when necessary, such qualified employees of the Ministry as may be designated by the Minister. In all cases, the appeal shall be heard by a single Appellate Review Officer only. The Deputy Minister, in addition to being required to assign appeals expeditiously for hearing in accordance with statutory requirements and the rules and regulations with respect thereto, shall act as Appellate Review Officer to the extent his other duties permit. In accordance with the need therefor, the Minister may appoint qualified employees of the Ministry to act as Appellate Review Officers in his place and stead. No employee of the Ministry who has made the initial administrative determination in the appeal involved or any employee who has made an initial administrative determination in a factually related matter, shall act as Appellate Review Officer thereof. The Appellate Review officer shall conduct the hearing in accordance with the Administrative Procedure Act. His authority, however, is limited to hear and report and his written findings of fact and conclusions shall be reported to the Minister together with all documents and other evidence involved in the hearing, including the exhibits which were offered in evidence, whether or not they were admitted in evidence or used in the hearing held by the Appellate Review Officer. Based thereon, the final determination on the administrative appeal shall be made by the Minister in writing. The Minister may act as the Appellate Review Officer in specific cases.

Chapter 4. LOCAL HEALTH ADMINISTRATION

- § 4.1. Scope.
- § 4.2. County Health Officers.
- § 4.3. Local Authorities.
- § 4.4. Port Health Officers.
- § 4.5. Health Inspectors.

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- § 4.6. Local Authorities permitted to initiate local regulations.
- § 4.7. Right of Officials to enter premises.
- § 4.8. Power of local Authorities to seize, embargo, condemn and dispose of prohibited materials.
- § 4.9. Obstruction of personnel in performance of duties.
- § 4.10. Contents of notice or order requiring execution of work.
- § 4.11. Defects in form of notice or order to be disregarded.
- § 4.12. Persons authorized to authenticate notices and other documents to be issued by Local Authorities.
- § 4.13. Service of notices and other documents under this title.
- § 4.14. Administrative review by County Health Officers of initial determinations of Local Authorities.
- § 4.15. Special rules governing appeals from notices requiring the execution of work.
- § 4.16. Execution of work by Local Authority and recovery of expenses.
- § 4.17. Debt action to recover sums due; does not preclude other remedies.
- § 4.18. Liens on premises as to which expenses have been incurred by Local Authorities.
- § 4.19. Members and duly authorized agents of Local Authority not liable personally.

§ 4.1. Scope.

The provisions of this chapter set forth the table of organization for the administration of the laws relating to health and sanitation in the various counties of the Republic and particularizes the procedural administrative aspects thereof with special reference to one of the administrative organizations hereunder (i.e. Local Authorities).

§ 4.2. County Health Officers.

The Minister shall appoint as chief health officer in each county a licensed physician qualified to practice medicine in Liberia. Such officer shall be known as the County Health Officer. He shall be responsible under the authority and direction of the Minister for

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administration in the county for which he was appointed to the laws relating to health and sanitation and for promptly bringing to the attention of the Minister any circumstance which constitutes a danger to public health in his jurisdiction.

§ 4.3. Local Authorities.

Each township, city, municipal district and commonwealth district shall have a Local Authority which shall be the governmental body responsible in its political unit for administration of the health laws under the authority and direction of the Minister of Health and Social Welfare. The Local Authorities in each county shall act under the immediate supervision of the County Health Officer in their county. They shall report to him monthly and shall secure advice and directions for him immediately in case of emergency. The Local Authority for a township shall be composed of the Commissioner, the town clerk, and the treasurer of the township. The Local Authority of a city, municipal district and commonwealth district shall be the common council, and if a common council is not provided for by its charter then the three highest ranking members of any equivalent governing body. Where necessary, in any area where no such governing body exists, the Minister may designate three qualified persons to act as a Local Authority for that area. The Minister, however, may supersede any Local Authority in any case where such Local Authority has been given jurisdiction over any public health matter.²

§ 4.4. Port Health Officers.

The Minister shall appoint in each port of entry an official to be known as a Port Health Officer, who shall be responsible for the enforcement of quarantine and other health laws at the port of entry to which he has been assigned. A Port Health Officer shall be a licensed physician qualified to practice medicine in Liberia. A person appointed as County Health Officer may be assigned to the duties of Port Health Officer for

2. *Prior legislation:* 1956 Code 31:1, 2 (1st. 3rd. pars); 1953-54, ch. XXI, §§ 4 (definition of "Local Authority", "Tribal Authority"), 11, 12.

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a port of entry in his jurisdiction if the work for both offices can be performed by one person.³

§ 4.5. Health Inspectors.

The Minister shall appoint as many health inspectors for each county as are deemed necessary for the prompt and efficient administration of the health laws. The health inspectors shall assist the Local Authorities in the political unit in which they are appointed.

§ 4.6. Local Authorities permitted to initiate local regulations.

Local Authorities in accordance with provisions of this section may issue local regulations where necessary to effectuate the laws relating to public health within their respective jurisdictions and for dealing with special health problems arising in their areas. To become effective, such regulations shall first be submitted to the Minister of Health and Social Welfare for approval. At least twenty-eight days before the formal submission to the Minister, a notice setting forth a summary statement of the proposed regulations and specifying some convenient place at which complete copies may be seen shall be officially published. All such regulations, if approved by the Minister, shall be officially published in full and thereupon such regulations shall have the force of law in the area administered by the Local Authority which submitted them.

§ 4.7. Right of officials to enter premises.

Subject to the limitations herein set forth, any County Health Officer or health inspector, or any person, including police officers, generally or specially authorized in writing by the Minister of Health and Social Welfare, the County Health Officer or Local Authority, upon giving twenty-four hours notice in writing, stating the reason therefor, may at any time reasonable for the proper performance of the duty, enter any land or premises to make an inspection or to perform any work or to do

3. *Prior legislation:* L. 1961-62, ch. XXXVII, § 1, 1956 Code 13:605 (2nd par.); L. 1953-54, ch. XXI; L. 1930-31, ch. IV, § 11.

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any thing which is required or authorized by this title, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers under this title. However, when due to any emergency, immediate access is required, the action of any authorized person in entering must be based upon probable cause.⁴

§ 4.8. Power of Local Authorities to seize, embargo, condemn and dispose of prohibited materials.

A Local Authority may, when in his opinion a food, drug, thereapeutic device, article or thing is unfit for consumption or use, or is in a condition or is of a kind or quality prohibited by any of the provisions of this title, or is not labeled as required by any of the provisions of this title, or contains false or misleading labels, or is adulterated or misbranded, or otherwise constitutes a danger, or is prejudicial to the public health, seize, embargo, or condemn such material. The Local Authority may destroy, render harmless or otherwise dispose of all seized, embargoed or condemned material or may direct the owner or person in control thereof to do so. When a Local Authority determines that embargoed materials consist in part of materials which are not in violation of any provisions of this title and which may be salvaged, or that the embargoed materials or any part thereof can be brought into compliance with the provisions of this title, it shall permit the owner or person in control, unless the public health otherwise requires, to separate the salvageable portions or to bring such materials into compliance with the provisions of this title at the place of embargo or other place acceptable to the Local Authority. When seized, embargoed or condemned material is disposed of by a Local Authority hereunder otherwise than by destruction, it shall be returned to the owner or person in control after it has been rendered harmless. All activities carried out pursuant to this section shall be done in a manner consistent with maintenance of public health, giving due regard to the property rights of the owner or person in control of the affected material. Except where the public health requires immediate action, a Local Authority shall not

4. *Prior legislation: 1956 Code 31:7; L. 1953-54, ch. XXI, § 162(1).*

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seize, embargo, condemn, destroy, render harmless or otherwise dispose of any material pursuant to the provisions of this section until the owner or person in control is notified by an effective means of communication and given opportunity to be heard by such Local Authority or by such of its personnel as it may designate.

§ 4.9. Obstruction of personnel in performance of duties.

No person shall interfere with, hinder or obstruct personnel of the Ministry, including personnel of the Local Authorities, in carrying out a lawful inspection, survey or examination, or in the performance of any other duty vested in the Minister or the Local Authorities. Any person who fails to give or refuses access to any of such personnel if he so request entrance on any premises, or who fails or refuses to give information that he may lawfully be required to give to such personnel; or give to such personnel false or misleading information knowing it to be false or misleading; or who prevents the owner or any person in interest, or any of his servants or workmen from entering any premises for the purpose of complying with any requirement under this title, shall be in violation of this title and liable thereunder.⁵

§ 4.10. Contents of notice or order requiring execution of work.

A notice or order requiring the execution of work under this title shall state the violations involved and the corrective action to be taken and fix the time within which it is to be executed.⁶

§ 4.11. Defects in form of notice or order to be disregarded.

No defect in the form of any notice or order made under this title shall invalidate or render unlawful the administrative action taken or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates, provided the requirements

5. *Prior legislation:* 1956 Code 31:8; L. 1953-54, ch. XXI, § 162(2).

6. *Prior legislation:* 1956 Code 31:6 (1st par.); L. 1953-54, ch. XXI, § 163(2).

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thereof are substantially and intelligibly set forth.⁷

§ 4.12. Persons authorized to authenticate notices and other documents to be issued by Local Authorities.

Any notice, order, consent, demand, complaint or other document which is required or authorized to be issued by a Local Authority under this title may be signed or authenticated on behalf of the Authority by the person or persons constituting the Authority; by the executive officer thereof; by any administrative or other employee authorized by the Authority in writing to sign or authenticate the documents of the particular kind or the particular document, as the case may be; or by the health inspector or inspectors assigned to the area over which a Local Authority has jurisdiction.⁸

§ 4.15. Service of notices and other documents under this title.

A notice, order, demand, complaint or other document required or authorized to be served under this title may be served by either delivering it or a true copy thereof personally to the person to whom it is addressed or leaving it at his residence or usual place of business with a responsible person; or if addressed to the owner or occupier of premises, by delivering it or a true copy thereof to some responsible person on the premises; or if there is no person on the premises who can be served, by affixing the document or a copy on some conspicuous part of the premises and mailing a copy addressed to the person to be served at his last known post office address or post office box, if any, maintained by him. It may also be served by sending it or a true copy thereof by registered mail addressed to the person to be served at his last known post office address or post office box, if any maintained by him. Service is complete from the time of the receipt of the document or a true copy thereof by the person to be served as herein prescribed. When it is delivered personally to the person to be served or left with some

7. *Prior legislation:* 1956 Code 31:6; L. 1953-54, ch. XXI, § 161.

8. *Prior legislation:* 1956 Code 31:4; L. 1953-54, ch. XXI, S 158(l)(a).

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responsible person at his residence or usual place of business, or at his premises if he is an owner or occupier thereof, his signature or that of the responsible person contained in the dispatch book acknowledging its receipt shall be evidence of the fact. When served by registered mail, the receipt of the document shall be evidenced by post office receipt showing its delivery by registered mail to the addressee at his last known post office address or post office box in accordance with the rules and regulations of the Ministry of Postal Affairs. When it is served by affixation and mailing, it shall be deemed to have been received by the person to be served two days after proof of such service is filed with the authority issuing it.⁹

§ 4.14. Administrative review by County Health Officers of initial determinations of Local Authorities.

1. Right to administrative appeal established. Within the limitations set forth in section 4.15, any Person aggrieved by an order, decision, direction, notice or other initial administrative determination of a Local Authority may appeal therefrom to the County Health Officer of the County in which the Local Authority is located. Such County Health Officer shall act as the appellate review officer except when he has made the initial administrative determination in the appeal involved, in which event the Minister of Health and Social Welfare shall appoint a qualified employee of the Ministry to act as the appellate review officer in his place and stead. The appellate review officer may affirm, reverse or modify the orders, decision, direction, notice or other initial administrative determination appealed from.

2. Procedure. The appeal provided for by this section may be instituted by serving on the Local Authority a written notice of appeal within five days, Sundays and legal holidays excepted, after the appellate received notice of the order, decision, direction, notice or other initial administrative determination appealed from. Within five days after receiving such notice of appeal, Sundays and legal holidays excepted, the Local Autho-

9. *Prior legislation:* 1956 Code 31:5; L. 1953-54, ch. XXI, § 159.

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rity shall make a written return to the County Health Officer. Upon receipt of such return, or if no return is made within the time specified, the appellate review officer shall forthwith proceed to hear and determine the matter in accordance with the Administrative Procedure Act. He need not be confined to the evidence contained in the return but in his discretion may take additional evidence.

3. *Stay.* Until the decision on the appeal is made, the order, decision, direction, notice, or other initial administrative determination appealed from shall remain in full force and effect unless the appellate review officer by an order in writing shall direct that it be stayed during the pendency of the appeal, which order shall be filed forthwith in the office of the Local Authority involved.

4. *Judicial review and enforcement of final determination.* Judicial review of final determinations made by appellate review officer hereunder and the proceedings thereon, and enforcement of such final determinations in the absence of any timely request for judicial review, shall be in accordance with the provisions therefor contained in the Administrative Procedure Act.

§ 4.15. Special rules governing appeals from notices requiring the execution of work.

1. *Grounds of appeal.* Subject to any express modifications specified in the section under which the notice is given, a person served with a notice requiring the execution of work under this title, may appeal therefrom on any of the following grounds which are appropriate in the circumstances of the particular case:

- (a) That the notice is not justified by the terms of the law under which it purports to have been given or made;
- (b) That there has been some material defect or error in, or in connection with, the notice;
- (c) That the work required by the notice to be executed is

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unreasonable in character or extent;

(d) That the time within which the work is to be executed is not reasonably sufficient for the purpose.

2. Joinder of other interested parties by appeal. In addition to the foregoing, a person served with such a notice may raise an appeal that the notice might lawfully have been served on other persons having an estate or interest in the premises in question and that it would have been equitable for it to have been so served. In such event the appellant, within the time allowed for serving his notice of appeal, shall serve a copy thereof, setting forth such issue, on each of the persons referred to as being persons in interest and they shall thereupon become parties to the proceeding with a right to protect their interests in the premises and to be heard therein on the appeal. On the hearing of this issue on the appeal, consideration should be given to the nature of the works required and the interrelations of the various interests involved, particularly their obligations to each other with regard to the premises involved including, as between an owner and an occupier, the terms and conditions of the tenancy. Where appropriate, an order may be made as to the proportions in which expenses are to be borne by the appellant and such other interested persons for any work to be executed.¹⁰

§ 4.16. Execution of work by Local Authority and recovery of expenses.

Subject to the right of appeal, if the person required by a notice of a Local Authority or an order of a court to execute work under the provisions of this title fails to comply with the requirements of the notice or order within the time specified therein, the Local Authority which issued the notice or initiated the court proceeding may cause the required work to be executed and in the name of the Republic of Liberia recover from that person the expenses reasonably incurred by it in so doing. Every Local Authority shall keep at its offices a record of all

10. Prior legislation: 1956 Code 31:9; L. 1953-54, ch. XXI, § 163.

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costs, disbursements, advances and other expenses incurred in connection with such work and show in such record the total accounts thereof and the premises as to which such expenses have been incurred. The authority shall keep such record open at all reasonable times to the inspection of any person free of charge. Such record and any extract therefrom, certified by any person authorized by the Local Authority, in any proceeding for the recovery of such expenses, shall be prima facie evidence of the matters contained therein. In proceedings instituted by a Local Authority as herein set forth for the recovery of such expenses, it shall not be open to the person required to execute the work to raise any question which he could have raised on an appeal against the notice served on him to execute such work, or on an appeal against an adverse decision of a court having jurisdiction.¹¹

§ 4.17. Debt action to recover sums due; does not preclude other remedies.

The Ministry, including a Local Authority where authorized, may in the name of the Republic of Liberia recover by way of an action for debt in any court of competent jurisdiction any sum to which either is entitled under this title. The institution of such action shall not suspend or bar the right to pursue any other remedy provided by law for the recovery of such sums and such action may, subject to jurisdictional limitations, be joined with the enforcement of any such other remedy or any other claim relating to the same premises.¹²

§ 4.18. Liens on premises as to which expenses have been incurred by Local Authorities.

1. Expenses to be a charge against premises. When established in accordance with the provisions of paragraph 2, all expenses incurred by a Local Authority for work executed under this title with respect to any premises, shall constitute a lien upon such premises. Such lien, except

11. Prior legislation: 1956 Code 31:10, 11(7); L. 1953-54, ch. XXI, § 164 (1), (2), (7).

12. Prior legislation: 1956 Code 31:12; L. 1953-54, ch. XXI, § 167.

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to the extent otherwise provided in this title, shall have priority over all other liens and encumbrances on the premises involved except taxes and assessments. The lien shall be in favor of the Republic of Liberia, which shall have all the powers and remedies conferred on mortgages with respect thereto.

2. *Establishment of lien.* Upon completion of any work giving rise to a lien hereunder, but not more than four months after such completion, the Local Authority may file with the Registrar of Deeds of the County in which the premises involved is located a notice of lien specifying the premises affected, the authority of law pursuant to which the work was done, including the date and terms of any administrative or court notice or order authorizing the work, the date, nature and cost of each portion of the work executed, the total expended, the amount recouped from any source and the amount of expenses still outstanding, including any interest due thereon. The Registrar of Deeds shall accept as conclusive the statement in writing relating to such lien of any person duly authorized by the Local Authority registering the lien and shall thereupon enter such notice and the amount of expenses outstanding in the appropriate volume and folio of the register indicating thereon the hour, day, month, and year of such entry. The lien, in the amount outstanding shall take effect from the time of such entry.

3. *Duration of lien.* The lien shall continue to exist for a period of two years from the date of filing and, if proceedings are commenced within that time to discharge or enforce it, until the conclusion of such proceedings. Any judgment in such proceedings for all or part of the sum claimed as a lien shall constitute a lien in the same manner and from the same date as the original lien.¹³

§ 4.19. Members and duly authorized agents of Local Authority not liable personally.

No matter or thing done and no contract entered into by a Local Autho-

13. *Prior legislation:* 1956 Code 31:11; L. 1953-54, ch. XXI, §§ 164(3), (4), (5), (6), 165, 166.

riety, and no matter or thing done by any member of any such Authority or by any person duly acting under the direction of such Authority, if the matter or thing was done or the contract was entered into bona fide for the purpose of carrying out the provisions of this title, shall subject any member, officer or person as aforesaid, personally to any action, liability, claim or demand whatsoever.¹⁴

Chapter 5. SANCTIONS

§ 5.1. Civil penalties for offenses for which no other penalty is provided.

§ 5.2. Enforcement of title otherwise than by prosecution or other compulsory means.

§ 5.1. Civil penalties for offenses for which no other penalty is provided.

Any person who is found to have committed an offense against, or a violation of, or to be in default in complying with, any provisions of this title or any rules or regulations lawfully made thereunder, if no penalty is expressly provided for such offense, violation or default, shall be liable to a civil penalty not exceeding one hundred dollars; and if the offense, violation or default is of a continuing nature, to a further civil penalty not exceeding twenty-five dollars for each day during which he continues to be in default after being officially notified of his default.¹⁵

§ 5.2. Enforcement of title otherwise than by prosecution or other compulsory means.

In lieu of enforcement of this title by way of prosecution, recovery of civil penalties, seizure, embargo and condemnation, and other compulsory means, the Minister of health and Social Welfare and the Local

14. Prior legislation: 1956 Code 31:13; L. 1953-54, ch. XXI, § 168.

15. Prior legislation: 1956 Code 31:17; L. 1953-54, ch. XXI, § 169.

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Authorities under his authority and direction may seek to obtain the voluntary compliance with this title by way of notice, warning, or other educational means; this section does not, however, require that such non-compulsory methods be used before proceeding by way of compulsory enforcement.

P A R T II

Control of acute communicable diseases and conditions

Chapter 11. DEFINITIONS

§ 11.1. Chapter definitions

§ 11.1. Chapter definitions.

When used in this chapter the following terms have the meanings herein ascribed to them;

(a) "Carrier" means:

(i) A person who harbors the pathogenic organisms of a communicable disease but who does not show clinical evidence of the disease, or who has not shown such evidence for a specified period of time;

(ii) A person to whom epidemiological evidence points as the source of one or more cases, but who refuses to submit specimens of his bodily discharges for examination; or

(iii) A person who is reported to the Minister to be a carrier by the health authorities of any other state, nation, or international organization of which Liberia is a member.

(b) "Case" means, depending on the context:

(i) An instance of a notifiable disease or condition occurring in a person; or

(ii) A person who shows evidence of a notifiable disease or condition.

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- (c) "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an affected person, animal, or arthropod, or through the agency of an intermediate host, vector or the inanimate environment.
- (d) "Contact" means a household contact or a non-household contact
 - (i) Household contact means a person who lives in the same premises as a case or carrier.
 - (ii) Non-household contact means a person who has been in such close, prolonged or repeated association with a case or carrier as, in the opinion of the Minister, to involve a risk that may become a case or carrier.
- (e) "Disinfection" means the act of rendering anything free from the causal agents of disease.
- (f) "Disinfestation" means the act of destroying the vectors of a communicable disease.
- (g) "Exclude" means to keep from attendance at school or work.
- (h) "International Sanitary Regulations" means the regulations adopted a World Health Organization Regulations No. 2 by the Fourth World Health Assembly on May 25, 1951, and amended by the eighth, Ninth and thirteenth World Health Assemblies in 1955, 1956 and 1960, and any subsequent amendments similarly adopted and subscribed to by the Republic of Liberia.
- (i) "Isolate" means to confine to premises or, in an institution, to a room or ward under such conditions as will prevent the conveyance of the pathogenic organism from a case or carrier to a person who is susceptible or who may spread the disease.
- (j) "Pratique" means a certificate issued by a medical officer in

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charge of quarantine releasing or provisionally releasing a vessel or aircraft from quarantine.

(k) "Quarantine" means the detention of a person, vessel, aircraft, or other conveyance, animal or thing, in such place and for such period of time as may be specified in regulations to be made by the Minister with respect thereto.

(l) "Surveillance" means the keeping of a person under medical supervision. Persons under such surveillance may be required by the duly authorized health officer to remain within a specified area or to attend for medical examination at specified places and times.

(m) "Vector" means an animal, including insects, a plant or any thing which conveys or is capable of conveying pathogenic organism from a person or animal to another person or animal.

***Chapter 12.* NOTIFICATION OF HEALTH AUTHORITIES**

§ 12.1. Notifiable diseases and conditions; specification.

§ 12.2. Authority of Minister to limit provisions of title as to notifiable diseases and conditions.

§ 12.3. Reporting of notifiable diseases and conditions and of exceptional cases.

§ 12.4. Confidentiality of required reports and records.

§ 12.1. Notifiable diseases and conditions; specification.

The term "notifiable disease or condition", when used in this title, applies to the following communicable diseases and conditions:

Amebiasis, including amebic dysentery
Animal bite
Anthrax

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Botulism

Brucellosis (Undulant fever)

Chancroid

Chickenpox (varicella)

Cholera

Conjunctivitis, acute infectious, as follows

(i) Ophthalmia neonatorum

(ii) Kerato-conjunctivitis, epidemic, infectious (superficial punctuate Keratitis or nummular Keratitis)

Dengue

Diarrhea of a newborn infant occurring in a maternity clinic or service, or in any newborn infant up to 28 days of age.

Diphtheria

Dysentery, bacillary (shigellosis)

Encephalitis

Food poisoning occurring in a group of three or more cases, including group cases of diarrhea or sore throat which appear to be due to the consumption of unwholesome, spoiled, contaminated or poisonous food

Glanders

Gonococcal infection (gonorrhea)

Granuloma inguinale

Hepatitis

Impetigo of newborn infants, including folliculitis, Pyodemia and staphylococcal infection, occurring in a maternity clinic or service

Leprosy

Leptospirosis, including Well's disease

Lymphogranuloma venereum

Malaria

Measles (rubeola).

Meningitis, all forms

Meningococcemia

Mumps

Narcotics addiction-(habitual and compulsive use of a narcotic drug as defined in section 41.1 (p)

Paratyphoid A or B fever

Plague

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Poisoning by drugs or other toxic agents
Poliomyelitis
Psittacosis (parrot fever), including ornithosis
Rabies
Relapsing fever (epidemic or louse-borne)
Rickettsialpox
Rocky Mountain spotted fever
Salmonella infections
Scarlet fever (see streptococcal sore throat)
Schistosomiasis
Sleeping Sickness or human trypanosomiasis
Smallpox (variola)
Streptococcal sore throat
Syphilis
Tetanus
Thrush (candidiasis, moniliasis) occurring on a newborn infant service
Trachoma
Trichinosis
Tuberculosis, as demonstrated by:

- (i) Presence of tubercle bacilli or by chest x-ray showing evidence of soft infiltrate or cavity; or
- (ii) Active primary pulmonary tuberculosis; or
- (iii) Pulmonary fibrosis and modulation, more than minimal in extent, apparently originating from infection by tubercle bacilli; or
- (iv) Unexplained pleurisy with effusion; or
- (v) Clinically active extra-pulmonary (meningeal, bone, kidney, etc.) tuberculosis

Tularcemia
Typhoid fever
Typhus fever, including Brill's disease
Urethritis, non-gonococcal
Whooping cough (pertussis)
Yellow fever;

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and to any other communicable disease or condition which, after an officially published notice, the Minister declares is a notifiable disease or condition.¹⁶

§ 12.2. Authority of Minister to limit provisions of title as to notifiable diseases and conditions.

The Minister, by an officially published notice, (a) may declare that only such provisions of this title as are mentioned in such notice shall apply to any notifiable disease or condition, and (b) may restrict the provisions of this title with regard to the notification of any such disease or condition to the geographic area defined in such notice.¹⁷

§ 12.3. Reporting of notifiable diseases and conditions.

1. *Diseases required to be reported 24 hours after diagnosis.* Within 24 hours after diagnosis, a report shall be made to the Minister of all cases of persons, including carriers, affected with or who show evidence of any of the following notifiable diseases or conditions and of persons who at the time of death were so affected: cholera, smallpox, yellow fever, plague, measles, rabies, and typhoid fever.

2. *Reporting of other notifiable diseases and conditions.* All notifiable diseases and conditions listed in section 12.1 other than those specifically set forth in paragraph 1 shall be promptly reported to the nearest local health authority.

3. *Persons responsible for making reports.* The reports required by the provisions of paragraph 1 and 2 shall be made by physicians who attend such cases and by pathologists and coroners who have conducted post mortem examinations of such cases. When there is no physician in attendance, it shall be the duty of the head of a private household, or of the person in charge of a hospital, dispensary, clinic or other institution

16. *Prior legislation:* 1956 Code 31:40; L. 1953-54, ch. XXI, § 15(i). (2) (a).

17. *Prior legislation:* 1956 Code 31:41; L. 1953-54, ch. XXI, § 15(2)(b), (c).

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providing care or treatment, clinical laboratory, school, hotel, boarding house or other place of lodging, vessel or aircraft, or of any public health nurse or any other person having actual knowledge of or providing care or treatment to such cases, to so report and until official action on such cases has been taken, strict isolation shall be maintained by them.

4. Contents, how and to whom sent. The reports required by this section shall be in writing and shall contain the full name, age, and sex and address of the person affected and all facts known concerning the disease or condition, including the date of the onset of the illness, any available information as to the probable place and source of infection and any other information concerning the case required by the Minister for the protection of public health. These reports shall be made on forms furnished by the Minister or shall contain all the information required by such forms. They shall be sent by the most expeditious means.

5. Duty of local and county health officers to transmit reports. The health inspectors attached to each Local Authority shall transmit to the County Health Officer of the county in which the Local Authority is located all reports received by them pursuant to the provisions of this section within 24 hours after they receive them. Every County Health Officer shall regularly transmit to the Minister all original reports received by him pursuant to the provisions of this section and those transmitted to him by the health inspectors assigned to Local Authorities. In lieu of the original reports, the health inspectors and the County Health Officers may submit summary reports when so authorized by the Minister, and when practicable, the contents of such reports shall also be immediately transmitted by telephone, telegram or radio.¹⁸

§ 12.4. Confidentiality of required reports and records.

Reports and records required by the provisions of section 12.3 shall not be subject to inspection by persons other than authorized personnel of the Ministry of Health and Social Welfare, or by the Minister of Justice

¹⁸ *Prior legislation:* 1956 Code 31:42, 43, 44; L. 1953-54, ch. XXI, §§ 16, 17, 18(1), (2).

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when such reports and records involve an investigation of an offense, except that the person to whom any such record relates or his legal representative, by signing a written consent may authorize the Minister to open the record to inspection. These reports and records are subject to subpoena issued by an order of the court, but shall be treated as confidential communications whose divulgence is prohibited when such privileged status is applicable under the law. However, this section shall not prevent authorized personnel of the Ministry of health and Social Welfare from furnishing appropriate information to a physician or institution providing examination or treatment to a person suspected of or affected with a notifiable disease or condition or other reportable disease or condition, or to any person when necessary for the protection of health. A person or institution to whom such information is furnished or to whom access to such records has been given, shall not divulge any part thereof so as to disclose the identity of the person to whom such information or record relates, except insofar as such disclosure is necessary for the treatment of a case or carrier or for the protection of the health of others.

Chapter 13. PREVENTION AND SUPPRESSION OF COMMUNICABLE DISEASE

- § 13.1. Minister to promulgate isolation and exclusion regulations.
- § 13.2. Duty of physician to advise case, carrier and contact of proper precautions.
- § 13.3. Removal to hospital of person suffering from communicable disease.
- § 13.4. Isolation of person exposed to communicable disease.
- § 13.5. Acts likely to spread disease prohibited.
- § 13.6. Exclusion from certain occupations of persons affected by communicable disease.
- § 13.7. Right of health inspectors to inspect suspected premises and examine persons there.
- § 13.8. Sanitary measures required at termination of illness.
- § 13.9. Sanitation of buildings and articles on orders of inspector and

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Local Authority.

- § 13.10. Public vehicles to be disinfected.
- § 13.11. Means to be provided by Local Authority to carry out sanitation provisions of chapter.
- § 13.12. Precautions against spreading of disease pending burial.
- § 13.13. Additional precautions in case of death from communicable disease.
- § 13.14. Local Authorities may order removal to mortuary of dead bodies endangering health.
- § 13.15. Duties of undertakers with respect to communicable diseases.
- § 13.16. Wet Nurses.
- § 13.17. Medical attention for indigent at expense of Government.

§ 13. 1. Minister to promulgate isolation and exclusion regulations.

The Minister is charged with the duty of promulgating and broadcasting with all convenient speed after the effective date of this title, regulations with respect to the isolation and exclusion of cases of persons, including carriers, with or who show evidence of a communicable disease or condition.

§ 13.2. Duty of physician to advise case, carrier and contact of proper precautions.

A physician who attends the case of a person, including a carrier, affected with or who shows evidence of a communicable disease or condition shall inform him and his contacts of the applicable requirements of isolation, exclusion and other precautions which must be taken to prevent the spread of disease.¹⁹

§ 13.3. Removal to hospital of person suffering from communicable disease.

If in the opinion of a health inspector, any person certified by a licensed

19. Prior legislation: 1956 Code 31:43 (2nd par.); L. 1953-54. ch. XXI, §17(2).

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physician to be suffering from a communicable disease is not being accommodated, or is not being treated or nursed in such manner as adequately to guard against the spread of the disease, the Local Authority to which the inspector is attached may cause such person to be removed to a hospital or any temporary place which in the opinion of the health inspector is suitable for the reception of those sick with a communicable disease and there be detained until such health inspector or a licensed physician is satisfied that he is free from infection or able to be discharged without danger to the public health. Any person who is removed and detained hereunder shall not conduct himself in a disorderly manner and shall not leave or attempt to leave until he is discharged pursuant to this section.²⁰

§ 13.4. Isolation of person exposed to communicable disease.

If in the opinion of a health inspector, any person has recently been exposed to the infection of and may be in the incubation stage of any communicable disease and is not being accommodated in such manner as adequately to guard against the spread of the disease, such person, by order of a stipendiary magistrate or justice of the peace, based upon a certificate of such health inspector, may be removed at the cost of the Local Authority having jurisdiction in the area where such person is found to a place of isolation and there detained until, in the opinion of a health inspector attached to such Local Authority, he is free from infection or able to be discharged without danger to the public health, or until the stipendiary magistrate or justice of the peace, for good cause cancels the order.²¹

§ 13.5. Acts likely to spread disease prohibited.

No person shall intentionally or negligently cause or promote the spread of disease in any of the following ways

20. *Prior legislation:* 1956 Code 31:223; L. 1953-54, ch. XXI, § 28.

21. *Prior legislation:* 1956 Code 31:224; L. 1953-54, ch. XXI, § 29.

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- (a) By failure to observe, or by improper observance of applicable requirements of isolation, exclusion or treatment or failure to take the other precautions in caring for cases, including carriers, of communicable diseases as advised by the physicians in attendance on such cases; or
- (b) By unnecessarily exposing himself to other persons, knowing himself to be a case or carrier of communicable disease; or
- (c) By unnecessarily exposing a person in his charge or under his care to other persons, knowing such person to be a case or carrier of communicable disease; or
- (d) By unnecessarily exposing himself or a person in his charge or under his care to another person who is known to be a case or carrier of communicable disease; or
- (e) By unnecessarily exposing without previous disinfection any furnishings, bedding, clothing or other personal belongings, rags or other things which he has reason to believe has been exposed to infection from a communicable disease.²²

§ 13.6. Exclusion from certain occupations of persons affected by communicable disease.

An owner or person in charge of a factory, a food establishment, a vessel, aircraft, train, bus or other vehicle transporting passengers for compensation, a barber shop or beauty parlor, or a health or social welfare institution, shall not knowingly or negligently permit a person, including a carrier, affected with or who shows evidence of a communicable disease or condition, nor any person in contact with them, to work in such place when such person is required by this title or regulations made thereunder to be isolated or excluded.

22. *Prior legislation:* 1956 Code 31:225; L. 1953-54, ch. XXI, § 30.

§ 13.7. Right of health inspectors to inspect suspected premises and examine persons there.

A health inspector may at any time enter and inspect any premises in which he has reasonable cause to believe that a person is suffering from any communicable disease, or who has recently so suffered, or has recently been present, or in which any inmate has recently been exposed to the infection of any communicable disease, and may medically examine any person on such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from or is a carrier of any such disease and may cause a postmortem examination to be made on any corpse discovered at such premises for the purpose of ascertaining if the cause of death has been any communicable disease.²³

§ 13.8. Sanitary measures required at termination of illness.

Immediately after the recovery, death or removal of a case of communicable disease, the owner, tenant, occupant or person in charge of the premises at which such illness occurred shall disinfect, cleanse c)r renovate the room or rooms, furnishings, clothing and other personal belonging which have become contaminated and upon completion of sanitary measures shall request the Local Authority having jurisdiction to assign a health Inspector to inspect the premises. It shall be the duty of such inspector to determine whether the measures taken have been done in such manner as to place the premises involved and the effects therein in a sanitary condition. If upon such inspection the inspector finds effects which are still contaminated, the owner, tenant, occupant or person in charge shall comply with the directions he may give with respect thereto. When the sanitation has been satisfactorily completed, the inspector shall issue a certificate so certifying signed by him.²⁴

23. *Prior legislation:* 1956 Code 31:226; L. 1953-54, ch. XXI, § 21.

24. *Prior legislation:* 1956 Code 31:231; L. 1953-54, ch. XXI, § 32.

§ 13.9. Sanitation of buildings and articles on orders of inspector and Local Authority.

1. Conditions requiring issuance of a notice. If a health officer is of the opinion that the cleansing, disinfection or disinfection of any building or part thereof, and of any article therein likely to retain infection, would tend to prevent or check the spread of communicable disease, he shall give notice in writing to the owner, tenant, occupant or person in charge of such building or part thereof specifying the steps to be taken to cleanse, disinfect or disinfect such building or part thereof and such articles within a reasonable time to be specified in such notice. The inspector may require cleansing by scrubbing, washing and exposure to sunshine and air, the use of disinfectants, or renovation by painting, white-washing, alteration of the premises or other appropriate means.

2. Sanctions upon non-compliance. If the person to whom notice is so given fails to comply therewith, he shall be liable to a civil penalty not exceeding ten dollars for each day during which he continues to be in default, and the Local Authority having jurisdiction over the building or part thereof covered by the notice may cause such building or part thereof and any article therein to be cleansed, disinfected or disinfected and may recover the expenses incurred from the defaulting owner, tenant, occupant or person in charge as a debt.

3. Alternative action when person responsible is financially unable to comply. If the owner, tenant, occupant or person in charge of any such building or part thereof, because of financial inability or otherwise, in the opinion of the Local Authority having jurisdiction, is unable effectively to carry, out the requirements of this section, such Authority may, without enforcing such requirements upon such owner, tenant, occupant or person in charge, with or without his consent and without any expense to him, enter, cleanse, disinfect or disinfect such building or part thereof and any article therein requiring cleansing, disinfection or disinfection.

4. Compensation not payable for damage or loss of use if due care observed. When any article is damaged during a cleansing, disinfection,

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or disinfestation performed by a Local Authority hereunder, no compensation for damages sustained shall be payable if suitable methods have been employed and due care taken to prevent unnecessary or avoidable damage, nor shall compensation be payable for the deprivation of the occupation or use of any building or part thereof or of the use of article occasioned by such sanitation if no undue delay has occurred.

5. Local Authorities may order destruction of buildings and articles. If in the opinion of the Local Authority concerned, cleansing, disinfection or disinfestation of any building or part thereof or of any articles therein under the provisions of this section would not be effective in overcoming the danger of the spread of infection or would be impracticable, then upon giving notice to the owner and an opportunity to be heard, such Authority may direct the destruction of such building or part thereof or articles and the Republic shall pay suitable compensation therefor.²⁵

§ 13.10. Public vehicles to be disinfected.

Every owner, driver or other person in charge of a vehicle used in transporting passengers for compensation shall immediately provide for the disinfection of such vehicle after it has to his knowledge conveyed any person suffering from a communicable disease and is hereby prohibited from using the vehicle for transporting passengers until the sanitary measures as herein provided have been fully and satisfactorily completed. Upon completion of such sanitary measures, the vehicle shall be presented for inspection to a health inspector attached to the Local Authority within whose jurisdiction the vehicle is located to determine whether the measures taken have been done in such manner as to place the vehicle in a sanitary condition. If in the inspector's opinion such measures have not achieved the proper sanitary condition, such additional measures shall be taken by the owner, driver or other person in charge as the inspector shall direct.²⁶

25. *Prior legislation:* 1956 Code 31:227, 228, 229; L. 1953-54, ch. XXI, §§ 22, 23, 24, 25.

26. *Prior legislation:* 1956 Code 31:230; L. 1953-54, ch. XXI, § 31.

§ 13.11. Means to be Provided by Local Authorities to carry out sanitation provisions of chapter.

Every Local Authority shall supply free of charge a proper place with all necessary apparatus and attendance for the disinfection and disinfestation of bedding, clothing or other articles which have become infected by communicable disease. Every Local Authority shall also supply and maintain, free of charge, a conveyance or conveyances for the transportation to a hospital or other similar destination of persons suffering from any communicable disease, and for the removal to the place provided for herein for the disinfection and disinfestation of infected bedding, clothing or other articles.²⁷

§ 13.12. Precautions against spreading of disease pending burial of remains.

No person having in his charge or under his care the body of any dead person shall keep such body in any room in which food is kept, or prepared, or eaten, or shall keep such body for more than twenty-four hours in any room in which any person sleeps or works, unless permission is granted to do so by the Local Authority within whose jurisdiction the death occurred, pending prompt burial.²⁸

§ 13.13. Additional precautions in case of death from communicable disease.

No person shall intentionally or negligently cause or promote the spread of disease by unnecessarily exposing to other persons the remains of a person in his charge or under his care, knowing such person to have been suffering from or to have been a carrier of a communicable disease at the time of his death. The person having such remains in his charge or under his care at the premises at which death occurred shall notify the Local Authority within whose jurisdiction the death occurred of such

27. *Prior legislation:* 1956 Code 31:232; L. 1953-54, ch. XXI, §§ 26, 27.

28. *Prior legislation:* 1956 Code 31:233 (2nd par.); L. 1953-54, ch. XXI, § 33(2).

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death immediately upon learning of it and shall make the best arrangements practicable for preventing the spread of such disease pending removal of the remains and the carrying out of thorough disinfection or disinfestation of the premises. The remains shall be removed from the premises to a mortuary as soon as possible unless permission is granted by the Local Authority to allow them remains to be kept at the premises pending prompt burial. It shall be a violation of this title to remove the remains from the premises except to a mortuary or for the purpose of immediate burial in accordance with a duly issued burial permit; and it shall be the duty of any person who removes such remains to take it direct to the mortuary or to the place of interment for burial. Nothing in this section shall be deemed to prevent the removal by appropriate authority of remains from a hospital to a mortuary.²⁹

§ 13.14. Local Authorities may order removal to mortuary of dead bodies endangering health.

A Local Authority may direct that a dead body be removed to a mortuary whenever such body (a) is kept in any room in which food is kept, or prepared, or eaten, or (b) is kept for more than twenty-four hours in any room in which any person sleeps or works, or (c) is kept in any premises in circumstances which are likely to cause a nuisance or endanger health.³⁰

§ 13.15. Duties of undertakers with respect to communicable diseases.

It shall be the duty of every person taking charge of the preparation for burial of the body of any person to ascertain whether such person died of a communicable disease. After handling, embalming or preparing for burial the body of a person dead of a communicable disease, such parts of the person's garments, and the utensils or other articles of the undertaker or his assistants, as may have been liable to contamination

29. *Prior legislation:* 1956 Code 31:233; L. 1953-54, ch. XXI, § 33.

30. *Prior legislation:* 1956 Code 31:234; L. 1953-54, ch. XXI, § 34.

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with infective material, shall be immediately disinfected or sterilized.

§13.16. Wet nurses.

1. Health certificate required of wet nurses and infants. Before nursing an infant not her own, a wet nurse shall secure a certificate from a licensed Physician certifying that she is free from any communicable disease. Any person who secures a wet nurse for an infant shall ascertain before giving over the infant for feeding, that such nurse, within thirty days prior thereto, has been certified as required by this section and shall also obtain from a licensed Physician a certificate, to be presented to the wet nurse, that the wet nurse will not be in danger of being infected with a communicable disease by the infant. Violators of the provisions of this paragraph shall be liable to a civil penalty of fifty dollars for such offense.

2. Penalty for acting as wet nurse with knowledge of communicable disease. Any woman who acts as wet nurse to an infant not her own, knowing or having reason to suspect that she suffers from a communicable disease shall be subject to a civil penalty not exceeding five hundred dollars.

3. Penalty for withholding knowledge that infant is infected. Any person who takes an infant to wet nurse for feeding, knowing or having reason to suspect that such infant is infected with a communicable disease without informing the nurse concerning the disease condition of the infant shall be subject to a civil penalty not exceeding five hundred dollars.³¹

§ 13.17. Medical attention for indigent at expense of Government.

Any person infected with a communicable disease (1) who earns less than fifty dollars a month, or (2) who is financially unable to provide proper medical attention for himself and for whom there is no person

21. *Prior legislation:* 1956 Code 31:221, 222; L. 1953-54, ch. XXI, §§ 14(a), (b), (c), 15.

legally responsible and financially able to provide for him, shall receive proper medical attention at the expense of the Government.³²

Chapter 14 FORMIDABLE EPIDEMIC, ENDEMIC OR INFECTIOUS DISEASES

§ 14.1. Diseases applicable to this chapter.

§ 14.2. Power of Minister to make rules.

§ 14.3. Local Authorities to aid in enforcement of provisions.

§ 14.4. Reports concerning unusual sickness or mortality among animals.

§ 14.5. Right of Minister to commandeer unoccupied real property and materials.

§ 14.6. Penalty for violation of chapter provisions.

§ 14.1. Diseases applicable to this chapter.

The provisions of this chapter shall apply to plague, small pox, yellow fever, cholera, typhus fever, relapsing fever (epidemic of louse-borne), sleeping sickness or human trypanosomiasis as formidable epidemic diseases and to any other disease which the Minister may by proclamation declare to be a formidable epidemic disease for the purposes of this chapter.³³

§ 14.2. Power of Minister to make rules.

Whenever any part of the Republic appears to be threatened by any formidable epidemic, endemic or communicable disease, the Minister shall declare such part an infected area and shall make rules with regard to any of the following matters:

32. *Prior legislation:* 1956 Code 31:236; Crim. Code 35.

33. *Prior legislation:* 1956 Code 31:140-, L. 1953-54, ch. XXI, § 37.

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- (a) For the speedy interment of the dead;
- (b) For house to house visitation;
- (c) For the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, disinfection and disinfection, and for guarding against the spread of disease;
- (d) For preventing any person from leaving and reinfected area without undergoing all or any of the following: medical examination, disinfection, disinfection, inoculation, vaccination or re-vaccination, immunization or passing a specific period in an observation ramp or station;
- (e) For the establishment of hospitals and observation camps or stations, for placing herein persons who are suffering from communicable disease;
- (f) For the destruction, disinfection or disinfection of building, furniture, goods, or other articles, which have been used by persons suffering from communicable disease, which are likely to spread infection;
- (g) For the removal of persons who are suffering from a communicable disease and persons who have been in contact with such persons;
- (h) For the removal of corpses;
- (i) For the, destruction of rats and other rodents, and the means and precautions to be taken on shore or on vessels for preventing them from passing between vessels and from vessels to the shore or from the shore to vessels and the better prevention of the danger of spreading infection by rats and other rodents;
- (j) For the destruction of mosquitoes and the means and precautions to be taken in respect to arriving at or departing from

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the Republic and for preventing mosquitoes from passing from aircraft to land and from land to aircraft and the better prevention of the danger of spreading infection by mosquitoes;

- (k) For the regulation of hospitals used for the reception of persons suffering from a communicable disease and of observation camps and stations;
- (l) For the removal and disinfection or disinfestation of articles which have been exposed to infection;
- (m) For prohibiting any person from living in any building or using any building for any purpose whatsoever if in the opinion of the health inspector in charge any such use is liable to cause the spread of any communicable disease; any rules made under this section may give a health inspector power to prescribe the conditions under which a building may be used;
- (n) For any other purpose whether of the same kind or nature as the foregoing or not having for its object the prevention, control or suppression of communicable disease;
- (o) For the compulsory medical examination of persons suffering or suspected to be suffering from communicable disease;
- (p) For the registration of residents in an infected area;
- (q) For the restriction of residence in, immigration to or emigration from, an infected area;

and may by notice declare all or any of the rules so made to be in force within the whole or any part of the infected area.³⁴

34. *Prior legislation:* 1956 Code 31:141; L. 1953-54, ch. XXI, § 38.

§ 14.3. Local Authorities to aid in enforcement or provisions.

The Local Authority of any area within which or within part of which rules under this chapter are declared to be in force shall do and provide all such acts, matters and things as may be necessary for mitigating any formidable epidemic, endemic or communicable disease, causing the area to be declared an infected area, or aiding in the execution of such rules or for executing them, as the case may require. The Local Authority from time to time may request the Minister to institute through the Minister of Justice any prosecution or legal proceedings for or in respect to the violation of any such rules.³⁵

§ 14.4. Reports concerning usual sickness or mortality among animals.

Any person who acquire knowledge of an unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic disease shall immediately report the fact to the Local Authority having jurisdiction over the area where such phenomenon is observed by the most expeditious means.³⁶

§ 14.5. Right of Minister to commandeer unoccupied real Property and materials.

If an outbreak of any formidable epidemic exists or is threatened, it shall be lawful for the Minister to require any person owing or having charge of any land or any buildings or dwellings not occupied, or any person owing or having charge of tents, transport bedding, hospital equipment, drugs, food or any other appliances, materials or other articles urgently required in connection with such outbreak to hand over the use of such land or buildings or to supply or make available any such article, subject to the payment of a reasonable amount as hire or Purchase Price. Any person liable hereunder who without reasonable cause fails or refuses to

35. *Prior legislation:* 1956 Code 31:142; L. 1953-54, ch., XXI, § 39.

36. *Prior legislation:* 1956 Code 31:142; L. 1953-54, ch. XXI, § 38.

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comply with any such requirement shall be subject to the penalties provided for violation of provisions of this chapter.³⁷

§ 14.6. Penalty for violation of chapter provisions.

Any person other than a public officer who violates any of the provisions of this chapter or any of the rules made thereunder shall, upon conviction, be liable to a fine not exceeding two hundred dollars or to imprisonment not exceeding thirty days, or to both such fine and imprisonment.³⁸

Chapter 15. PREVENTION OF THE SPREAD OF POLIOMYELITIS, SMALL POX AND MEASLES

§ 15.1. Definitions.

§ 15.2. Children residing in Republic to be immunized.

§ 15.3. Children not to be admitted to school until immunized.

§ 15.4. Declaration of compulsory immunization area.

§ 15.5. Special powers of Local Authorities in case of outbreak of poliomyelitis, small pax or measles.

§ 15.6. Immunization of inmates of certain institutions.

§ 15.1. Definitions.

When used in this Chapter:

(a) The term "child" shall mean and include any child between the ages of two months and six years, and every child entering or attending school.

(b) The term "Public immunizer" shall include a person appointed

37. *Prior legislation:* 1956 Code 31:146; L. 1953-54, ch. XXI, § 43.

38. *Prior legislation:* 1956 Code 31:147; L. 1953-54, ch. XXI, § 44.

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by the Minister of Health and Social Welfare to administer immunizing agents against communicable diseases, particularly poliomyelitis, small pox and measles, who need not be a licensed physician but who has the knowledge and technical skill to administer such immunizing agents.

(c)The term "school" means and includes any public, private, or parochial day nursery, nursery school, kindergarten, elementary school, junior high school, advanced or secondary school or high school.³⁹

§ 15.2. Children residing in Republic to be immunized.

1. *Immunization by qualified physician or public immunizer.* Every person in a parental relation to a child residing in the Republic shall had administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, small pox and measles which meets the standards approved by the Minister of Public health and Social Welfare for such biological products. Any such child who has riot previously received such immunization shall be presented to a licensed physician for the purpose of having the necessary immunization against poliomyelitis, small pox and measles administered to him. If any person in parental relation to such child is unable to pay for the service of a private physician such person shall present, such child to a public immunizer who shall then administer the immunizing agent without charge.

2. *Certificates of successful immunization.* The licensed physician or public immunizer who has successfully administered such immunizing agent against poliomyelitis, small pox and measles to any such child shall give a certificate of such immunization to the person in parental relation to such child.

3. *Certificates of unfitness of immunization.* If any qualified physician

39. Prior legislation: 1956 Code 31:160; L. 1953-54, ch. XXI, § 63.

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or public immunizer certifies that such immunization as provided in paragraph 1 may be detrimental to a child's health, the requirements of paragraph 1 shall be applicable until such immunization is found no longer to be detrimental to the child's health. Such certificate shall remain in force for six months only, but shall be renewable for successive periods of six months until the public immunizer or licensed physician shall be of the opinion that the child is fit for such immunization, in which event the necessary immunization agent against poliomyelitis, small pox and measles shall be administered to the child with all reasonable dispatch.

4. *Certificates to contain description of children immunized.* A public immunizer or licensed physician giving any certificate under this section shall enter therein a description of the child concerning whom the certificate is given sufficient for the purposes of identification.⁴⁰

§ 15.3. Children not to be admitted to school until immunized.

No child shall be admitted to or attend any school until there has been produced to the person in charge thereof a certificate or other satisfactory evidence that immunization against poliomyelitis, small pox, and measles with respect to such child as required by the provisions of section 15.2, has been complied with.⁴¹

§ 15.4. Declaration of compulsory immunization area.

It shall be lawful for the Minister of Public Health and Social Welfare by an officially published notice and by posting such notice in public places in the area affected, to declare any area to be a compulsory immunization area against poliomyelitis, small pox and measles. Such notice shall specify a period in which the immunization against poliomyelitis, smallpox and measles of all non-immunized persons

40. *Prior legislation:* 1956 Code 31:161, 163, 164, 165, 166, 167; L. 1953-54, ch. XXI, §§ 64, 66, 67, 68, 69.

41. *Prior legislation:* 1956 Code 31:169 (1st par.); L. 1953-54, ch. XXI, § 71(l).

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dwelling in such area shall take place. Every non-immunized adult and the person in parental relation to a non-immunized minor child in any such area shall cause himself and such child to be immunized against poliomyelitis, small pox and measles within the period specified. The conditions and exceptions described in section 15.2 shall apply to any adult or minor child required to be immunized by this section. A person shall be considered to be non-immunized if he has not been or fails to prove that he has been successfully immunized against poliomyelitis, small pox and measles. It shall be defense, however, in any action instituted under this section for failure to procure immunization, that no reasonable facilities for immunization were available to the defendant.⁴²

§ 15.5. Special powers of Local Authorities in case of outbreak of poliomyelitis, small pox or measles.

In the event of the occurrence or threatened outbreak in any area of Poliomyelitis, smallpox or measles:

(a) The Local Authority having jurisdiction over such area may require any Person therein who has or is suspected to be forthwith immunized against poliomyelitis, small pox and measles and if such person is a minor it may require the person standing in a parental relation to such minor to have such minor so immunized forthwith.

(b) The Local Authority having jurisdiction over such area may, or when so directed by the Minister of Health and Social Welfare shall, require all persons within a defined area to attend at a center according to instruction issued and to undergo inspection, and if circumstances so require, immunization against such diseases. Such instructions may be issued by notice in the press, by radio, or by notices posted in public places or otherwise as may be deemed sufficient by the Local Authority. Non-attendance at such centers shall be held to be a violation of this title when such instructions are issued hereunder.

42. *Prior legislation:* 1956 Code 31:162, L. 1953-54, ch. XXI, § 65.

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(c) Any Public immunizer or licensed physician duly authorized by the Minister may require any person in such area to furnish satisfactory proof that he has been successfully immunized against poliomyelitis, small pox and measles preceding the date the Local Authority having jurisdiction over the area required immunization against such diseases and upon failure to furnish such proof, to administer the necessary immunization agent to such person. Any person who fails to furnish such proof with regard to himself or any minor child of whom he stands in parental relation and then refuses to allow himself or such minor child to be immunized, shall be guilty of a violation of this title.⁴³

Chapter 16 CONTROL OF VENEREAL DISEASES

- § 16.1. Diseases to which chapter is applicable.
- § 16.2. Minister to provide free facilities for diagnosis and treatment.
- § 16.3. Persons over 18 years old infected with venereal disease to submit themselves for examination and treatment.
- § 16.4. Examination and treatment of minors under 18 years infected with venereal disease.
- § 16.5. Detention of infected persons after serving prison sentence.
- § 16.6. Re-examination of persons detained in facilities; release upon negative finding of infection.
- § 16.7. Exclusion from employment of persons with venereal disease.
- § 16.8. Certain advertisements concerning venereal disease and related subjects prohibited.
- § 16.9. Penalties for offense under this chapter.

§ 16.1. Diseases to which chapter is applicable.

The provisions of this chapter insofar as they concern venereal diseases shall apply to all forms of syphilis, gonorrhea, chaneroid, lymphogranu-

43. *Prior legislation:* 1956 Code 31:171; L. 1953-54, ch. XXI, 73.

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loma venereum or Granuloma inguinale.⁴⁴

§ 16.2. Minister to provide free facilities for diagnosis and treatment.

It shall be the responsibility of the Minister of Health and Social Welfare to provide for each Local Authority or group of Local Authorities in convenient proximity, adequate facilities at easily accessible locations for the free diagnosis and treatment of persons living within the jurisdiction of each Local Authority who are suspected of being infected or are infected with any venereal disease. Health Inspectors assigned to the Local Authorities shall have reception to these facilities and shall promptly examine or arrange for the examination at such facilities of persons suspected of being infected with any venereal disease, and shall promptly institute treatment or arrange for the treatment, and if necessary, the isolation of those found or otherwise known to be infected with a venereal disease, provided that under the supervision of the health inspector any such person, at his opinion and at his own expense, may be examined and thereafter, if necessary, treated by a licensed physician of his choice.

§ 16.3. Persons over 18 years old infected with venereal disease to submit themselves for examination and treatment.

Every person 18 years of age or older who knows or has reason to believe that he is infected with any venereal disease shall forthwith either present himself for examination to the health inspector assigned to the Local Authority within whose jurisdiction he resides or, at his own expense, consult a licensed physician with respect thereto, and if found to be infected with any such disease, shall attend for treatment under the auspices of the health inspector at the facility of the Ministry available for the treatment of venereal diseases or at his opinion and at his own expense. shall place himself for treatment by a licensed physician of his choice, and when prescribed, shall abide by the

⁴⁴. Prior legislation: 1956 Code 31:190; L. 1953-54, ch. XXI, § 75.

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restrictions regarding his isolation. Every person undergoing treatment for any venereal disease as aforesaid, until cured or free from such disease in a communicable form, shall continue to submit himself to treatment at such intervals and to abide by such restrictions regarding his isolation as may be prescribed.⁴⁵

§ 16.4. Examination and treatment of minor under 18 infected with venereal disease.

Every person in a parental relation to a minor under 18 years of age who knows or has reason to believe that such minor is infected with any venereal disease shall cause such minor to be examined and treated in the same manner as is required of a person 18 years or older under the provisions of section 16.3.⁴⁶

§ 16.5. Detention of infected persons after serving prison sentence.

If it appears that a person committed to a penal or correctional institution who is undergoing treatment there for a venereal disease in a communicable form, will continue to require such treatment upon the expiration of his sentence and it is believed that such person when released is likely to continue to undergo such treatment, an application shall be made prior to such person's release by the authority in charge of such institution for his subsequent detention for treatment at a government facility to a magistrate or justice of the peace having jurisdiction within the area where such institution is located, based on the report of a licensed physician treating such person and if the magistrate or justice of the peace to whom such application is presented is satisfied that the public health cannot otherwise be adequately safeguarded and that such person when released is unlikely to undergo the required treatment for such disease by a licensed physician or at a facility maintained by the Ministry, he may order that at the expiration

45. *Prior legislation:* 1956 Code 31:191; L. 1953-54, ch. XXI, § 76; L. 1934, ch. XII, §§ 3, 4, 8.

46. *Prior legislation:* 1956 Code 31:192; L. 1953-54, ch. XXI, § 78.

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of his sentence such person be removed to and detained under treatment in a facility provided for such purpose, or in a hospital or other suitable place, either for a specific time after the expiration of his sentence or until he is cured or free from the disease in communicable form. It shall be a violation of the order for any such person to escape or attempt to escape from any place in which he has been ordered hereunder to be removed and detained.⁴⁷

§ 16.6. Re-examination of persons detained in facilities; release upon negative finding of infection.

No person detained under the detention provisions of this chapter shall continue to be detained in a facility, hospital or other place maintained by the Ministry for the treatment of persons infected with any venereal disease who is not, or is no longer, infected with a venereal disease in a communicable form. Periodic examination for the continued presence of venereal disease in communicable form shall be provided by the authorities in charge for persons so detained. Any person so detained shall be entitled to arrange, at his own expense, for his examination by a licensed physician, and a report of such examination shall be furnished to the magistrate or justice of the peace having jurisdiction over such person's detention, who may thereupon, upon timely notice to the Local Authority involved, hold a hearing thereon and cause to be made any further examination of such person which he may deem necessary and shall order his release upon a confirmed negative finding.⁴⁸

§ 16.7. Exclusion from employment of person with venereal disease.

Every person who is found to be infected with any venereal disease in a communicable form shall be excluded from employment in any capacity which exposes others to a risk of infection and any such person knowing or having reason to suspect that he is infected with any venereal disease in communicable form who accepts or continues in

47. *Prior legislation:* 1956 Code 31:195-54, ch. XXI, § 83.

48. *Prior legislation:* 1956 Code 31:194; L. 1953-54, ch. XXI, § 81.

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employment either as an employee or on his own account in and about any factory, shop, hotel, restaurant or in any place and in any capacity entailing the handling of food intended for consumption or the handling of food utensils for use by another person, or entailing the care of children, shall be guilty of an offense and subject upon conviction to a fine not exceeding five hundred dollars.⁴⁹

§ 16.8. Certain advertisements concerning venereal diseases and related subject.

Whoever publishes, exhibits, delivers, and distributes or cause to be published, exhibited, delivered or distributed in any manner whatsoever an advertisement or statement, including any document or book containing any such advertisement or statement, and any written or printed paper or handbill, or any label or words written or printed or affixed to or delivered with any packet, box, bottle, phial, or other enclosure containing it, concerning a venereal disease, lost manhood, lost vitality, sexual impotency or weakness, seminal emissions, varicocele, self-abuse or excessive sexual indulgence, whether described by such names, words, terms or phrases, or by any other names, words, terms or phrases, calculated or intended to convey to the reader the idea that any of these disease, infirmities, disabilities, conditions or habits are meant or referred to, and calling attention to a medicine, article, appliance, or preparation that may be used therefor or to a person or persons from whom or an office or place at which information, treatment or advice relating to such disease, infirmity, habit or condition may be obtained, is guilty of an offense and upon conviction shall be liable to a fine not exceeding one hundred dollars, and the court may order any advertisement, statement or other written matter and any medicine, article, appliance, or preparation specified in this section used by, belonging to or in the possession of the person convicted to be forfeited and to be destroyed or otherwise disposed of. This section, however, shall not apply to an advertisement, statement or other written matter issued or published by the Minister of Health and Social Welfare, or by

49. Prior legislation: 1956 Code 31:196 (1st par.); L. 1953-54, ch. XXI, § 79(1).

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any Local Authority, public hospital, or other public body in the discharge of its lawful duties, nor shall it apply to any books, documents or papers published in good faith for the advancement of medical science and which do not advertise or call attention to any person or persons from whom or any office or place at which information, treatment or advice prohibited by this section may be obtained.⁵⁰

§ 16.9. Penalties for offenses under this chapter.

Except where penalties are otherwise expressly set forth any person, other than a public officer, who violates or fails to comply with any of the provisions of this chapter shall be guilty of an offense and shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment.⁵¹

Chapter 17. PREVENTION OF INTRODUCTION OF COMMUNICABLE DISEASES FROM FOREIGN COUNTRIES

- § 17.1. Compliance with measures prescribed by health authorities of foreign departure ports; vessels and aircraft.
- § 17.2. Radio report of disease on board prior to arrival.
- § 17.3. Aircraft arriving from outside Republic subject to entry procedure provisions contained in Revenue and Finance Law.
- § 17.4. Quarantine inspection required for vessels and aircraft arriving from outside Republic; quarantine sites.
- § 17.5. Exemption of vessels and aircraft of armed services of foreign nations.
- § 17.6. Restrictions on boarding and leaving vessels or aircraft subject

50. *Prior legislation:* 1956 Code 31:199, 202(2); L. 1953-54, ch. XXI, §§ 85, 87(2); L. 1934, ch. XXI, §§ 11, 12, 13(b).

51. *Prior legislation:* 1956 Code 31:202; L. 1953-54, ch. XXI.

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to quarantine inspection, or on. having contact with persons aboard.

- § 17.7. Quarantine and granting of pratique: fee and provisional.
- § 17.8. Compulsory departure of vessels and aircraft declining to comply with quarantine requirements.
- § 17.9. Declaration of state of health upon arrival at first port of entry; vessels and aircraft.
- § 17.10. Right of Port Health officers to Is and aircraft and examine persons abroad.
- § 17.11. Quarantine inspection and control procedures.
- § 17.12. International Sanitary Regulations to be observed.
- § 17.13. Sanitary measures applicable to arriving vessels or aircraft and persons aboard.
- § 17.14. Reporting of notifiable disease or death aboard vessels or aircraft.
- § 17.15. President may declare foreign ports infected and impose restrictions.
- § 17.16. Vessels and aircraft from proclaimed places to take precautions.
- § 17.17. Admonition procedures regarding suspected inspection of persons, things, vessels or aircraft departing from Liberia.
- § 17.18. Extension of international Sanitary provisions to domestic vessels and aircraft.
- § 17.19. International Sanitary Regulations to be observed at border.
- § 17.20. Border quarantine.
- § 17.21. Civil penalties for violation of chapter.
- § 17.22. Government not liable when properly exercising powers hereunder.

§ 17.1. Compliance with measures prescribed by health authorities of foreign departure ports vessels and aircraft.

Masters of vessels and commanders of aircraft at any foreign port or aircraft clearing or departing for any port in Liberia shall comply with sanitary measures prescribed by the health authority for such foreign port or airport in accordance with responsibility imposed by the International sanitary Regulations to prevent the departure of infected

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persons or the introduction on board such vessels or aircraft of possible agents of infection or vectors of the following communicable diseases: cholera, plague, relapsing fever, smallpox, typhus and yellow fever.

§ 17.2. Radio report of disease on board prior to arrival.

Masters of vessels and commanders of aircraft destined for Liberian ports shall report promptly by radio to the Port Health Officer in charge at the port of entry intended as the place of first landing in Liberia, and whenever practicable not less than four hours before expected arrival, the occurrence or suspected occurrence on board of any of the following communicable diseases: Anthrax, chancroid, chickenpox, cholera, dengue, diphtheria, flavus, gonorrhea, granuloma inguinal, hemolytic streptococcal infections, impetigo contagiosa, infectious encephalitis, leprosy, Lymphogranuloma venereum, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, yellow fever, or other diseases characterized by fever or skin rash.⁵²

§ 17.3. Aircraft arriving from outside Republic subject to entry procedure provisions contained in Revenue and Finance Law.

Aircraft arriving from any place outside of the Republic shall be subject to the provisions of Sections 53.52, 53.53, and 53.55 of the Revenue and Finance Law with regard to giving advance notice of arrival, landings at designated airports of entry and entry procedures on emergency or forced landings.

§ 17.4. Quarantine inspection required for vessels and aircraft arriving from outside Republic; quarantine sites.

Vessels and aircraft entering Liberia from a foreign port or airport, upon arrival at the first port of entry in Liberia, shall undergo quarantine inspection prior to entry. A vessel shall fly a quarantine flag and anchor

52. *Prior legislation:* 1956 Code 31:83 (3rd par.): L. 1953-54, ch. XXI, § 48(4).

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in the designated quarantine anchorage and wait inspection unless the Port Health Officer in charge is of the opinion that proceeding to another designated point would not be likely to cause the introduction of communicable disease, in which case he may direct the vessel to such a point to wait inspection. When an aircraft is subject to quarantine inspection the aircraft commander shall be responsible for the detention of its crew and passengers at the place of first landing of the aircraft until they are released by the Port Health Officer in charge; any baggage, cargo or other contents on board shall also be held at such place until released by such officer.⁵³

§ 17.5. Exception of vessels and aircraft Of armed services of foreign nations.

Vessels and aircraft belonging to or operated by the armed services of any foreign nation may, in the discretion of the Port Health Officer in charge, be exempted from quarantine inspection if a commissioned medical officer of such service certifies that (a) any person on board who is infected or suspected of being infected with a communicable disease will be isolated until it is determined whether or not he is infected with cholera, plague, relapsing fever, smallpox, typhus or yellow fever and that (b) the vessels or aircraft are from ports where at the time of departure there was not present or suspected of being present any of such communicable diseases. When it is determined that any person on board such vessels or aircraft is infected with any such communicable disease, the vessels or aircraft and their entire personnel shall be subject to the provisions of section 17.13.⁵⁴

§ 17.6. Restrictions on boarding and leaving vessels or aircraft subject to quarantine inspection, or on contact with person aboard.

Exception with the permission of the Port Health Officer in charge, no

53. *Prior legislation:* 1956 Code 31:89; L. 1953-54, ch. XXI, § 54.

54. *Prior legislation:* 1956 Code 31:81; L. 1953-54, ch. XXI, § 46.

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person, other than the harbor pilot of a vessel shall board or be permitted to board any vessel or aircraft subject to quarantine inspection or have contact with its crew or passengers until after quarantine inspection has been completed of the vessel or aircraft, the crew and passengers and pratique is granted. A person boarding such vessel or aircraft to inspection shall be subject to the same restrictions as those imposed on the persons on board such vessel or aircraft. No person shall leave or be permitted to leave any vessel or aircraft subject to quarantine inspection until after it has been inspected by the Port Health Officer in charge and pratique has been granted, except with the permission of such officer.⁵⁵

§ 17.7. Quarantine and granting of pratique; free and provisional.

1. Quarantine procedures at first port of entry. Vessels and aircraft subject to quarantine inspection shall not enter a Liberian port or airport to discharge cargo or land passengers or crew unless a certificate of free or provisional pratique has been issued. A certificate of free pratique shall signify that all necessary quarantine and sanitary measures have been applied to the vessel or aircraft and the persons, animals, articles and other things on board and that the vessel or aircraft may enter without further quarantine restrictions to discharge cargo and land passengers and crew. A certificate of provisional pratique shall signify that the vessel or aircraft may enter, but that additional health measures, to be stated therein, must be taken in connection with the discharge of cargo or the landing of passengers or crew, or with the sanitary condition of the vessel or aircraft. If any vessel or aircraft has, or is suspected on reasonable grounds of having on board, in any person, animal, article or thing, the infection of any communicable disease, the Port Health Officer in charge may grant provisional pratique to such vessel or aircraft or, if he deems it necessary to do so, he may withhold pratique and place the vessel in quarantine. A certificate of free pratique shall be issued if all necessary quarantine and sanitary measures have been successfully applied to the quarantine vessel or aircraft and to the persons, animals, articles and other things on board, or if provisional

55. *Prior legislation:* 1956 Code 31:82; L. 1953-54, ch. XXI, § 47; L. 1917 (E. S.), 3, §§ 7, 8; L. 1892-93, 16 arts. 10, 11; L. 1861, 84 (2nd), §§ 3, 4.

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pratique has been granted and the required additional measures stated therein have been successfully completed.

2. *Remanding, where necessary, to other parts for completion of quarantine measures.* If quarantine measures cannot be completed at the first port of entry, the Port Health Officer in charge in his discretion, may remand the vessel or aircraft under provisional pratique to the next scheduled port or airport for such additional measures as may be necessary and if such measures cannot be completed there, in the discretion of the Port Health Officer in charge at such port, the vessel or airport may be directed to proceed to the next succeeding port or airport for completion of quarantine measures.

3. *Original sanctions reinstated upon failure to comply with provisional pratique conditions.* Failure to comply with the additional measures specified in a certificate of provisional pratique shall constitute a violation of the provisions of this chapter and the vessel or aircraft shall become subject to all quarantine measures applicable to vessels and aircraft upon first arrival at a Liberian port or airport from a foreign port or airport.⁵⁶

§ 17.8. Compulsory departure of vessels and aircraft declining to comply with quarantine requirements.

When the master of a vessel or the commander of an aircraft declines to comply with the requirements for a certificate of free or provisional pratique, the vessel or aircraft shall not be permitted to remain in the port or airport of entry or anywhere in the Republic, but shall be allowed to depart forthwith provided no call is made at any other place in Liberia in connection with the current voyage or flight. The vessel or aircraft, however, shall be permitted to take on board fuel, water and stores in quarantine, subject to such precautionary measures as may be prescribed by the Port Health Officer in charge.⁵⁷

56. Prior legislation: 1956 code 31:86, 89; L. 1953-54, ch. XXI, §§ 51, 54.

57. Prior legislation: 1956 Code 31:90; L. 1953-54, ch. XXI, § 55.

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§ 17.9. Declaration of state of health upon arrival at first port of entry; vessels and aircraft.

Masters of vessels and commanders of aircraft entering Liberia from a foreign port or airport, upon arrival at the first port of entry in Liberia, shall make a true declaration to the Port Health Officer in charge, on a form approved by the Minister, which shall include a report showing details of any communicable disease which has occurred or is suspected to have occurred on board during the voyage or flight and produce for inspection all declarations and bills of health and any other certificates concerning the state of health aboard the vessels or aircraft obtained at all foreign ports from which such vessels or aircraft departed prior to arrival in Liberia.⁵⁸

§ 17.10. Right of Port Health Officers to inspect vessels and aircraft and examine persons aboard.

Port Health Officers may at any time board any vessel or aircraft within their respective jurisdictions and inspect any part thereof or anything therein, and may medically examine any person on board and require any such person to answer any question relevant to the ascertainment of whether or not infection exists or has recently existed on board. Any person who refuses to allow any such officer to board any vessel or aircraft to make any inspection or medical examination as aforesaid, or otherwise, obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer knowing it to be false or misleading, shall be subject to any penal sanction provided therefor under the provisions of this title or in the Penal Law.⁵⁹

58. *Prior legislation:* 1956 Code 31:125; L. 1944-45, ch. IX, § 7.

59. *Prior legislation:* 1956 Code 31:85; L. 1953-54, ch. XXI, § 49.

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§ 17.11. Quarantine inspection and control procedures.

Quarantine inspection of a vessel or aircraft shall include the following procedures:

- (a) Scrutiny of the vessel or aircraft, its cargo, manifests and other papers to ascertain the sanitary history and condition of the vessel or aircraft;
- (b) Examination of the persons aboard the vessel or aircraft and their personal effects and records, to determine the presence or risk of introduction of quarantinable and other communicable diseases;
- (c) Inspection to ascertain whether there exists rodent, insect or other vermin infestation, contaminated food or water, or other insanitary conditions requiring measures for the prevention of the introduction, transmission or spread of quarantinable or other communicable disease.
- (d) Detention under quarantine controls until the completion of the necessary sanitary measures which in the judgment of the Port Health Officer in charge are required to prevent the introduction, transmission or spread of quarantinable or other communicable disease.

§ 17.12. International Sanitary Regulations to be observed by vessels and aircraft on international voyages.

All vessels, aircraft, and persons thereon arriving in or leaving the Republic on an international voyage shall be subject to the sanitary measures with respect to smallpox, yellow fever and the other communicable diseases provided for in those regulations of the International Sanitary Regulations to which the Republic of Liberia is bound.⁶⁰

60. Prior legislation: 1956 Code 31:121, 122, 123; L. 1944-45, ch. IX, §§ 2, 3, 4, 5.

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§ 17.13. Sanitary measures applicable to arriving vessels or aircraft and persons aboard.

Whenever the Port Health Officer in charge has reason to believe that any arriving vessel or aircraft, or article or thing aboard, is or may be infected or contaminated with any of the communicable diseases listed in section 17.2, he may cause it to be disinfected, disinfested, fumigated and take such other related measures respecting such vessel, aircraft, or article or thing aboard, or any part thereof, as he considers necessary to prevent the introduction, transmission or spread of such communicable diseases. In addition, if such officer has reason to believe that any arriving person on board any such vessel or aircraft is suffering such communicable or has been exposed to infection from any of such communicable disease or that any person remaining on board who is suffering from any of such communicable diseases, in his opinion, is not being accommodated or is not being nursed or treated in such manner as to guard adequately against the spread of the disease or to promote recovery, he may place such person in isolation or surveillance and may cause his person, clothing or baggage to be disinfected or disinfested, if he considers it necessary to prevent the introduction, transmission or spread of such communicable disease. Persons held under isolation pursuant to this section may be so held on shore if facilities are not available, pending other suitable arrangements for isolation shall be on the arriving vessel in quarantine or when the arrival is by aircraft, at some temporary safe location.⁶¹

§ 17.14. Reporting of notifiable disease or death aboard vessels or aircraft.

The provisions of this title with respect to the reporting of the occurrence of cases of notifiable disease; or conditions in man and evidence of unusual mortality or disease communicable to man among rodents and other animals shall apply to every master of a vessel and to every commander of aircraft at any port, airport or place in the

⁶¹ *Prior legislation:* 1956 Code 31:91 (1st par.), 92 (1st par.); L. 1953-54, ch. XXI, §§ 56(l), 57; L. 1917, 3, §§ 12, 13.

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Republic; but wherever it is therein required that notification be made to the Local Authority or health inspectors attached thereto, such notification shall be made to the Port Health Officer in charge. Likewise, it shall be the duty of such master of a vessel or such commander of an aircraft to report to the Port Health Officer in charge the death on board of any person who has died from any cause whatever during the voyage or flight just completed or while the vessel or aircraft is in port or at an airport in the Republic and also the cause of death if known to him.⁶²

§ 17.15. President may declare foreign ports infected and impose restrictions.

The President on the advice of the Minister may by proclamation:

(a) Declare that any place beyond the Republic is infected with a formidable epidemic disease or that a formidable epidemic disease is liable to be brought or carried from or through that place, and thereupon, and for so long as such proclamation remains in force, that place shall be a "proclaimed place" within the meaning of this chapter and in connection with which precautionary measures may be prescribed to be taken by vessels and aircraft coming from any such place in the Republic, their crews, passengers and cargo;

(b) Declare any port in the Republic to be a first port of entry for all or any particular class or description of overseas vessel coming from a place proclaimed as above and require masters of such vessels bound for the Republic to enter a port so declared before entering any other port of the Republic, except in case of danger or for other sufficient reason;

(c) Declare any airport in the Republic to be first port of entry for all or any particular class or description of aircraft coming from a place proclaimed as above and require commanders of such aircraft

62. Prior legislation: 1956 Code 31:83 (1st, 3rd pars.); L. 1953-54, ch. XXI, § 48(1), (3), (4).

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bound for the Republic to enter an airport so declared before entering any other airport in the Republic, except in case of danger or for other sufficient reason;

(d) Prohibit, restrict or regulate the immigration or importation into the Republic from any proclaimed place, of any person, animal, article or thing considered likely to introduce any communicable disease, or impose restrictions or conditions with regard to the examination, detention, disinfection or otherwise of any such person, animal, article or thing.⁶³

§ 17.16. Vessels and aircraft from proclaimed places to take precautions.

1. *Duty to comply; penalty for failure.* The master of any vessel or commander of any aircraft bound for a port or place in the Republic and coming from, or calling or touching at any proclaimed place, while his vessel or aircraft is at that proclaimed place and during the voyage or flight to the Republic, shall take with respect to the vessel or aircraft, and the crew, passengers and cargo thereof, and such precautionary measures as may be prescribed by the proclamation issued by the President pursuant to section 17.15. The master of any vessel or the commander of any aircraft at any port or place in the Republic failing to comply with the requirements of this paragraph shall be liable to a civil penalty of one hundred dollars unless he proves that he was unaware of the measures required to be taken by him and that he took all reasonable means to ascertain whether it was his duty to take any such measures.

2. *Owners to be charged with expenses of measures not taken.* Where a vessel or aircraft arrives from a proclaimed place and the prescribed precautionary measures have not been taken, any measures considered necessary by the Port Health Officer in charge, acting on the instructions of the Minister, may be carried out with respect to the vessel or aircraft, the crew, passengers and cargo thereof at the expense of the owners of

62. *Prior legislation:* 1956 Code 31:87; L. 1953-54, ch. XXI, § 52; L. 1917 (E. S.) 3, § 5.

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the vessel or aircraft.⁶⁴

§ 11.17. Admonition procedures regarding suspected infection of persons, things, vessels or aircraft departing from Liberia.

1. *As to persons.* If the Port Health Officer in charge has reason to believe that a person proposing to depart from Liberia by air means is infected with or has been exposed to infection by any of the following communicable diseases: cholera, plague, relapsing fever, smallpox, typhus or yellow fever, he shall so advise the person and notify the Local Authority in the area having jurisdiction over such person and the master or commander or person in charge of the vessel, aircraft or other conveyance on which the person proposes to depart.

2. *As to means of conveyance and things.* If the Port Health Officer in charge has reason to believe that a departing vessel, aircraft or conveyance has or may have on board possible agent of infection or vectors of any communicable disease set forth in paragraph 1, he shall notify the master, commander or person in charge and offer to have performed such disinfecting, disinfecting or other measures as are necessary. The officer shall, if he considers that a risk of infection exists on board at the time of departure, notify all persons proposing to embark on such ship, aircraft or conveyance and the health authorities at the next port of call or destination, of the conditions aboard such vessel, aircraft or conveyances.

§ 17.18. Extension of in vessels and aircraft sanitary provisions to domestic vessels and aircraft.

Vessels engage solely in the coasting trade and plying only between ports of the Republic and aircraft in traffic within the Republic, their crews, passengers and cargo, when arriving from a port or place within the Republic infected or suspected of being infected with any of the communicable diseases listed in section 17.2, or when illness on board

64. *Prior legislation:* 1956 Code 31:88; L. 1953-54, ch. XXI, § 53.

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indicates unsatisfactory sanitary conditions, shall be subject to the sanitary measures described in section 17.13.⁶⁵

§ 17.19. International Sanitary Regulations to be observed at border.

All person, trains, road vehicles arriving in or leaving the Republic at its inland borders by land transit shall be subject to the sanitary measures with respect to smallpox, yellow fever and the other communicable diseases provided for in those regulations of the International Sanitary Regulations to which the Republic of Liberia is bound.⁶⁶

§ 17.20. Border quarantine.

Persons, animals, articles and things, including conveyances, shall not enter the Republic at its inland borders by land transit except at established ports of entry and after such inspection by a health officer assigned thereto as he considers necessary to prevent the introduction, transmission or spread of the communicable diseases listed in section 17.2. Such officer is empowered to employ the sanitary measures set forth in section 17.13, which are hereby made applicable to such entries as if the means of transmit were by vessel or aircraft.⁶⁷

§ 17.22. Government not liable when properly exercising powers hereunder.

Whenever this chapter powers are exercised by the Minister or some other officer of the Ministry in accordance therewith or with the regulations and rules made thereunder, and by reason of the exercise of such powers (a) any person, vessel, aircraft, train, road vehicle, article

65. *Prior legislation:* 1956 Code 31:81; L. 1953-54, ch. XXI, § 46.

66. *Prior legislation:* 1956 Code 31:121, 122, 123; L. 1944-45, ch. IX, §§ 2, 3, 4, 5.

67. *Prior legislation:* 1956 Code 31:97, 127; L. 1953-54, ch. XXI, § 61(2), (3); L. 1944-45, ch. IX, § 9.

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or thing is delayed, or removed, or detained, or (b) any vessel, aircraft, train, road vehicle, article or thing is damaged or destroyed, or (c) any person is deprived of the use of any such objects, the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay, or damage or destruction.⁶⁸

68. *Prior legislation:* 1956 Code 31:98; L. 1953-54, ch. XXI, § 62.

P A R T III

Environmental Sanitation

Chapter 21 NUISANCES

- § 21.1. Specifications of nuisances proscribed hereunder.
- § 21.2. Creating, committing or maintaining nuisance prohibited.
- § 21.3. Duty of Local Authorities with regard to nuisances.
- § 21.4. Author of nuisance defined.
- § 21.5. Serving of notice to abate nuisance.
- § 21.6. Civil suit for abatement to be instituted by Local Authority if notice disregarded.
- § 21.7. Court may order investigation of an alleged nuisance during a abatement hearing.
- § 21.8. Court order for abatement of nuisance.
- § 21.9. Removal of nuisance by Local Authority on failure to comply with court order or if author is unknown or cannot be found.
- § 21.10. Sale of things removed in abating nuisance.
- § 21.11. Collection of cost incurred in proceedings to abate a nuisance.

§ 21.1. Specifications of nuisances prohibited hereunder.

The following are hereby declared to be nuisances to be dealt with in the manner provided in this chapter:

(a) Any vehicle which is in such a state of condition as to be prejudicial, injurious or dangerous to health;

(b) Any dwelling or other premises or part thereof which is of such construction or in such a state or so situated or so dirty or verminous or damp as to be likely to be prejudicial, injurious or dangerous to health or which is liable to favor the spread of any communicable disease;

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(c) Any street, road or any part thereof, any stream, pool, ditch, gutter, water-course, sink, water-tank, cistern, toilet, water-closet, earthcloset, latrine, privy, urinal, cesspool, soak-away pit, septic tank, cesspit, soil-pipe, water-pipe, drain, sewer, garbage receptacle, dust bin, refuse pit, so foul or in such a state or so situated or constructed as to be offensive or to be likely to be prejudicial, injurious or dangerous to health;

(d) Any growth of weeds, long grass, undergrowth, hedges, bush or vegetation of any kind which is prejudicial, injurious, or dangerous to health, and any vegetable that of itself is dangerous to children or others by its effluvia or through its leaves, seeds, fruits or any part of it being eaten;

(e) Any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by human beings for drinking or domestic purposes, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is in a condition liable to render any such water prejudicial, injurious or dangerous to health;

(f) Any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any gully, swamp or watercourse, irrigation channel or bed thereof not approved for the reception of such discharge;

(g) Any collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances which permit or facilitate the breeding or multiplication of animal or vegetable parasites of man or domestic animals, or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of man or domestic animals by such parasites;

(h) Any building or premises used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or

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which is prejudicial, injurious or dangerous to health;

(i) Any animal so kept as to be offensive, prejudicial, injurious or dangerous to health;

(j) Any accumulation or deposit of refuse, offal, manure, or other matter whatsoever which is offensive or which is prejudicial, injurious, or dangerous to health;

(k) Any accumulation of stones, timber or other material of any nature whatsoever if such is likely to harbor rats or other vermin;

(l) Any premises in such a state or condition and any building so constructed as to be likely to harbor rats or other vermin;

(m) Any dwelling or premises which is so overcrowded as to be prejudicial, injurious, or dangerous to the health of the inmates or is so dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of the Local Authority having jurisdiction thereof;

(n) Any public or other building which is so situated, constructed, used or kept as to be unsafe, prejudicial, injurious or dangerous to health;

(o) Any occupied dwelling for which a proper, sufficient and wholesome water supply is not available within a reasonable distance;

(p) Any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, latrine, privy, water-closet, earthcloset, or urinal, or not ventilated so as to destroy or render harmless and offensive as far as practicable any gases, vapors, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be prejudicial, injurious, or dangerous to the health of those employed therein;

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(q) Any factory or trade premises causing or giving rise to smells or effluvia which are prejudicial, injurious, or dangerous to health;

(r) Any deposit of material in or on any building or land which shall cause damp in any building so as to be dangerous, prejudicial, or injurious to health;

(s) Any dwelling, public building, trade premises, workshop, workplace or factory not provided with sufficient and sanitary latrines.⁶⁹

§ 21.2. Creating, committing or maintaining nuisance prohibited.

No person shall commit or maintain a nuisance as defined in section 21.1. or elsewhere in this title, and no person shall allow such nuisance to exist or be created in respect of any matter, thing, chattel, or premises which he owns or controls.⁷⁰

§ 21.3. Duty of Local Authorities with regard to nuisances.

1. In general. It is the duty of every Local Authority to take all awful, necessary and reasonably practicable measures for maintaining the area over which it has jurisdiction at all times in a clean and sanitary condition and for preventing the occurrence therein of, and for remedying or causing to be remedied, any nuisance or condition liable to be prejudicial, injurious or dangerous to health, and to take or cause to be taken proceedings at law against any person causing or responsible for the continuance of any nuisance or such condition.

2. With specific reference to unhealthy structures. It shall be the duty

69. *Prior legislation:* 1956 Code 31:542; L. 1953-54, ch. XXXI, § 91; Rev. Stat. s 1418(l), OBB 133, Public Domain, art. V, §§ 1, 2, 1841 Digest, pt. 1, Act regulating towns and villages, §§ 1, 2, 2 Pub. 1461; Acts 1839, Bill for the regulation of towns and villages, §§ 1, 2, 3, 2 Hub. 1398.

70. *Prior legislation:* 1956 Code 31:540; L. 1953-54, ch. XXI, § 88.

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of every Local Authority to take lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be prejudicial, injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or by the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from over crowding, or from the construction condition or manner of use of any factory or trade premises, and to take proceedings under the law or rules in force with respect to the area over which it has jurisdiction against any person causing or responsible for the continuation of any such condition.

§ 21.4. "Author of nuisance" defined.

The author of a nuisance means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he be the owner, agent, tenant, or occupier or any other person.⁷¹

§ 21.5. Serving of notice to abate nuisance.

A local Authority, if satisfied of the existence of a nuisance, may cause a notice to be served on the author of the nuisance, requiring him to abate it within the time specified in the notice and to execute such work and do such things, specified therein, as may be necessary for that purpose.⁷²

§ 21.6. Civil suit for abatement to be instituted by local Authority if notice disregarded.

If the person upon whom a notice to abate a nuisance has been served fails to comply with any of the requirements thereof within the time specified and if an administrative appeal has not been timely taken, or if taken, the directives contained in the notice have not been suspended by the appellate review officer, the local Authority which caused the

71. *Prior legislation:* 1956 Code 31:543; L. 1953-54, ch. XXI, § 93.

72. *Prior legislation:* 1956 Code 31:545; L. 1953-54, ch. XXI, § 94.

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notice to be served may further cause a complaint thereon to be made before a court of competent jurisdiction and such court shall thereupon issue process requiring the appearance of the person whom such notice was served and all other necessary parties in accordance with the provisions of section 21.2.⁷³

§ 21.7. Court may order investigation of an alleged nuisance during abatement hearing.

Upon the hearing of an action to abate a nuisance instituted by a Local Authority in accordance with the provisions of section 21.6, the court, in its discretion, may adjourn such hearing at any time until an inspection, investigation or analysis in respect to the nuisance alleged has been made by some competent person and the report has been presented.⁷⁴

§ 21.8. Court order for abatement of nuisance.

If the court upon the hearing of an action to abate a nuisance instituted by a Local Authority in accordance with the provisions of section 21.6, is satisfied that the nuisance alleged in the complaint was duly established, it shall have the following powers:

(a) The court in its order, if it finds that the nuisance alleged still exists, may direct the author or authors thereof, as the case may be, to comply with all or any of the requirements of the notice to abate or otherwise to remove the nuisance within a time specified in the order and do any work, specified therein, necessary for that purpose; in addition, the court by such order may impose a civil penalty, not exceeding one hundred dollars, on each person so directed and may also give directions as to the payment of the costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

73. *Prior legislation:* 1956 Code 31;546(1); L. 1953-54, ch. XXI, § 95(1).

74. *Prior legislation:* 1956 Code 31;546(7); L. 1953-54, ch. XXI, § 95(3).

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(b) Where the nuisance proved to exist is such as to render a dwelling unfit for human habitation, the court may issue such pre-prohibiting the use thereof as a dwelling until such premises is made fit for that purpose; and it may further order that no rent shall be due or payable by or on behalf of the occupier of such dwelling for the period during which such condition continues to exist; any person wilfully acting in contravention of such order shall be liable to a civil penalty in any contempt proceedings thereon not exceeding twenty-five dollars for every day during which the contravention continues; and when the court is satisfied that such premises has been rendered fit for use as a dwelling, it shall terminate the order prohibiting its use as a dwelling and declare the dwelling habitable for human beings and from the date of the order thereon such dwelling may be let or so inhabited.

(c) If the court is satisfied that the nuisance alleged, although removed since the service of the notice, was not removed within the time specified in such notice, it may impose a civil penalty not exceeding one hundred dollars on the person upon whom such notice was served and in addition or in lieu thereof may order such person to pay the costs incurred up to the time of the hearing or the proceeding.

(d) If the court is satisfied that the nuisance alleged, although removed, is likely to recur on the same premises, it may order the author thereof to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence, and if such person fails to comply, he shall be subject to civil contempt proceedings therefor and in addition to any directions for imprisonment which the court may impose, the court may impose a fine not exceeding one hundred dollars and may require the payment of all costs up to the time of the hearing thereon.

(e) If a nuisance is proved to exist with respect to the structure of a dwelling and the court is satisfied that such dwelling is so dilapidated or so defectively constructed or so situated that repairs or alterations are not likely to remove the nuisance and make such

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dwelling fit for human habitation, the court may order the owner thereof to commence demolition of the dwelling and any other unsound structures on the premises on or before a specified day, on earlier than one month from the date of issuing the order and to complete such demolition and remove the debris from the site before another specified day, which shall be a reasonable time after the day set for the commencement of demolition, taking into consideration all the circumstances involved; the court shall give notice to the occupier of the building, if any, requiring him to move therefrom within a reasonable time, to be specified in such notice. No compensation shall be paid by the Local Authority to the owner or occupier of any dwelling or other structure because of the demolition thereof under the provision of this section, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier of such dwelling or structure.⁷⁵

§ 21.9. Removal of nuisance by Local Authority on failure to comply with court order or if author is unknown or cannot be found.

In case of a failure to comply with a court order requiring the execution of work in an action to abate a nuisance instituted by a Local Authority in accordance with the provisions of section 21.6, or if it appears to the satisfaction of the court in any such action that the author of the nuisance is not known or cannot be found, the Local Authority may enter the premises involved and do whatever may be necessary to remove the nuisance and shall have the right to recover the expenses incurred under any of the applicable provisions of sections 4, 16, 4.17, 4.18, and 4.19.⁷⁶

§ 21.10. Sale of things removed in abating nuisance.

Any matter or thing removed by a Local Authority in abating any

75. *Prior legislation:* 1956 Code 31:546(2)-(8), 547(2), 551; L. 1953-54, ch. XXI, §§ 95(2)-(8), 96(1), 100.

76. *Prior legislation:* 1956 Code 31:547(3), 546; L. 1953-54, ch. XXI, §§ 96(2), 97.

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nuisance under the provisions of this chapter may be sold by public auction and the money arising from the sale shall be deposited in a Government depository. The surplus, if any, after crediting the public moneys with the expense incurred by the Local Authority with reference to abating such nuisance, shall be paid in the order of priority, to encumbrancers and lienors, if any, and to the owner of such matter or thing, if they establish their claims within two years from the date of such sale. If no claim is established within that time, such surplus shall become part of the public moneys.⁷⁷

§ 21.11. Collection of costs incurred in proceedings to abate a nuisance.

All reasonable costs and expenses incurred in serving a notice, making a complaint, obtaining the order to abate a nuisance and in carrying such order into effect shall be deemed to be money paid for the use at the request of the person directed by the order to abate the nuisance; or, if no order is made but the nuisance is proved to have existed when the notice was served or the complaint made, then of the author of the nuisance. Such costs and expenses incurred with respect to any such nuisance may be recovered as a civil debt, and if more than one author caused the nuisance, the court shall have power to divide such costs and expenses between the authors of any such nuisance as it may deem just.⁷⁸

***Chapter 22* SANITATION IN HOUSING AND OTHER STRUCTURES**

- § 22.1. Use of basements regulated.
- § 22.2. Prohibited uses of cellars.
- § 22.3. Prohibited building constructions.

77. *Prior legislation:* 1956 Code 31:550; L. 1953-54, ch. XXI, § 99.

78. *Prior legislation:* 1956 Code 31:552 (1st par.); L. 1953-54, ch. XXI, § 101(l), (2).

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§ 22.1. Use of basements regulated.

It shall not be lawful without the written permission of the Local Authority having jurisdiction, issued after investigation by the local health inspector, to live in, occupy or use, or to let or sublet or suffer or permit to be used any basement for habitation, nor to use such basement as a shop, office, workshop, workplace or factory, or for the preparation or storage of food. In any event, no such basement shall be so used unless it is rendered vermin proof.⁷⁹

§ 22.2. Prohibited uses of cellars.

It shall not be lawful to live in, occupy or use, or to let or sublet or to suffer or permit any cellar to be used for habitation, nor to use such cellar as a shop, office, workshop, workplace or factory, or for the preparation of food.⁸⁰

§ 22.3. Prohibited building constructions.

1. Insufficient light and ventilation. The construction of any room intended to be used as a sleeping room, living room or work room which is not sufficiently lighted by a window or windows having a total area of not less than one-eighth of the floor area and sufficiently ventilated by two or more ventilation openings or by windows capable of being so placed as to secure through or cross ventilation, is hereby prohibited.

1. Erection on made ground. The erection of any dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition is hereby prohibited unless such measures for safeguarding health as the Local Authority having jurisdiction may require have been taken and approved.⁸¹

79. *Prior legislation:* 1956 Code 31:553(1st par.); L. 1953-54, ch. XX, § 152(1).

80. *Prior legislation:* 1956 Code 31:553(2nd par.); L. 1953-54 ch. XXI, § 152(2).

81. *Prior legislation:* 1956 Code 31:556; L. 1953-54, ch. XXI, § 103(1).

Chapter 23. PREVENTION AND DESTRUCTION OF MOSQUITOES

- § 23.1. Certain conditions likely to breed mosquitoes declared nuisances.
- § 23.2. Premises to be kept free from articles likely to retain water.
- § 23.3. Elimination of bush and long grass.
- § 23.4. Uncovered collections of water prohibited.
- § 23.5. Cesspools to be properly covered.
- § 23.6. Power of officials to destroy immature stages of mosquito.
- § 23.7. Correction of conditions favoring mosquitoes. Local Authorities to issue notices.

§ 23.1. Certain conditions likely to breed mosquitoes declared nuisances.

For the purposes of this chapter, the following are declared to be nuisances, to be dealt with in the manner provided in chapter 21 for the treatment of nuisances:

- (a) Any collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substance which permits or facilitates the breeding or multiplication of mosquitoes;
- (b) Any collection of water in any cistern, well, pool, gutter, channel, depression, excavation, barrel, tub, bucket, or any other article, found to contain any of the immature stages of the mosquito.
- (c) Any cesspool, latrine, urinal, or ash-pit found to contain any of the immature stages of the mosquito.⁸²

§ 23.2. Premises to be kept free from articles likely to retain water.

The occupier or owner of any Premises shall keep such Premises free

82. *Prior legislation:* 1956 Code 31:620; L. 11953-54, ch. XXI, § 125.

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from all bottles, whole or broken, whether fixed on walls or not, metal, cans, boxes, gourds, calabashes, earthenware vessels, shells, abandoned motor vehicles or parts thereof, or any other articles or trees standing or fallen, which are so kept that they are likely to retain water.⁸³

§ 23.3. Elimination of bush and long grass.

No person shall permit any premises or lands owned or occupied by him or over which he has control to become so overgrown with bush or long grass as will be likely to harbor mosquitoes.⁸⁴

§ 23.4. Uncovered collections of water prohibited.

It shall not be lawful for any person to keep, or for the occupier or owner of any premises to allow to be kept thereon, any collection of water in any cistern, well, barrel, tub, bucket, tank or other vessel intended for the storage of water unless such cistern, wall, barrel, tub, bucket, tank or other vessel is fitted with a sufficient cover, which is in good repair and properly protected or screened so as to prevent the ingress of mosquitoes.⁸⁵

§ 23.5. Cesspools to be property covered.

The occupier or owner of any premises upon or attached to which is any cesspool shall cause such cesspool to be properly protected with a sufficient cover or screen so as to prevent the ingress of mosquitoes.⁸⁶

83. *Prior legislation:* 1956 Code 31:621; L. 1953-54, ch. XXI, § 126.

84. *Prior legislation:* 1956 Code 31:622; L. 1953-54, ch. XXI, § 127.

85. *Prior legislation:* 1956 Code 31:623; L. 1953-54, ch. XXI, § 128.

86. *Prior legislation:* 1956 Code 31:624; L. 1953-54, ch. XXI, § 120.

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§ 23.6. Power of officials to destroy immature stages of mosquito.

When any of the immature stages of the mosquito are found on any premises in any collection of water in any cistern, cesspool, latrine, urinal, ashpit, well, pool, channel, barrel, tub, bucket, tank or any other vessel, or any bottle, whole or broken, whether fixed to a wall or not metal can, box, gourd, calabash, shell or any other article, or in any tree, fallen or standing, it shall be lawful for the Local Authority having jurisdiction to take immediate steps to destroy any such immature stages of the mosquito by the application of oil or larvicide or otherwise, and to take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.⁸⁷

§ 23.7. Correction of conditions favoring mosquitoes Local Authorities to issue notices.

When it appears that the condition of any land or premises favor the multiplication or prevalence of mosquitoes so that the occurrence or spread of malaria or other mosquito-borne disease is likely to be favored thereby, the Local Authority having jurisdiction shall give written notice to the owner or occupier of such land or premises requiring him to take action with regard to such condition. Every notice under this section shall specify the land or premises concerned and the measures required to be carried out. Any such notice may require the owner or occupier to clear bush or other vegetation, to canalize streams, to drain swamps and pools or low lying areas and to take measures for the destruction of mosquitoes and for the prevention of their multiplication and may impose a time limit for the completion of the work or for the carrying out of the measures specified in the notice.⁸⁸

87. *Prior legislation:* 1956 Code 31:625; L. 1953-54, ch. XXI, § 130.

88. *Prior legislation:* 1956 Code 31:627; L. 1953-54, ch. XXI, §§ 132, 133.

Chapter 24. WATER POLLUTION CONTROL

- § 24.1. Definition of Terms.
- § 24.2. Discharge of sewage and other offensive waste matter into waters of Republic prohibited; exception.
- § 24.3. Procedure for obtaining permission allowing discharge of sewage or other offensive waste matter into waters of Republic.
- § 24.4. Duty of Local Authorities to protect water supplies.
- § 24.5. Water from wells.
- § 24.6. Polluting of drinking water supplies prohibited.

§ 24.1. Definition of terms.

As used in this chapter, the following terms have the indicated meanings ascribed to them unless the context otherwise requires:

(a) "Waters or water of the Republic" shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the Republic and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, public or private, except those private waters which do not combine or effect a junction with natural surface or underground waters, which are wholly or partially within or bordering the Republic or within its jurisdiction.

(b) "Drinking water" means water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption including the cleaning of utensils used in the preparation of food.

(c) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, agricultural enterprises or other places, together with such ground water infiltration and surface water as may be present.

(d) "Industrial or agricultural waste" means any liquid, gaseous,

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solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources, or from any activity in connection with agricultural pursuits which may cause or might reasonably be expected to cause pollution of the waters of the Republic.

(e) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, binders, ashes, offal, oil tar, dyestuffs, acids, chemicals and all other discarded matter not sewage or industrial or agricultural waste, which may cause or might reasonably be expected to cause pollution of the waters of the Republic.

(f) "sewer system" or "sewage disposal system" means pipe-lines or conduits, pumping stations and force mains, and all other constructions, devices and, appliances appurtenant thereto, used for conducting sewage, industrial or agricultural waste or other wastes to a point of ultimate disposal.

(g) "Outlet" means the terminus of a sewer system, or the point of emergence of any water-borne sewage, industrial or agricultural waste or other wastes or the effluent therefrom, into the waters of the Republic.

§ 24.2. Discharge of sewage and other offensive waste matter into waters of Republic prohibited.

No person shall place or cause to be placed, or cause or permit the fall, flow or discharge into any of the waters of the Republic any sewage, industrial or agricultural waste or other wastes, or any admixture injurious to the public health, unless express permission to do so shall have been first given in writing by the minister as provided in this chapter. But in no case shall the Minister grant such permission with reference to waters which are sources of drinking water.

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§ 24.3. Procedure for obtaining permission allowing discharge of sewage of other offensive waste matter into waters of Republic.

1. *Permission to discharge sewage.* Upon application duly made to the appropriate authorities having by law the charge of any public or private sewer system, the Minister shall have power to consider the case of a sewer system otherwise prohibited by section 24.2 from discharging sewage into any of the waters of the Republic and whenever in his opinion the general interests of the public health would not be endangered thereby he may grant permission in writing for the discharge of sewage from any such sewage system into any of the waters of the Republic except those which are sources for drinking water, and may stipulate in the permission granted the modifications, regulations and conditions on which such discharge may be permitted.

2. *Permission to discharge industrial, agricultural. and other wastes.* Upon application duly made to the Minister by the proprietor, lessee or tenant of any shop, factory, mine, mill, industrial establishment or agricultural enterprise from which the discharge of industrial or agricultural waste, or other wastes, into any of the waters of the Republic is otherwise prohibited by section 24.2, the Minister shall have power to consider the case of such shop, factory, mine, mill, industrial establishment or agricultural place and whenever the public health and purity of the waters shall warrant it, he shall grant permission in writing for the discharge of industrial or agricultural waste or other wastes from such shop, factory, mine, mill, industrial establishment or agricultural enterprise into any of the waters of the Republic except those which are sources for drinking water, and may stipulate in the permission granted such modifications, regulations and conditions as the public health requires.

3. *Recording of authorizations in office of Registrar of Deeds; transmittal of copy of Local Authorities.* Authorizations issued under the provisions of this section, before they become operative, shall be recorded in the office of the Registrar of Deeds of the county wherein the outlet of the sewer system involved or where the shop, factory, mine,

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mill, industrial establishment or agricultural enterprise concerned, as the case may be, is located, and copies of such authorizations shall be transmitted by the Minister to the Local Authorities having jurisdiction over the areas wherein the outlet of any sewer involved is located or wherein the outlet discharging industrial or agricultural waste or other wastes from shop, factory, mine, mill, industrial establishment or agricultural enterprise is located, as the case may be.

4. *Revocation or modification of Authorizations.* Authorizations issued under the provisions of this section, shall when necessary to conserve the public health, be revocable or subject to modification or change by the Minister on due notice of revocation, modification or change being served on the authorities in charge of the sewer systems involved, or on the proprietors, lessees or tenants of the shops, factories, mines, mills, industrial establishments or agricultural enterprises concerned, as the case may be, after an investigation and hearing and an opportunity for all persons interested therein to be heard thereon. A reasonable length of time after service of the notice within the discharge of sewage, or of industrial or agricultural waste or other wastes shall be discontinued, modified or changed, shall be set forth in the notice, which in no event shall exceed three months.

§ 24.4. Duty of Local Authorities to protect water supplies.

It shall be the duty of every Local Authority to take all lawful, necessary and reasonably practicable measures with regard to preventing any pollution dangerous to health of any supply of water which the public within the area under its control has a right to use and does use; for purifying any such supply which has become polluted; and additionally, to take measures, including if necessary, initiating proceedings at law, against any person so polluting any such supply or polluting any stream or other source of water within the area under its control, so as to be a nuisance or dangerous to health.⁸⁹

89. *Prior legislation:* 1956 Code 31:640; L. 1953-54, ch. XX1, § 137.

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§ 24.5. Water from wells.

1. *Authorization required for use for any purpose.* Water from a well shall not be used for any purpose unless, after examination and analysis, authorization in writing has been issued by the Local Authority within whose jurisdiction the well is located. Well water shall not be used for any purpose other than stated in the authorization. Authorization to use well water as drinking water shall not be issued unless the water has been examined and analyzed and found to meet the standards established therefor by the Minister.

2. *Protective measures for prevention of pollution.* A well shall not be constructed or maintained within 100 feet of a pump or standpipe or a public water supply system or within 100 feet of any part of a public or private sewage disposal system or other source of pollution. A greater distance may be required by the Local Authority having jurisdiction if, in its opinion, there is danger of contamination of the well water. Suitable means shall be employed and proper precautions shall be taken to prevent surface water from entering a well.⁹⁰

§ 24.6. Polluting drinking water supplies prohibited.

It shall be unlawful to do any of the following in connection with any supply of water which the public has a right to use and does use for drinking water or in connection with any stream, river, or other source draining into or furnishing part of such water supply:

(a) To erect in the vicinity, any building, sanitary convenience, cattle kraal, pigsty, factory or other works which does pollute or is likely to entail a risk or pollution;

(b) To wash, bathe, swim, walk or otherwise set foot therein or in any pond, reservoir or other water works forming part thereof;

90. *Prior legislation:* 1956 Code 31:644; L. 1953-54, ch. XXI, § 141.

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(c) To waste or cleanse therein any clothes or other articles whatsoever or to throw or cause to enter therein any animal, rubbish, filth, stuff or other impurity of any kind.⁹¹

Chapter 25. SEWERAGE

§ 25.1. Throwing injurious matter into sewers prohibited.

§ 25.2. Water closets required if water supply and sewers available.

§ 25.3. Latrines to be provided in all buildings.

§ 25.1. Throwing injurious matter into sewers prohibited.

No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass into any public sewer, or into any drain or private sewer communicating with a public sewer, any of the following:

(a) Any matter likely to injure the sewer or drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents, or

(b) Any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred ten degrees Fahrenheit, being refuse or steam which, or a liquid which when so heated, is either alone or in combination with the contents of the sewer or drain, dangerous, or the cause of a nuisance or prejudicial to health, or

(c) Any petroleum spirit or carbide of calcium.⁹²

§ 25.2. Water closets required if water supply and sewers available.

If any existing building in the area under the control of a Local

91. *Prior legislation:* 1956 Code 31:641, 642; L. 1953-54, ch. XXI, §§ 138, 139.

92. *Prior legislation:* 1956 Code 31:585; L. 1953-54, ch. XXI, § 111.

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Authority has a sufficient water supply and sewer available, the Authority shall, by notice to the owner of the building, require that any latrines other than water closets, provided for or in connection with the building shall be replaced by water closets, and that the owner shall make an application within a specified time to have his drains made to communicate with a public sewer notwithstanding that the latrines to the building are sufficient in number and are not prejudicial to health or a nuisance.⁹³

§ 25.3. Latrines to be provided in all buildings.

If it appears to a Local Authority that any building in the area under its control is without latrine accommodation, or that any latrines provided for or in connection with such a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition, the Authority shall by notice to the owner of the building require him to provide the building with such latrines or additional latrines or such substitute latrines, as may be necessary, being in each case either water closets or earthclosets of a type approved by the Authority; provided that, unless a sufficient water supply and public sewer are available, the Authority shall not require the provision of a water closet except in substitution for an existing water closet.⁹⁴

Chapter 26. FOOD AND BEVERAGES AND FOOD ESTABLISHMENTS

- § 26.1. Chapter definitions.
- § 26.2. Adulteration prohibited; possession of food by dealer deemed for purpose of sale; export exception.
- § 26.3. Adulterated food defined.

92. *Prior legislation:* 1956 Code 31:593; L. 1953-54, ch. XXI, § 119.

93. *Prior legislation:* 1956 Code 31:594; L. 1953-54, ch. XXI, § 120.

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- § 26.4. Sanitary handling of food.
- § 26.5. Compulsory medical examination of food handlers.
- § 26.6. Sanitary requirements for food handlers.
- § 26.7. General sanitary requirements regarding location of food establishment premises.
- § 26.8. Cleaning procedures for premises, equipment, apparatus and utensils of food establishments.
- § 26.9. Sealing of unclean equipment, apparatus, appliances and vehicles.
- § 26.10. Sealing up of insanitary establishments on order of Local Authorities.
- § 26.11. Special requirements for warehouses.
- § 26.12. Special requirements for slaughterhouses.
- § 26.13. Public market sites to be designated by Local Authorities.
- § 26.14. Special requirements for establishments serving food.
- § 26.15. Special requirements in the distillation and handling of distilled liquors.
- § 26.16. Special requirements for establishments engaged in wholesale dealing in or in manufacturing non-alcoholic beverages.
- § 26.17. Sanitary control of imports.

§ 26. 1. Chapter definitions.

When used in this chapter the following terms shall have the meaning herein ascribed to them:

(a) "Food" means articles including liquids used as nutriment for human consumption or use, alcoholic and non-alcoholic beverages, chewing gum, ice and articles used for components of any such article.

(b) "Food establishment" means a place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packed, handled, stored, manufactured, offered for sale or sold. The term includes but is not limited to food processing establishments, slaughter houses, public markets, distilleries, wineries, breweries, establishments engaged in the manufacture and production of non-alcoholic

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beverages, refrigerated and dry warehouses, bakeries, restaurants and eating places, caterers, food counters, food stands, food carts, retail food stores, and vehicles, and wapons appertaining to such food establishments.

(c) "Food handler" means an employee of or other person working in a food establishment who prepares, mixes, cooks, bakes, preserves, bottles, packs or handles food, or whose duties or the circumstances under which he works in such an establishment are such as may effect public health.

(d) "Restaurant" means a public establishment where food is served, sold and eaten on the premises. The term includes, but is not limited to, buffets, lunch rooms, lunch counters, cafeterias, grillrooms and hotel dinning rooms.

(e) "Eating place" means an establishment, other than a restaurant, where food is served, sold and eaten on the premises. The term includes, but is not limited to, school lunch rooms, dining rooms of clubs or associations, and eating places maintained in factories or offices for personnel employed in such places.

(f) "Off-the-premises retail food processing establishments" means a bakery, box lunch store, or store selling box lunches, food counter, food stand, food cart, caterer, or other type of retail food establishment which manufactures, mixes, processes, pickle, slices and packages or prepares food for off-the-premises consumption, but does not include a restaurant or eating place.

§ 26.2. Adulteration prohibited; possession of food by dealer deemed for purpose of sale; export exception.

1. *Food in domestic and foreign commerce.* Except as provided in paragraph 2, no person shall adulterate any article of food or article of food, or manufacture, produce, pack, possess, sell or of f er for sale, whether on the domestic market or for export, deliver or give away any article of food which is adulterated. An article of food in the possession

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of, held, kept or offered for sale by a dealer in any such article shall prima facie be deemed to be held, kept or offered for sale for human consumption or use.

2. *Exception for certain exports.* A food intended for export shall not be deemed to be adulterated under the provisions of this chapter if it (a) accords to the specifications of the foreign purchaser, (b) is not in conflict with the laws of the country to which it is intended for export and (c) is labeled on the outside of the shipping package to show that it is intended for export. But if such article is sold or offered for sale in domestic commerce, the provisions of this paragraph shall not exempt it from any of the provisions of this chapter.⁹⁵

§ 26.3. Adulterated food defined.

A food shall be deemed adulterated when any of the following conditions are present:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance or any food additive which is unsafe, except that if such substance is required in the production of a food or can not be avoided by good manufacturing practice, it may be added if a tolerance for that substance has been established for human beings and it is generally recognized among experts qualified by scientific training and experience to evaluate its safety, or under the provisions of this title it is recognized as safe for use, and the amount of such substance that is added does not exceed the established tolerance; or

(c) If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

95. *Prior legislation:* 1956 Code 27:330, 331 (1st par.); Crim. Code § 78.

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(d) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health; or

(e) If it is, in whole or in part, the product of a disease animal or of an animal which has died otherwise than by slaughter, or which has been foed upon uncooked offal or uncooked garbage; or

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.⁹⁶

§ 26.4. Sanitary handling of food.

The following basic sanitary measures shall obtain at all food establishments:

(a) Food shall be manufactured, prepared, processed or packed with clean and sanitary utensils and equipment which in no event shall be made wholly or in part of lead, cadmium or of any other substance which may be so affected by food as to form dangerous or deleterious compounds, or as to render food which comes into contact with such substance unwholesome or detrimental to health. Food shall not be touched by hand unless manual contact is unavoidable, in which case the hands of the foodhandlers shall be washed frequently during the operation and shall be kept clean at all times.

(b) There shall be provided in each food establishment adequate facilities and equipment and such precautions shall be taken as may be necessary, or as the Minister may order, for the protection of food from dust, dirt, rodents or other vermin, insects and other pests, foreign material and other contamination.

96. *Prior legislation:* 1956 Code 27:331 (2nd Par.); Crim. Code § 82 (2nd par.); L. 1899-1900, 16.

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(c) Machinery, equipment and pipes leading to and connected with such machinery and equipment shall be so placed and properly protected as to prevent oil, dust, dirt and other offensive or foreign substance from contaminating food.

(d) Food shall be handled, stored, prepared, preserved or otherwise processed in a clean and sanitary manner.

(e) Readily perishable foods, unless otherwise provided, shall be kept at all times under appropriate heat treatment or at temperature no higher than 50 degrees Fahrenheit in order to prevent spoilage or the growth of pathogenic organisms.

(f) Smoking, use of tobacco in any form or spitting in any room where food is prepared, processed or packaged is prohibited. Signs prohibiting smoking or spitting shall be conspicuously posted in such rooms and in and about the premises in which they are contained.

(g) Food which has become unfit for human consumption, which includes food ready to be eaten without further processing and other food which has spilled and come in contact with the floor or other unclean surface, generally known as floor sweepings, shall be promptly denatured, its label defaced and the product marked condemned, and it shall be kept separate and apart from foodstuffs which are held or offered for sale. As used in this subsection, to denature means to treat the food with a disinfectant or other distinguishing substance. The presence of the disinfectant or other distinguishing substances on the food shall clearly identify it as being inedible.

§ 26.5. Compulsory medical examination of foodhandlers.

All food handlers shall submit to a thorough medical examination by a licensed physician at least once a year, including a tuberculin test and chest X-RAY. The examining physician, as soon as practicable, shall furnish a copy of his report to the employer of the person examined and

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file a duplicate copy with the Local Authority having jurisdiction and if such person is found to be suffering from a communicable disease requiring isolation or exclusion, he shall not be permitted to work and shall not be allowed to return to work until he presents a certificate of recovery issued by the Local Authority having jurisdiction or a licensed physician's written statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.⁹⁷

§ 26.6. Sanitary requirements for foodhandlers.

All foodhandlers shall be clean in their habits. They shall wear clean, washable outer garments, and when required by the Local Authority having jurisdiction, they shall wear protectant devices. They shall thoroughly wash their hands with soap and warm water before beginning work, immediately after each visit to the latrine, and at all other times when necessary during the course of work.

§ 26.7. General sanitary requirements regarding location of food establishment premises.

The premises upon which food establishments are located and any place where food is processed, prepared, packed, stored or exposed for sale shall be of a size sufficient to prevent overcrowding and adequate space shall be provided for the conduct of operations and for effective cleaning and inspection. A sufficient number of latrines shall be provided for foodhandlers employed there, which shall be maintained in a clean and sanitary manner but no latrine shall be so placed therein that offensive smells therefrom can penetrate into such premise. Food shall not be processed, prepared, packed, stored or exposed for sale and food establishments shall not be located in rooms used for dwelling purposes or in any room used for sleeping purposes, or in a cellar unless such use of the cellar has the written approval of the Local Authority having jurisdiction, after an inspection made with reference to health

97. *Prior legislation:* 1956 Code 31:60 (1st par.), 61 (1st par.); L. 1947-48, ch. VIII, §§ 3 (1st par.), 5, 7; L. 1945-46, ch. XVII, §§ 31 (1st par.), 5, 7.

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safeguards.⁹⁸

§ 26.8. Cleaning procedures for premises, equipment, apparatus and utensils of food establishments.

The following cleaning procedures shall be followed in all food establishments.

(a) The premises of a food establishment, its equipment, apparatus and utensils, including vehicles used for the transportation of food shall be maintained in a clean and sanitary condition and shall be cleaned at least once a day and more frequently when necessary. The cleaning shall be performed by personnel specialty assigned this duty, whose operation and procedures shall be supervised by the person in charge of the food establishment. Adequate facilities shall be provided for so doing.

(b) Garbage and waste materials shall not be permitted to accumulate or to become a nuisance, but shall be placed in tightly covered water-tight receptacles or shall be disposed of promptly, without intervening storage by incineration or by being conveyed and deposited in such place as may be selected and appointed for the purpose. The garbage receptacles and their covers shall be properly cleansed immediately upon emptying.

(c) All multi-use bottles, receptacles or other containers used in the preparation, service or transportation of food shall be cleansed before each use in such manner that the bottles, receptacles or other containers are clean and sanitary and free from residue of any foreign materials.

(d) All new bottles, receptacles and other containers, other than paper or plastic single service containers, shall be thoroughly rinsed or subjected to a cleansing process for the purpose of removal of

98. *Prior legislation:* 1956 Code 646; L. 1953-54, ch. XXI, §§ 143, 144, 1945.

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lint, glass splinters and other foreign materials, prior to their being used in the preparation, service or transportation of food.

§ 26.9. Sealing of unclean equipment, apparatus, appliances and vehicles.

When, in the opinion of a public health officer assigned to a Local Authority, any equipment, apparatus, utensil or vehicle in a food establishment situated in an area over which the Authority has control, is in an unclean condition, such equipment, apparatus, utensil, vehicle or any Part thereof may be sealed upon the approval of such Local Authority. At the time of sealing of the article, the representative of the Local Authority shall affix thereto labels or conspicuous signs bearing the word "unclean" and he shall also prepare in duplicate, on a form furnished by the Minister, a notice of this action. He shall serve the duplicate on the owner or person in charge of the food establishment, and shall file the original with the Local Authority involved. The notice shall order the discontinuance of the use or operation of the unclean article until it shall have been cleaned and the seal, labels or signs removed by a representative of the Local Authority involved.

§ 26.10. Sealing up of insanitary establishments on order of Local Authorities.

When a Local Authority finds a food establishment within the areas over which it has jurisdiction, or any part thereof, to be insanitary., it may order the discontinuance of operations in the establishment until all the objectionable conditions are removed. Such order, giving 48 hours notice of the action, shall be served in writing. If the order is not complied with, the Local Authority may file in its office a written order stating the reasons therefor and without further notice, such Local Authority may fasten up and seal the kitchen, ovens, refrigerators, staves or other food handling apparatus of the establishment and affix to all such apparatus, and equipment labels or conspicuous signs bearing the word "unclean". The seals, labels or signs shall not be removed except by order of the Local Authority involved and not until the objectionable

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conditions are removed.⁹⁹

§ 26.11. Special requirements for warehouses.

1. Construction safeguards against rodents, insects and other pests. Warehouses and buildings of whatever nature in regular use for the storage of foodstuffs for trade purposes shall be constructed of such materials and in such manner as shall render such warehouses or buildings rodent and vermin proof. All openings into the outer air shall be effectively screened and the doors shall be self-closing, unless other effective means such as effective flyfans or effective aircurtains are provided to prevent the access of, and to prevent food contamination, by insects and other pests.

2. Disposition of food unfit for human consumption. Food in a warehouse which has become apparently unfit for human consumption shall be kept separate and apart from wholesome food. The owner or person in charge of the warehouse shall notify the Local Authority having jurisdiction over the area in which the warehouse is located and the owner of the affected food of the presence of such food. If the food is found unfit it shall be denatured, marked "condemned" and removed either upon the order of its owner or the Local Authority involved.

3. Records to be kept of articles stored. The owner or person in charge of a warehouse shall maintain written records of the following information for a period of one year from the date of release of the foods stored:

- (a) The kind of food stored. its quantity in weight or count;
- (b) The date of receipt ;and the name and address of the person for whom stored; and
- (c) The date of release, and the name and address of the person to

99. Prior legislation: 1956 Code 31:645; L. 1953-54, ch. XXI, § 142.

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whom released.¹⁰⁰

§ 26.12. Special requirements for slaughterhouses.

No person shall operate or maintain a place for the conduct of the business of slaughtering fowl, cattle, calves, sheep, lambs, swine or goats except at a site approved by the Local Authority having jurisdiction over the area involved and unless a permit has been granted pursuant to the provisions of chapter 2. An occupier of any Premises, however, may, without obtaining such permit but with the written permission of the Local Authority having jurisdiction over the area involved and subject to such conditions as may be laid down in such permission, slaughter any sheep, lambs, swine or goats upon such premises for his own consumption.¹⁰¹

§ 26.13. Public market sites to be designated by Local Authorities.

A public market may be maintained only at a site designated and app in writing by the Local Authority having jurisdiction over the area involved. Such approval is to be based upon to sanitation facilities being available at the site and the taking into consideration of the convenience of persons living in the immediate neighborhood.¹⁰²

§ 26.14. Special requirements serving food.

1. Permits required for restaurants in cities over 10,000 population. In cities whose population is 10,000 or more, no person shall maintain or operate a restaurant without a permit issued in accordance with the provisions of chapter 2. The application shall contain data on the type of restaurant for which a permit is sought, its layout, the equipment to be used, its sanitary program and such other information as the Minister

100. Prior legislation: 1956 Code 31:652; L. 1953-54, ch. XXI, § 147.

101. Prior legislation: 1956 Code 31:647, 648; L. 1953-54, ch. XXI, §§ 146, 148.

102. Prior legislation: 1956 Code 31:647; L. 1953-54, ch. XXI, § 146.

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may require.

2. *Sanitary requirements.* Restaurants, other eating places and off-the-premises retail food processing establishments, in the preparation or service of any food, shall not use utensils, glasses and preparation or service of any food, shall not use utensils, including knives, forks, spoons, cups, saucers, and other dishes, glasses and other containers, which have not been previously cleansed and made sanitary. In such cleansing the use of water which has become unsanitary by previous use is prohibited. When, in the opinion of a Local Authority having jurisdiction, any such food serving establishment lacks adequate facilities for cleansing and sterilization of utensils, the use of single service utensils may be required by it. No single service utensil shall be reused. They shall be discarded immediately after use.

§ 26.15. Special requirements in the distillation and handling of distilled liquors.

1. *Metallic composition of stills.* No distiller shall use any metal tank other than one of brass or copper in the distillation of liquor.

2. *Types of containers permitted in transportation or storage of liquor.* No person shall use any metallic container other than brass or copper for the transportation or storage of liquor. Containers made of wood, glass, earthenware or other materials approved by the Minister, however, may be so used.¹⁰³

§ 26.16. Special requirements for establishments engaged in wholesale dealing in or in manufacturing non-alcoholic beverages.

1. *Artificial and natural mineral, spring and other water.* Every person who imports, manufactures or sells at wholesale any artificial or natural mineral, spring or other water for drinking purposes shall file a

¹⁰³. *Prior legislation:* 1956 Code 35:275; L. 1941-42, ch. XXII, § 1; Law approved December 16, 1940, Par. 2, art. 3, § 16(b); L. 1935-, ch. XIX, § 6.

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statement with the Minister setting forth the name of such water, the exact location from where it is obtained, its chemical analysis, and the result of bacteriological examination, and in case of manufacture the substances or elements entering into its composition.

2. *Carbonated and non-carbonated beverages.* Non-alcoholic beverages containing carbonated or non-carbonated water manufactured in the Republic shall be prepared only from water obtained from a source certified as potable by the Local Authority having jurisdiction, after scientific examination and analysis thereof.

3. *Separate syrup room required.* Rooms used for the manufacture or preparation of syrup or the extraction of fruit juices as components of non-alcoholic beverages shall be used for no other purpose.

§ 26.17. Sanitary control of imports.

1. *Procedure for examination and refusal of admission.* Upon the request of the Minister of Health and Social Welfare, the Minister of Finance shall deliver for examination as to wholesomeness, samples of food which are being imported or offered for import into the Republic. Notice thereof shall be given to the owner or consignee, who may appear before the Minister of Health and Social Welfare and have the right to prove the wholesomeness of the samples being examine. If it appears from the examination of such samples or otherwise (a) that such article has been manufactured, processed or packed under insanitary conditions, or (b) that such article is adulterated or misbranded, or (c) that such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, then, except as provided in paragraph 2, such article shall be refused admission. The Minister of Finance shall cause the destruction of any such articles refused admission, unless such articles are exported, under regulations prescribed by the Minister of Finance, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

2. *Procedure for delivery Pending determination.* Pending decision as

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to the admission hereunder of articles being imported or offered for import, the Minister of Finance may authorize delivery of such articles to the owner or consignee for storage upon the furnishing of a good and sufficient bond providing for the payment of such liquidated damages as may be required in the event of a default in the turning over of such articles for destruction, when so ordered, or alternatively, upon failure to export them, as provided in paragraph 1.

3. *Charges concerning refused articles.* All expenses, including travel, per diem or subsistence, and salaries of officers or employees of the Government, in connection with the destruction provided for in paragraph 1, the amount to be determined in accordance with regulations and all expenses in connection with the storage, cartage, or labor with respect to any article refused admission under paragraph 1, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

P A R T I V

Health Standards of Public and Private Institutions

***Chapter 31. HEALTH AND SOCIAL WELFARE
INSTITUTIONS***

- § 31.1. Minister to supervise public health.
- § 31.2. Permits required for privately controlled health and social welfare institutions.
- § 31.3. Permits issued to private institutions only upon proof of compliance with building and fire safety laws.
- § 31.4. Revocation or suspension of permits issued to privately controlled health and social welfare institutions.
- § 31.5. Medical examinations required for staff of all health and social welfare institutions.
- § 31.6. Sanitary maintenance of health and social welfare institutions.
- § 31.7. Isolation in hospitals and other institutions.
- § 31.8. Specific requirements pertaining to hospitals.

- § 31.9. Special requirements applicable to general hospitals regarding admission of patients.
- § 31.10. Specific requirements pertaining to children's institutions.

- § 31.1. Minister to supervise public health aspects of health and social welfare institutions.

The Minister is charged with the duty of inquiring from the standpoint of public health, including the administration of medical care and health related services, into the operation of all hospitals, mental institutions, maternity clinics, sanitariums, nursing homes, convalescent homes, infirmaries and any other institution where invalids or convalescents are treated or received, and every institution operated for the express purpose of receiving or caring for the indigent or aged, or for dependent, neglected or destitute children or juvenile delinquents, whether publicly

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or privately controlled, and shall conduct periodic inspections of their facilities with respect to the fitness and adequacy of their premises, equipment, personnel, rules and by-laws, standards and administration of medical care and health related services.¹⁰⁴

§ 31.2. Permits required for privately controlled health and social welfare institutions.

When privately controlled, no person shall operate any of the institutions specified in section 31.1 without a valid permit issued by the Minister in accordance with the provisions of chapter 2. All institutions specified in section 31.1, however, whether publicly or privately controlled, shall comply with the other provisions of this title, when applicable.¹⁰⁵

§ 31.3. Permits issued to private institutions only upon proof of compliance with building and fire safety laws.

No privately controlled institution required by the provisions of section 31.2 to obtain a permit to operate shall be granted such a permit unless it has obtained (1) a statement from the Minister of Public Works that its premises currently comply with all applicable building laws and regulations and (2) a statement from the Director of the Fire Services Bureau that its premises currently meet all applicable laws and regulations relating to fire control. In applying for a renewal of such permit, each institution shall affirm the continuation of such compliance with the building and fire control laws and regulations.

§ 31.4. Revocation or suspension of permits issued to privately controlled health and social welfare institutions.

A permit to operate a privately controlled institution issued pursuant to the requirements of section 31.2, may be revoked, suspended, limited or

¹⁰⁴. Prior legislation: 1956 Code 31:680 (1st par.), 681; L. 1953-54, ch. XXI, § 153 (1) (2).

¹⁰⁵. Prior legislation: 1956 Code 31:680 (2nd par.), 682; L. 1953-54, ch. XXI, § 153(4).

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annulled by the Minister after a hearing held in accordance with the provisions of the Administrative Procedure Act, on proof that such institution has failed to comply with the relevant provisions of this title or rules and regulations promulgated thereunder, including in the case of a general hospital, that it has refused or failed to admit or provide for necessary emergency care and treatment for persons brought to it in an unconscious, seriously ill or wounded condition.

§ 31.5. Medical examinations required for staff of all health and social welfare institutions.

No person shall be assigned to work in any health or social welfare institution specified in section 31. 1. or in a kitchen which prepares food and drink for any such institution, until he has been given a thorough medical examination by a licensed physician including a tuberculin skin test and chest x-ray. Thereafter such personnel shall undergo annual medical examinations which shall also include such tests, and shall further undergo such additional interim examinations as the Minister may require. Individual records of all such medical examinations, tests and x-rays shall be forwarded to and kept on file by the persons in charge of such institutions. All such personnel shall report any symptoms of illness to a licensed physician designated by the institution by which they are employed and if found to be affected with a disease in communicable form, shall be excluded from working in such institution until they are found free from such disease.

§ 31.6. Sanitary maintenance of health and social welfare institutions.

All parts of a health or social welfare institution covered by the provisions of section 31.1 shall be maintained in a clean, sanitary manner so as to eliminate all hazards to the health and welfare of the persons accommodated there. Neither day dusting nor dry sweeping shall be permitted.

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§ 31.7. Isolation in hospitals and other institutions.

The person in charge of an institution referred to in section 31.1 shall isolate cases of persons affected with a communicable disease, including carriers and suspected cases and shall provide facilities which can be used for their isolation. When the strict application of the provisions of this section presents practical difficulties or unusual hardships, the Minister, in a specific instance, may modify the application of such provisions consistent with the general purpose of this section and upon such conditions as in his opinion are necessary for the protection of the public health.

§ 31.8. Specific requirements pertaining to hospitals.

The following specific requirements shall be observed at all hospitals, whether publicly or privately controlled:

- (a) A licensed physician shall be available on call at all times.
- (b) Student nurses, practical nurses and attendants shall be supervised by registered professional nurses.
- (c) All drugs in possession of a hospital or on its premises shall be kept in the pharmacy or in a hospital or in a medicine cabinet under lock and key in charge of a registered professional nurse or licensed practical nurse. The containers of such drugs shall bear securely attached labels which legibly state the generic name of such drugs, the permitted dosages and required cautions.
- (d) Food served to patients shall be selected and prepared under the supervision of a qualified dietician, qualified nutritionist, or a nurse with special training in dietetics.

§ 31.9. Special requirement applicable to general hospitals regarding admission of patients.

Every general hospital shall admit any person who is in need of

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immediate hospitalization with all convenient speed and shall not before admission question the patient or any member of the patient's family concerning payment of charges, provided, however, that the patient or a member of the patient's family shall agree to supply such information promptly after the patient's admission.

§ 31.10. Specific requirements pertaining to children's institutions.

The following specific requirements shall be observed by every institution, whether publicly or privately controlled, operated for the express purpose of receiving or for dependent, neglected or destitute children, or juvenile delinquents, except hospitals:

(a) Each institution shall have attached to its staff a licensed physician who shall visit the institution at least once a month. When he is appointed, Minister shall be notified of the physician's name and address which shall also be kept posted conspicuously within such institution.

(b) Upon admission of a child, and before permitting him to come into contact with other children, the person in charge of the institution shall make inquiries whether the child is affected with, or a carrier or a recent contact of a communicable disease. if there is reason to suspect that such child may endanger the health of the other children, he shall not be permitted to come into contact with them until a licensed physician examines him and authorizes his release from isolation.

(c) Either immediately prior to admission or as soon as possible after admission, each child shall receive a complete medical examination by the institution's physician who shall furnish to the institution a signed statement containing a summary of the results of the examination, the past medical history, and if a disease or abnormal condition is found, recommendations for isolation or treatment of the child or modification of his activities, or plans for the health supervision of a handicapped child. Thereafter he shall be thoroughly examined by the institution's physician at least once a

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year if under six years of age, and at least twice between the age of six and twelve years, and within ten days before he is discharged from the institution.

(d) When a child presents a health problem, is injured, or becomes ill so as to require medical care, he shall be examined and treated by a licensed physician and, if possible, his parents or guardian shall be notified immediately. If the necessary medical care or facilities cannot be provided at the institution, the child shall be removed to a hospital or other facility which can provide the proper care.

(e) A health inspection of all children at such institutions shall be made daily by a responsible person who is familiar with the children and who is able to recognize signs of ill health; and in the infirmary of the institution there shall be available a schedule of standing orders for the temporary care of ill children in the absence of a physician. Medication, however, shall not be given except by order of a licensed physician.

Chapter 32. PUBLIC AND PRIVATE SCHOOLS

§ 32.1. Appointment of medical consultant in schools of over fifty students.

§ 32.2. Compulsory medical examinations.

§ 32.1. Appointment of medical consultant in schools of over fifty students.

All public and private schools, including high schools and colleges, where 50 or more students are received for instructions, shall have a licensed physician or registered professional nurse on its staff, who shall be in charge of the health care services for the students and staff while they are in attendance at school. The Minister shall provide such services in the public schools covered by the provisions of this section. Where the appointment is made by the school, the Minister shall be notified of his or her name and address. In all cases the name and

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address of such staff member shall be kept posted conspicuously at the school's premises.

§ 32.2. Compulsory medical examinations.

1. Of students upon admission. Immediately prior to admission to a public or private school, including high schools and colleges, each student shall undergo a thorough medical examination by a licensed physician, including a tuberculin skin test and x-ray examination of the chest. The examining physician shall furnish to the school a signed statement containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for isolation, exclusion or treatment of the student or modification of his activities. A duplicate copy shall be filed by him with the Local Authority having jurisdiction. No student shall be admitted to a school unless he has received such medical examination within 20 days prior to admission and a statement by the examining physician has been furnished to the school as provided hereunder, except that such medical examination discloses that the student is a case, contact or carrier of communicable disease required to be isolated or excluded, he shall not be admitted until he presents a certificate of recovery issued by the Local Authority having jurisdiction, or a written statement of a licensed physician indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.

2. Annual examinations of students; recovery certificates required for readmission when attendance prohibited. Each student in a public or private school, including high schools and colleges, shall be given a thorough medical examination, at least once a year after admission, including a tuberculin skin test, by a licensed physician who shall furnish a report thereof to the school as soon as possible thereafter. A duplicate copy shall be filed by him with the Local Authority having jurisdiction. Persons in charge of such schools shall not permit a student who is a case, contact or carrier of communicable disease to attend when required to be isolated or excluded. A student who has been a case, contact or carrier of communicable disease shall not be permitted to

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return to school until he presents a certificate of recovery issued by the Local Authority having jurisdiction or a licensed physician's written statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.

3. *Of school staff.* A person in charge of a public or private school, including high schools and colleges and a teacher or any other person who regularly associates with students at school, shall not be permitted to work in such schools unless, before he begins his employment and thereafter at least annually and additionally at such intervals as may be prescribed by the Minister, he undergoes a thorough medical examination by a licensed physician, including a tuberculin skin test and has been declared by the examining physician to be healthy and capable of carrying out the responsibilities of his position. The examining physician shall furnish a copy of his report to the person in charge of the school and file a duplicate copy with the Local Authority having jurisdiction. After having suffered a communicable disease, a person in charge of a public or private school, including high schools and colleges, a teacher therein or any other person who is in the course of his employment associates with students at school, shall not return to work until he presents a certificate of recovery issued by the Local Authority having jurisdiction or a licensed physician's statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.¹⁰⁶

Chapter 33. SUPPLEMENTAL CLASSIFICATION OF PERSONS CONNECTED WITH PUBLIC AND PRIVATE INSTITUTIONS REQUIRED TO UNDERGO COMPULSORY MEDICAL EXAMINATION

§ 33.1. Persons engaged in Governmental operations.

106. *Prior legislation:* 1956 Code 31:60 (1st par.), 61 (1st par.); L. 1947-48, ch. VIII, §§ 3 (1st par.), 5, 7; L. 1945-46, ch. XVII, §§ 3 (1st par.), 5, 7.

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§ 33.2. Persons committed to penal or correctional institutions.

§ 33.3. Persons employed in public places.

§ 33.1. Persons engaged in Governmental operations.

1. *Civil employees of Government.* All civil employees of the Government shall submit to a thorough medical examination by a licensed physician at least once a year, including a tuberculin skin test. The examining physician, as soon as practicable, shall furnish a copy of his report to the governmental agency employing the person examined and file a duplicate copy with the Local Authority having jurisdiction over such person, and if such person is found to be suffering from a communicable disease requiring isolation or exclusion, he shall not be permitted to work and shall not be allowed to return to work until he presents a certificate of recovery issued by the Local Authority having jurisdiction or a licensed physician's written statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.

2. *Members of the armed forces.* At least once a year, every member of the armed forces shall undergo a thorough medical examination by a licensed physician, including a tuberculin skin test. The examining physician, as soon as practicable, shall furnish a copy of his report to the commanding officer of the person examined and if such person is found to be suffering from a communicable disease requiring isolation or exclusion, he shall be relieved from duty and shall not be allowed to return to duty until he presents a certificate of recovery issued by a Local Authority having jurisdiction over his case or a licensed physician's written statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.¹⁰⁷

107. *Prior legislation:* 1965-66, An Act to amend the National Defense Law with respect to making chest x-ray compulsory for army recruits and enlisted men of the Liberian National Guard of the Republic of Liberia, § 1; 1956 Code 31:60 (1st par.) 61 (1st par.); L. 1946-48, ch. VIII, §§ 3 (1st par.), 5, 7; L. 1945-46, ch. XVII, §§ 3 (1st par.), 5, 7.

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§ 33.2. Persons committed to penal or correctional institutions.

As soon as practicable after admission, a person committed to a penal or correctional institution shall be given a thorough medical examination by a licensed physician. The examining physician shall furnish a copy of his report to the authority in charge of the institution and in addition to proper account being taken of any medical deficiencies found, If such person Is found to be suffering from a communicable disease requiring isolation, provisions shall be made within the institution or some suitable place elsewhere for such isolation until such person is free from such disease in communicable form or until the required period of isolation has been ended.

§ 33.3. Persons employed in public places.

All persons employed in public places such as waiters in restaurants, hotel employees, particularly those involved in the capacity of room servants shall submit to a thorough medical examination by a licensed physician at least once a year, including a tuberculin skin test. The examining physician, as soon as practicable, shall furnish a copy of his report to the employer of the person examined and file a duplicate copy with the Local Authority having jurisdiction over such person, and if such person is found to be suffering from a communicable disease requiring isolation or exclusion, he shall not be permitted to work ana shall not be allowed to return to work until he presents a certificate of recovery by the Local Authority having jurisdiction or a licensed physician's written statement, indicating that he is free from disease in communicable form and that the required period of isolation or exclusion has been ended.¹⁰⁸

108. Prior legislation: 1956 Code 31:60 (1st par.), 61 (1st par.); L. 1947-48, ch. VIII, §§ 3 (1st par.), 5, 7; L. 1945-46, ch. XVII, §§ 3 (1st par.), 5, 7.

Chapter 34. ADMINISTRATION OF COMPULSORY MEDICAL EXAMINATION

§ 34.1. Persons entitled to examinations free of charge; Minister to designate physicians for such duty.

§ 34.2. Government hospitals to furnish examinations to persons exempted from payment.

§ 34.3. Penalty for issuance of false certificates.

§ 34.4. Penalty for failure to have medical examination.

§ 34.1. Persons entitled to examinations free of charge; Minister to designate physicians for such duty.

The Minister may appoint licensed physicians in various localities who shall aid in carrying out the provisions of this title. Their continued engagement in private practice shall not be deemed to be in conflict with their appointment. Their compensation for such aid shall be fixed by annual budgetary appropriation. As part of their examinations provided for in this title free of charge for school children, members of the armed forces, indigents and persons earning less than fifty dollars per month.¹⁰⁹

§ 34.2. Government hospitals to furnish examinations to persons exempted from payment.

Government hospitals shall furnish all compulsory medical examinations provided for in this title free of charge to school children, members of the armed forces, indigents and persons earning less than fifty dollars per month.¹¹⁰

109. Prior legislation: 1956 Code 31:60 (2nd par.), 31:606; L. ch. 1, § 2, ch. VIII, §§ 3 (2nd par.), 4; L. 1945-46, ch. XVII, § 3 (2nd par.), 4.

110. Prior legislation: 1956 Code 31:60 (2nd par.); L. 1947-48, ch. VIII, §§ 3 (2nd par.), 4; L. 1945-46, ch. XVII, §§ 3 (2nd par.), 4.

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§ 34.3. Penalty for issuance of false certificates.

Any licensed physician or medical officer attached to a Local Authority who for any reason knowingly issues a certificate or written statement stating falsely that a person examined by him is free from disease in communicable form or that the required period of isolation or exclusion has ended, shall be subject for the first offense to a civil penalty not exceeding two hundred dollars; for a second offense to a civil penalty not exceeding five hundred dollars; and for any subsequent offense to a civil penalty not exceeding one thousand dollars.¹¹¹

§ 34.4. Penalty for failure to have medical examination.

Any person 18 years of age or older refusing or neglecting to submit to a compulsory medical examination, or to procure a certificate or statement of freedom from communicable disease or certification that the required period of isolation or exclusion has ended, as required by the provisions contained in this title providing for compulsory medical examinations, and any parent or guardian of a child under 18 years of age who refuses or neglects to have such child submit to such a medical examination or to procure a certificate or statement as so required, shall for a first offense be liable to a civil penalty not exceeding ten dollars and for a second offense a civil penalty not to exceed twenty-five dollars.¹¹²

¹¹¹. *Prior legislation:* 1956 Code 31:64; L. 1947-48, ch. VIII, § 10; L. 1945-46, ch. XVII, § 10.

¹¹². *Prior legislation:* 1956 Code 31:65; L. 1947-48, ch. VIII, § 11; L. 1945-46, ch. XVII, § 11.

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P A R T V

Regulation of Drugs

Chapter 41. CONTROL OF NARCOTIC DRUGS

[Prior legislation: L. 1965-66. ch.]

Subchapter A. General Provisions.

§ 41.1. Definitions.

§ 41.2. Preparations exempted from application of chapter.

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§ 41.19. Sales by pharmacists.

§ 41.20. Dispensing in hospitals.

§ 41.21. Professional use and dispensing of narcotic drugs.

§ 41.22. Cultivation or allowing growth of narcotic-producing plants prohibited.

§ 41.23. Penalty for unlawful sale or possession for sale.

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§ 41.25. Obtaining drug or permit by fraud or deceit.

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§ 41.27. Opening or maintaining place where narcotic drugs are sold, given away, or used.

§ 41.28. Penalty for offenses not otherwise penalized.

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Subchapter C. Treatment of narcotic Addicts.

- § 41.31. Civil commitment of narcotic addicts.
- § 41.32. Determination of court not a conviction.
- § 41.33. Treatment of narcotic addict on commitment.
- § 41.34. Discharge to outpatient status; return to treatment.
- § 41.35. Length of treatment on civil commitment.
- § 41.36. Commitment of narcotic addict who is criminal offender.

Subchapter D. Administration

- § 41.41. Establishment of narcotic control unit in Ministry.
- § 41.42. Powers and duties of Minister with regard to narcotics control and addict treatment.
- § 41.43. Special hospital facilities for narcotic addicts.

Subchapter E. Enforcement

- § 41.51. Seizure and disposition of seized narcotics; records.
- § 41.52. Inspection of records and stocks of drugs.
- § 41.53. Permits; applications; issuance; renewals, revocation or suspension.
- § 41.54. Records to be kept.
- § 41.55. Labels.
- § 41.56. Reports identifying narcotic addicts.
- § 41.57. Reports of violations of this chapter.

Subchapter A. GENERAL PROVISIONS

§ 41.1. Definitions.

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

- (a) "Person," an individual, corporation, association or partnership.
- (b) "Physician," a person licensed to practice medicine in Liberia.

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- (c) "Dentist," a person licensed to practice dentistry in Liberia.
- (d) "Pharmacist," a person licensed as a pharmacist under the laws of Liberia.
- (e) "Pharmacy" a place of business where narcotic drugs are compounded or dispensed by a pharmacist.
- (f) "Government Central Medical Store," the agency of the Ministry which imports, exports, stores and sells at wholesale narcotic drugs imported or manufactured in Liberia.
- (g) "Manufacture," to produce a narcotic drug either directly or indirectly by extraction from substances of vegetable origin, or by means of chemical synthesis or by a combination of extraction and chemical synthesis; but this term does not include compounding or dispensing by a pharmacist.
- (h) "Sell" includes barter or exchange or making any offer therefor.
- (j) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.
- (j) "Hospital," an institution engaged in the care and treatment of sick, injured, or convalescent human beings or animals.
- (k) "Prescription," the written order for narcotic drugs made by a Physician, dentist, or veterinarian.
- (l) "Coca leaves includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.
- (m) "Opium" includes morphine, codeine, and heroin, and any

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compound, manufacture, salt, derivative, mixture or preparation of opium, including apomorphine or any of its salts.

(n) "Cannabis" (commonly known as "marijuana") includes all parts of the plant *Cannabis Sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(o) "Narcotic drugs," includes coca leaves, opium, cannabis, and every other substance neither chemically or physically distinguishable from them; and any other drug which is defined as a narcotic drug by order of the Minister. In the formulation of the definition of "narcotic drugs," the Minister is directed to include all drugs which he finds are promotive of addiction-forming or addiction sustaining results upon the user and which thereby threaten to the public health, safety, or morals.

(p) "Narcotic addict," a person who is so dependent upon narcotic drugs that he loses his power of self-control and is thereby a danger to himself and to the public.

(q) "Convention," the Single Convention on Narcotic Drugs of 1961.

§ 41.2. Preparations exempted from application of chapter.

1. Drugs containing small percentage of narcotics. Except as otherwise specifically provided, this chapter shall not apply to the following narcotic drugs:

(a) Any drug otherwise subject to this chapter as narcotic drug

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which, with the approval of the Minister, the Liberian Pharmacy Board determines, after reasonable notice and opportunity for hearing, because of small percentage of narcotics contained therein, not to be dangerous to the public health, or promotive of addiction-forming or addiction-sustaining results upon the users, or harmful to the public health, safety or morals, and by order so proclaims. In arriving at its administrations, the Board may consult with the World Health Organization and give due weight to its investigations and determinations.

(b) Any medicinal preparation that contains in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

2. *Exemptions dependent on conditions.* The exemptions authorized by this section are subject to the following conditions:

(a) That the medicinal preparation imported, exported, manufactured, dispensed, administered, or sold, contains, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and

(b) That the preparation is imported, exported, and manufactured, dispensed, administered, or sold in good faith as a medicine and not for the purpose of evading the provisions of this chapter.

3. *No limitation on quantity of codeine under prescription.* Nothing in this section shall limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal when it is prescribed, administered, dispensed, or sold in compliance with the general provisions of this chapter.

***Subchapter B. CONDUCT IN RELATION TO
NARCOTIC DRUGS REGULATED***

§ 41.11. Retailers and other dispensers require permits.

Except for pharmacists, it shall be unlawful for any person or establishment to sell any narcotic drug at retail or to dispense or administer any narcotic drug unless such person or establishment, in accordance with the provisions of section 41.53, holds a currently effective permit to do so. Only the following may apply for such a permit:

- (a) A licensed pharmacy which is under the immediate supervision of a pharmacist at all hours when open for business;
- (b) A physician, dentist or veterinarian;
- (c) A hospital, the dispensary of which is under the immediate supervision of a pharmacist at all times when drugs are being dispensed thereat.
- (d) A hospital, the dispensary of which, under the provisions of section 67.41(2) is not required to be supervised by a pharmacist when drugs are being dispensed and provides a staff physician or registered professional nurse to safeguard and supervise the dispensing of narcotic drugs;
- (e) A laboratory which, because of the nature of its scientific and medical pursuits, requires the administration of narcotic drugs.

§ 41.12. Non-government importer permits; certificate requirement for each importation.

1. Eligibility. The following may, pursuant to the provisions of section 41.53, apply for a permit to import narcotic drugs:

- (a) Persons to whom permits have been issued to sell non-narcotic

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drugs and medical preparations at wholesale under the provisions of section 67.31 and who are supervised by a pharmacist at all times when wholesale drug operations are being carried on;

(b) A hospital which has been issued a permit to dispense and administer narcotic drugs pursuant to the provisions of section 41.11 and which is supervised by a pharmacist at all times when the dispensary is in operation.

2. *Certificate to be obtained for each importation.* Each importation under the permit granted hereunder shall be limited to the items specified in the certificate to be issued by the Liberian Pharmacy Board after application made by the permittee, which shall take into account the findings with respect to quotas made pursuant to the provisions of section 41.13(2).

3. *Security measures.* Narcotic drugs imported under an importers permit granted hereunder shall be securely stored and kept separate and apart from non-narcotic substances.

4. *Wholesale and retail dealings.* Wholesale importers shall not engage in dealing at retail in the narcotic drugs imported under permits granted hereunder unless the retail establishment is separate and distinct from the wholesale establishment and a separate narcotic drug permit has been obtained therefor.

5. *Limitation on hospital importers.* Hospital importers hereunder shall not engage in dealing either at wholesale or at retail in narcotic drugs imported under permits granted hereunder and the use thereof shall be restricted to dispensing them to patients registered for treatment at such hospitals upon orders of staff physicians.

§ 41.13. Importation Procedures.

1. *Government Central Medical Store and non-government permittees legitimate importers.* Narcotic drugs may be imported into Liberia in compliance with the regulations promulgated by the Minister upon

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consultation with the Liberian Pharmacy Board, only by the Government Central Medical Store and those holding import permits under the provisions of section 41.12. Any person not acting as an agent for such Government Store or such an import permittee who imports into Liberia any narcotic drugs is guilty of an offense under this chapter. Narcotic drugs brought into Liberia for shipment in transit to another country or placed on vessels of Liberian registry for that purpose shall not be deemed to be imported within the application of this section.

2. *Amount of imports permissible.* Imports by the Government Central Medical Store of any narcotic drugs and by those holding import permits shall be limited to such amount as the Liberian Pharmacy Board with the approval of the Minister, finds to be necessary to provide for the medical and other legitimate requirements of Liberia. In computing such amount, the quantity of drugs manufactured in Liberia, if any, shall be taken into account.

3. *Document to accompany imports.* Consignments of narcotic drugs imported into Liberia which are not accompanied by an export authorization issued by the exporting country shall be detained by customs authorities until a valid export authorization is produced, or if none is produced within 10 days after commencement of the detention, they shall be re to the co at his expense.

4. *Penalty.* Any person not acting as an agent for the Government Central Medical Store or a holder of an import permit who imports any narcotic drug into Liberia or receives, conceals, buys, sells, or in any facilitates the transportation, concealment or sale of any narcotic drug after being imported into Liberia contrary to law, shall be guilty of a felony in the first degree.

§ 41.14. Export procedures.

1. *Government Central Medical Store sole legitimate exporter.* Narcotic drugs may be exported from Liberia only by the Government, Central Medical Store in compliance with the regulations promulgated by the Minister upon consultation with the Liberian Pharmacy Board.

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2. *Limitations on exports.* The Government-Central Medical Store shall not export or cause to be exported from Liberia any narcotic drug to any other country unless:

(a) Such country has instituted and maintains a system which It deems adequate for the control of imports of narcotic drugs;

(b) There is produced by the prospective importer to the Government Central Medical Store an issued by the competent authority of the importing country'.and certifying that the importation of the drugs or drug referred to therein is approved;

(c) There is furnished to the Minister proof deemed adequate by him that the narcotic drug is to be applied exclusively to medical or scientific uses within the country to which exported, that it will not be re-exported from such country and that there is an actual need for the narcotic drug for medical and scientific uses within such country; and

(d) Exports of the drug concerned to the importing country are not prohibited for the then current year under article 21, paragraph 4(b) of the Convention because the importing country has exceeded or, considering the amount to be imported will exceed, the total of its estimates under article 19, paragraph 2 of that Convention.

3. *Export authorizations.* The Government Central Medical Store shall issue an export authorization to accompany every shipment of narcotic drugs exported from Liberia. Such export authorization shall state the name of the drug, the international non-proprietary name if any, the quantity exported, the name and address of the consignee, the foreign port of entry, the port of exportation, the period within which exportation is to be effected, and the number and date of the import permit issued by the importing country. A copy of the export authorization shall accompany each consignment, and the Government Central Medical Store shall send a copy to the Government of the importing country.

4. *Penalty.* Any person not acting as an agent for the Government

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Central Medical Store who exports any narcotic drug from Liberia, shall be guilty of a felony in the first degree.

§ 41.15. Importation or exportation by mail prohibited.

Narcotic drugs shall not be imported nor exported by mail or parcel post.

§ 41.16. Narcotic drugs in transit through Liberia.

1. Export authorization required. Common carrier entering Liberia shall declare to the customs authorities any consignments of narcotic drugs which are being transported on board such carrier through the territory of Liberia to another country. No consignment of narcotic drugs shall be allowed to pass through the territory of Liberia, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization issued by the exporting country for such consignment is produced for examination by the customs authority. The provisions of this paragraph shall not apply to consignments transported by aircraft which fly over the territory of Liberia without landing.

2. Diversion to be prevented. Shipments of narcotic drugs through Liberia to a country other than designated in the export authorization shall be detained until, authorization for such diversion is obtained from the exporting country or until directions or their disposal can be received from the consignors if no such authorization or directions are received within 10 days after commencement of the detention, the drugs shall be returned to the consignor at his expense.

3. Requirement of informing carrier of shipment of narcotic drugs. Any person who ships narcotic drug by a common carrier through Liberia to another country without informing the carrier that narcotic drugs compose all or part of the shipment shall be guilty of a felony in the second degree. Failure to produce a statement signed by a duly authorized agent of such carrier acknowledging receipt of the shipment and that it contains narcotic drugs, shall be presumptive evidence of a violation of

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this paragraph.

§ 41.17. Manufacturing permits; quotas.

1. *Permit and quota requirements.* It shall be unlawful for any person to manufacture any narcotic drug unless:

(a) Such person holds a currently effective permit authorizing him to manufacture such drug, and

(b) The drug manufactured is within the quota with respect to such drug, issued pursuant to the provisions of paragraph 3.

2. *Fixing of national quotas.* The purpose of fixing manufacturing quotas under this section and in order to carry out the obligations of Liberia under the Contention, the Liberian Pharmacy Board, with the approval of the Minister, shall make determinations of the total quantity of each basic class of narcotic drug necessary to the manufactured during each calendar year to provide the estimated medical and scientific needs of Liberia, for lawful export requirements, and for establishment and maintenance of reserve stocks. For the purpose of this section, the Board may adopt the categories of basic drugs established by the World Health Organization or its successor in function.

3. *Fixing of individual quota.* On or before June 1 of each year, upon application therefor by a person having a permit to manufacture a basic class of narcotic drug for the current calendar year, the Liberian Pharmacy Board, with the approval of the Minister, shall fix a manufacturing quota for such calendar year for such basic, class of narcotic drug for such person. In fixing the individual manufacturing quotas for basic class of narcotic drug for a calendar year pursuant to this section, or at any time after fixing such individual quotas, the Board shall limit or reduce such individual quotas to the extent necessary to prevent the aggregate of such individual quotas from exceeding the amount of the determination of the Board under paragraph 2. In any such limitation or reduction pursuant to this paragraph, the quota of each manufacturer

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holding a permit for the manufacture of such basic class of narcotic drug shall be limited or reduced in the same proportion as the limitation or reduction of the aggregate of such quotas. However, if any permittee, before the issuance of a limitation or reduction in quota, has manufactured in excess of his quotas so limited or reduced, the amount of such excess shall be subtracted from such permittee's manufacturing quota for the following year.

4. *Increase in quota.* At any time during the calendar year any manufacturer who has applied for or received a manufacturing quota for a basic class of narcotic drug may apply for an increase in such quota, to meet his estimated disposal, inventory, and other requirements during the remainder of such calendar year.

5. *Exception from applicability of permit and quota provisions.* Notwithstanding any other provisions of this section:

(a) No permit or quota shall be required for the manufacture of such quantities of narcotic drugs as incidentally but necessarily result from the manufacturing process used for the manufacture of a basic class of narcotic drug duly authorized under this section; and

(b) No permit or quota shall be required for the manufacture of such quantities of narcotic drugs as incidentally but necessarily result from the manufacture of any substance which is in a narcotic drug. Unless such incidentally but necessarily resulting narcotic drug shall have been determined to be non-addicting by the Liberia Pharmacy Board, it may (apart from being used in the process or producing a narcotic drug for which a permit and quota are held) be retained or disposed of only in such manner as may be prescribed or authorized by the Board.

6. *Limitation on sales by manufacturer.* It shall be unlawful for a manufacturer to sell the narcotic drugs manufactured by him to any purchaser other than the Government Central Medical Store.

7. *Penalty for violation of manufacturing provisions.* A person who

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manufactures narcotic drugs in violation of this section shall be guilty of a felony in the first degree.

§ 41.18. Restrictions on sales a wholesale.

1. Authorized vendors of narcotic drugs without prescription. Except as expressly permitted by of this chapter, no persons other than wholesalers holding import permits under the provisions of section 41.12 and no agency of the Government, except the Government Central Medical Store, shall sell narcotic drugs without prescriptions therefor.

2. To whom sales may be made. Except for sales of narcotic rugs for export by the Government Central Medical Store, the said Store and wholesalers holding permits may sell narcotic drugs only to one of the following:

(a) A wholesaler to whom a permit has been issued to import narcotic drugs under the provisions of section 41.12;

(b) A manufacturer to whom a permit has been issued to manufacture drugs under the provisions of section 41.17;

(c) A person in charge of a pharmacy which has been issued a permit to sell narcotic drugs under the provisions of section 41.11;

(d) A physician, dentist, or veterinarian who has been issued a permit to dispense and administer narcotic drugs under the provisions of section 41.11;

(e) A person in charge of a hospital which has been issued a permit to dispense and administer narcotic drugs under the provisions of section 41.11, but only for use in that hospital for medical purposes;

(f) A person in charge of a laboratory which has been issued a permit to administer narcotic drugs under the provisions of section 41.11, but only for use in that laboratory for scientific and medical

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purposes.

3. *Requirement for written orders; preservation.* A sale by the Government Central Medical Store may be made only on written order of the Superintendent of the Store or by his duly authorized agent. A sale by a wholesaler holding an import permit may be made only on written order of the pharmacist supervising such permittee's narcotic drug operation. Such written order shall be signed in duplicate by the person giving it. The original shall be presented to the person who purchases the narcotic drug named therein, and the duplicate shall be retained in the files of the Government Central Medical Store, or of the wholesaler, as the case may be. Each party to the transaction shall preserve the copy of such order for a period of two years in such way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter.

4. *Limitation on use of drugs obtained under this section.* Any person to whom drugs are sold under the provisions of this section shall not prescribe, administer nor dispense such drugs except within the scope of his employment or official duty or in the course of his professional practice, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

§ 41.19. Sales by pharmacists.

1. *Prescriptions.* A pharmacist, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a Physician, dentist, or veterinarian. Such prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name and address of the person prescribing. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The pharmacist filling the prescription shall give it a serial number and shall indicate such serial number on the prescription and shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the Pharmacy in which it is

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filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter. The prescription shall not be refilled.

2. *Sale on discontinuance of business.* The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in such drugs, may sell his stock to the Government Central Medical Store. A sale to any person or to any agency other than the Government Central Medical Store is unlawful.

§ 41.20. Dispensing in hospitals.

Dispensing of narcotic drugs by dispensaries maintained by hospitals granted permits to do so is limited to patients registered for treatment at such hospitals but only on an order of a staff physician. Sales to such patients shall not be deemed to be sales at retail.

§ 41.21. Professional use and dispensing of narcotic drugs.

1. *By physicians and dentists.* A physician or dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by a nurse or intern under his direction and supervision.

2. *By veterinarians.* A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant under his direction and supervision.

3. *Return of unused drugs.* Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to him any unused portion of such drug, when it is no longer required by the patient.

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4. *Sales of narcotic drugs*, at retail by physicians, dentists and veterinarians to patients or other person are prohibited.

§ 41.22. Cultivation or allowing growth of narcotic-producing plants prohibited.

1. *Cultivation.* It is unlawful for any person, to plant, cultivate, grow or harvest the opium poppy, coca bush or cannabis plant or to permit the planting, cultivation, or harvesting of any such plants upon any property owned, used, or controlled by him. A person violating this paragraph shall be guilty of a felony in the first degree.

2. *Extermination of wild plants by owner or on notification by owner.* Any person who knows that the opium poppy, coca bush, or cannabis plant is growing wild on property owned, occupied, used or controlled by him shall exterminate such plants or notify a police officer or local health officer of such fact. Any officer thus notified shall transmit the information to the narcotics control unit of the Ministry which shall take immediate measures to exterminate the plants from such property.

3. *Extermination not initiated by owner.* When an enforcement officer of the narcotics control unit of the Ministry reports to the Minister that opium poppy plants, coca bushes or cannabis plants are growing on any property in either a cultivated or wild state, and that the person who owns, occupies, uses or controls such property has not reported that fact to a police officer or local health officer, the Minister shall give written notice to such person that the plants are growing on the property, that he shall exterminate such plants within 10 days from the date of the order, and that on failure to comply with such order, enforcement officers of the narcotics control unit will enter the premises and exterminate the plants. If the person to whom the order is addressed does not comply therewith within 10 days, the extermination of the plants shall be carried out by enforcement officers in accordance with the order.

§ 41.23. Penalty for unlawful sale or possession for sale.

1. *Unlawful sale.* Any Person who sells a narcotic drug without the

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written prescription of a physician, dentist, or veterinarian, except as otherwise provided by the provisions of this chapter, shall be guilty of a felony in the first degree.

2. *Possession with intent to sell.* Any person who possesses or has in his control a narcotic drug with intent to sell such drug, except on written prescription of a physician, dentist, or veterinarian or otherwise in accordance with the provisions of this chapter, shall be guilty of a felony in the first degree.

3. *No probation or suspended sentence.* A person convicted of a crime under this section shall not be eligible for probation or for a suspended sentence.

§ 41.24. Unauthorized possession prohibited.

1. *General prohibition.* It shall be unlawful for any person to possess or have under his control any narcotic drug except as authorized by this chapter.

2. *Possession in regular course of business.* Possession of or control over narcotic drugs obtained as authorized by this chapter shall be lawful if obtained in the regular course of business, occupation, profession, employment or duty of the possessor unless otherwise provided by this chapter.

3. *Possession through prescription or professional dispensation.* A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, pharmacist or other person authorized by this chapter, and the owner of any animal for which any such drug has been prescribed by a veterinarian, may lawfully possess such drug, but only if it is kept in the container in which it was delivered to him by the person selling or dispensing it.

4. *Incidental possession.* The provisions of this chapter restricting the possession or having control of narcotic drugs shall not apply to common carriers or to warehousemen while engaged in lawfully

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transporting or storing such drugs, or to any employee of such carriers or warehousemen acting within the scope of his employment; or to public officers or employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of person lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

5. *Penalty.* Except as otherwise provided by law, a person who violates the Provisions of this section shall be guilty of a misdemeanor in the second degree.

§ 41.25. obtaining drug or permit by fraud or deceit.

1. *Acts forbidden.* The following acts are unlawful:

(a) Obtaining a narcotic drug, or procuring the administration of a narcotic drug or a permit or renewal of a permit issued under section 41.53 by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address.

(b) Making a false statement in any prescription, order, report, application, or record, required by this chapter;

(c) For the purpose of obtaining a narcotic drug, falsely assuming the title of, or representing himself to be, a manufacturer, wholesaler, person in charge of a hospital dispensary, pharmacist, Physician, dentist, veterinarian or other person authorized to obtain and possess narcotic drugs;

(d) Making or uttering any false or forged prescription or false or forged written order;

(e) Affixing any false or forged label to a package or receptacle containing narcotic drugs.

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2. Acts forbidden as to narcotic preparations exempted from application of chapter. The provisions of this chapter shall apply to all transactions relating to narcotic drugs under the provisions of section 41.2 the same way as they apply to transactions under all other sections.

3. Certain communications not privileged. Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of such drug, shall not be deemed a privileged communication.

4. Obtaining narcotic drugs from more than one physician. Any person who in the course of treatment is supplied with narcotic drugs or a prescription therefor by one physician and who, without disclosing that fact is supplied during such treatment with narcotic drugs or a prescription therefor by another physician, shall be guilty of a violation of this section.

5. Penalty. A person who violates any provisions of this chapter shall be guilty of a misdemeanor in the first degree.

§ 41.26. Penalty for unlawful prescribing, administering, or dispensing.

Any person who prescribes administers or dispenses a narcotic drug except in accordance with the provisions of this chapter shall be guilty of a felony in the first degree.

§ 41.27. Opening or maintaining place where narcotic drugs are sold, given away, or used.

Any person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any narcotic drug or any Person who permits the opening or maintenance of such a place on property owned, occupied or controlled by him shall be guilty of a felony in the first degree.

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§ 41.28. Penalty for offenses not otherwise penalized.

Any person who violates any provision of this chapter for which no other penalty is provided therein, shall be guilty of a misdemeanor in the first degree.

***Subchapter C. TREATMENT OF NARCOTIC
ADDICTS***

§ 41.31. Civil commitment of narcotic addicts.

1. Petition for commitment. Any person, including any local health officer, who believes that another person is addicted, or any person who believes himself to be addicted, to the use of narcotics may petition the Circuit Court of the country in which the person sought to be committed or who seeks to have himself committed resides for an order committing such person for medical and psychiatric treatment. The petition shall contain a statement of the facts because of which the commitment is sought. A petitioner who knowingly furnishes any false statement of fact in his petition shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned not more than six month or both.

2. Order for examination by physician. If the court is satisfied on the basis of the petition and, in the discretion of the court, after oral examination of the petitioner. that there is reasonable probability that the person sought to be committed or who seeks to have himself committed is in fact addicted to narcotics, the court shall order him to be examined by a physician to be appointed by tile court. Unless the petition had, been made by a person seeking to have himself committed, a copy of the petition and order of examination shall be personally served on the alleged addict at least one day before the time of examination fixed by the court.

3. Action by court on basis of physician's report; notice of hearing.

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The report of the examination by the physician shall be delivered to the court and if the report is to the effect that the person sought to be committed is not addicted to the use of narcotic drugs, the court shall order the petition dismissed. If the report is to the effect that a person seeking to have himself committed is addicted to narcotics, the court shall commit him to the place of treatment forthwith. If the report is that a person sought to be committed is addicted to narcotics, the court shall set a time for a hearing not more than three days after such order notice thereof to be personally served on the petitioner, on the person sought to be committed, and, in its discretion, on the husband or wife, father or mother, or next of kin of such person.

4. *Hearing.* The person sought to be committed may waive the hearing by a statement of waiver in open court. If the hearing is not waived, the court may issue subpoenas for attendance of witnesses at the hearing, and the person sought to be committed shall have the right to have subpoenas issued for the purpose. At the hearing the person shall have the right to be represented by a counsel, to present witnesses on his behalf, and to cross-examine witnesses. If he is unable financially to employ counsel, the court shall, if requested, appoint counsel for him.

5. *Determination by the court; commitment.* If from the facts ascertained upon the hearing and the petition and the report of the court-appointed physician, the court determines that the person sought to be committed is not a narcotic addict, the petition shall be denied; the court shall grant an order certifying such person to any Government hospital or such other treatment facility for narcotic addicts as may be established by the Minister, to be detained therein until he is discharged under the provisions of section 41.34. The petition, report of the examining physician, the decision of the court and the order of certification shall be presented at the time of admission of the addict to the director in charge of the place of treatment to which the addict is committed.

6. *Withdrawal treatment.* On entering the place of treatment, the addict shall be provided with such medical aid as is necessary to ease the symptoms of withdrawal from use of the narcotic.

§ 41.32. Determination of court not a conviction.

The determination made by the court under section 41.31 that a person is a narcotic addict shall not be deemed a conviction, nor shall such person be denominated a criminal by reason of such determination. Whether, however, a person has used narcotics in excess of medical need remains a proper subject for questioning on cross-examination as bearing on the person's credibility.

§ 41.33. Treatment of narcotics addict on commitment.

The purpose of treatment by the Government of a committed narcotic addict is hereby declared to be to secure his complete physical withdrawal from reliance on narcotics, and to provide him with such psychiatric supervision, medical aid, educational facilities, and vocational training as will tend to effect his rehabilitation and restore him as a normal and effective member of society. It is the duty of the Minister and his delegates to see that the regimen in the place of treatment and the training and attitude of personnel are shaped to achieve such purpose.

§ 41.34. Discharge to outpatient status; return to treatment.

At any time after an initial period of treatment of one year, but in any event in not more than three years after commitment, whenever a person committed for treatment under section 41.31 has recovered from his addiction to such an extent that in the opinion of the Minister, based on recommendation of the director of the place of treatment, discharge to an outpatient status is warranted, such person shall be by order of the Minister discharged to such status. The discharge shall be subject to such conditions as may be imposed by the Minister to prevent the discharged person from resuming the use of narcotics and subject to being recommitted to patient status on violation of such conditions. The supervision of such persons on an outpatient status shall be administered by special outpatient counselors employed in the Ministry. The conditions of discharge shall include periodical reports to such aftercare facility as may be established by the Minister, and the receiving of home

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visits from the outpatient counselors. It shall be stipulated as a condition of discharge to outpatient status that from time to time the former addict shall be subject to surprise testing by administration of an anti-narcotic drug to discover whether he has been using narcotics. If from reports of the outpatient counselor or other information, including reports of law enforcement officers as to the conduct of the former addict, it appears to the Minister that the best interests of such person and of society will be served by a return to inpatient status, the Minister shall, after opportunity for a hearing has been afforded the discharged addict, order a re-commitment. It shall be the duty of any peace officer to assist any representative of the Ministry or of inpatient facility to which such addict is to be recommitted to take him into custody upon a request of such representatives. An order of commitment shall be subject to review by the courts as in the case of other administrations.

§ 41.35. Length of treatment on civil commitment.

In no event shall the time spent in a place of treatment before a first discharge to outpatient status by a narcotic addict who has been civilly committed under this chapter exceed three years; and in no event shall the time spent by such addict under a single court order of commitment under both inpatient treatment and aftercare supervision as an outpatient exceed a total of seven years.

§ 41.36. Commitment of narcotic addict who is criminal offender.

1. Proceedings to determine addiction; withdrawal. Every defendant under arrest or in custody on a criminal charge who, either before or after conviction, states or shows symptoms that he is a narcotic addict, shall be given a medical examination by a physician appointed by the court with all reasonable speed after such statement or after such symptoms are observed. A defendant required to have a medical examination shall not be admitted to bail before the examination is completed. If the examining physician reports that the defendant is a narcotic addict, he shall be given, while in custody, such medical aid as is necessary to ease any symptoms of withdrawal from the use of narcotics. Any criminal proceedings requiring the participation of the

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defendant shall be delayed pending the termination of the medical examination, diagnosis, and withdrawal period, if such is medically required.

2. *Commitment for treatment.* If the defendant is diagnosed to be a narcotic addict, the examining physician shall promptly transmit findings in support of the fact in a certified report to the court before which the charge against the defendant is pending. After the examination and the withdrawal period have been completed, the criminal proceedings against the defendant may proceed. If the defendant is convicted and sentenced to imprisonment, he shall be committed for treatment to any Government hospital or other treatment facility established by the Minister for treatment of narcotic addicts. His treatment there shall be the same as that of narcotic addicts who have been civilly committed under section 41.31, except that an addict under criminal sentence may be confined under maximum or medium security arrangements, if he would be so confined on commitment to a prison. An addict committed for treatment under this section shall remain in the place of treatment for the same period as an addict civilly committed. The period during which an addict is under inpatient treatment in accordance with the provisions of this section shall be credited to any prison sentence which has been imposed on him.

3. *Disposition of defendant on completion of inpatient treatment.* The time during which a defendant who is a narcotic addict undergoes inpatient treatment shall be determined in the same manner as in the case of civilly committed addicts. On the termination of inpatient treatment, the addict under criminal sentence shall be delivered over to the Division of Correction to be confined in prison for any part of the prison sentence after deduction of the period spent in the treatment facility. If the period of treatment has exceeded the prison sentence in length, the criminal sentence shall be dismissed on termination of his inpatient status, but he shall be subject to the provisions of section 41.34 relating to aftercare, as in the case of an addict civilly committed. If the defendant is returned to prison to serve the remainder of a prison sentence, he shall be subject on release from prison to the provisions of section 41.34, relating to aftercare of narcotic addicts, which shall

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supersede in his case the provisions of the Criminal Procedure Law relating to parole.

4. *Addict under suspended sentence or on probation.* A defendant who is found under the provisions of paragraph 1 of this section to be a narcotic addict and who an conviction is placed on suspended sentence or who is placed on probation or sentenced to pay a fine, shall be civilly committed to a Government hospital or other facility for treatment in accordance with the provisions of section 41.31, and shall be discharged to aftercare subject to the provisions of sections 41.34, and 41.35. The full period during which an addict is under inpatient care and outpatient status shall be credited to any sentence of probation or suspended sentence which has been imposed on him in criminal proceedings.

5. *Addict who is acquitted.* A defendant who has been diagnosed under the provisions of paragraph 1 to be a narcotic addict but who is acquitted of the criminal charge against him or has received a dismissal of the criminal charges against him, shall be civilly committed for treatment under the provisions of section 41.3 1.

Subchapter D. ADMINISTRATION

§ 41.41. Establishment of narcotics control unit in Ministry.

1. *Establishment of unit; special assistant.* The Minister shall establish within the Ministry a narcotics control unit through which he shall cause his powers and duties under this chapter to be carried out. The Minister shall designate from among the officials in his department a special assistant in charge of the narcotics control unit whose responsibility it shall be, under the direction of the Minister, to administer and enforce the provisions of this chapter.

2. *Personnel.* The Ministry may employ in the narcotics control unit such assistants, consultant, and personnel qualified by education, to carry out the provisions of this chapter. The Ministry may designate employees in the narcotics control unit as special enforcement officers

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to make such inspection of records and places for which permits have been issued to handle narcotic drugs and do such other things as necessary to enforce the provisions of this chapter. He may also designate employees in the narcotics control unit to act as aftercare counselors whose duty it shall be under the provisions of this chapter to visit and supervise narcotic addicts of outpatient status, return any addict from aftercare supervision to inpatient treatment, deliver to or receive from court custody any addict when this becomes necessary, and in all other respects carry out the provisions of this chapter with regard to treatment of addicts.

§ 41.42. Powers and duties of Minister with regard to narcotics control and addict treatment.

It shall be the duty of the Minister and he shall have the power to:

(a) Survey and analyze the needs of Liberia and formulate a comprehensive plan for the long range development, through the utilization of national, local and private sources, of adequate facilities for the enforcement of a narcotics control program and for the prevention and control of narcotic addiction and the diagnosis, treatment and rehabilitation of narcotic addicts, and from time to time revise such plan.

(b) Arrange for the collection of statistics relating to the quantity of narcotic drugs imported and exported, manufactured, consumed, seized and destroyed during each year; keep a national inventory of narcotic drugs and at all times have a ready statement showing the amount of narcotics that may still be imported for the balance of the year under the annual estimate; and transmit to the International Narcotics Control Board not later than June 30 of each year the statistics above referred to for the previous year, except that statistics concerning the quantity of narcotic drugs imported and shall be prepared quarterly and shall be furnished to the International Narcotics Control Board within one month after the quarter to which they relate;

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- (c) Furnish annual estimates of the needs of Liberia for narcotic drugs to the International Narcotics Control Board in conformity with the obligations of Liberia under the Convention and see that Liberia adheres to those estimates as nearly as possible;
- (d) Cooperate closely with other countries and with the International Narcotics Control Board in maintaining a coordinated campaign against illicit traffic;
- (e) Cooperate with the Ministry of Justice and the National Police Force in suppressing illicit traffic in narcotics within Liberia;
- (f) Provide education and training in prevention, diagnosis, treatment, rehabilitation and control of narcotic addiction for medical students, physician, nurses, social workers and others with responsibility for narcotic addicts;
- (g) Provide education on the nature and consequences of narcotic addiction and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support;
- (h) Gather information and maintain statistical and other records relating to the number and identify of narcotic addicts;
- (i) Establish special facilities for treatment, training and rehabilitation of narcotic addicts;
- (j) Make rules and regulations and do all other things necessary to enforce the provisions of this chapter.

§ 41.43. special hospital facilities for narcotic addicts.

The Minister shall establish in Government hospitals one or more wings or wards or establish separate hospitals, which shall be reserved exclusively for the care, treatment, cure and rehabilitation of persons addicted to the use of narcotic drugs who are committed under sections 41.3 and 41.36.

Subchapter E. ENFORCEMENT

§ 41.51. Seizure and disposition of seized narcotic records.

1. Seizure and time and manner of destruction. Narcotic drugs unlawfully possessed under the provisions of this chapter may be seized by any police officer or enforcement officer of the narcotics control unit of the Ministry in conformity with the provisions of the Criminal Procedure Law governing searches and seizures. The narcotic drugs seized shall be handed over to the prosecuting attorney of the county, territory, or district in which the seizure occurred on his giving a receipt to the officer who made the seizure. The drugs shall be safely kept so long as necessary for the purpose of being produced as evidence at any criminal trial in which they are involved. As soon as may be thereafter, or, if the case has been disposed of by dismissal or otherwise than by continuing the prosecution, at the expiration of six months from the time of seizure, the drugs, if previously unclaimed on a motion for return of property by a person who is legally entitled to his possession, shall be forfeited and disposed of as follows; provided, however, that cannabis, heroin, or smoking opium shall in all cases be destroyed as soon as possible after its usefulness as evidence is terminated and shall in no case be returned to any person formerly in possession or claiming ownership:

(a) Except as in this section otherwise provided, the court having jurisdiction of the criminal prosecution in connection with which the narcotic drugs were seized shall order them forfeited and destroyed. Cannabis, heroin, or smoking opium shall be destroyed in the presence of the magistrate or justice of the peace who issued the search warrant under which it was seized and in the presence of a representative of the Ministry of Justice and a representative of the Ministry of Health and Social Welfare.

(b) Upon written application by the Minister, the court by whom the forfeiture of narcotic drugs has been ordered, may order the delivery of some or all of such narcotic drug, except cannabis, heroin, or smoking opium, to a hospital which has applied for it and

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which needs it for medicinal uses.

2. *Record of destruction in particular lease.* A record of the place where narcotic drugs were seized, of the kinds and quantities of drugs destroyed, and of the time, place and manner of destruction shall be kept, and a return under oath, reporting such destruction, shall be made to the Minister and to the court or to any magistrate or justice of the peace having jurisdiction of the case unless the drug was destroyed in the presence of the court.

3. *Records of seizures and destruction in Liberia.* The Minister shall keep a full and complete record of all narcotic drugs seized and all narcotic drugs destroyed, showing the exact kinds, quantities and forms of such drugs, the persons from whom received and to whom delivered; by whose authority received, delivered and destroyed; and the dates of the receipt, disposal, or destruction.

§ 41.52. Inspection of records and stocks of drugs.

Prescriptions, orders and records required by this chapter and stocks of narcotic drugs shall be open for inspection to officials whose duty it is to enforce the laws of Liberia relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or at an administrative proceeding to which prosecution or proceeding the person to whom such prescription, order or record relates is a party.

§ 41.53. Permits; applications; issuance; renewals; Revocation or suspension.

1. *Application; qualifications.* Application for a permit required under this chapter shall be made under oath to the Minister who shall refer the same to the Liberian Pharmacy Board. No permit shall be issued unless the applicant furnishes satisfactory proof:

(a) That the applicant is of good moral character, or, if the

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applicant is an association or corporation, that the managing officers are of good moral character;

(b) That the applicant is equipped as to land, buildings, and paraphernalia to carry on properly any business described in the application;

(c) That the applicant's past experience in the business or profession described in the application, his technical competence, and proposed establishment of safeguards against diversion of narcotic drugs into other than legitimate medical and scientific channels insure the lawful character of the undertaking; and

(d) That such other factors are present as may be relevant to, and consistent with the public interest.

No permit shall be granted to any person who has within five years been convicted of a willful violation of any law of Liberia or of any other jurisdiction relating to narcotic drugs, or to any person who is a narcotic addict.

2. *Issuance.* On Notification to the applicant by the Minister that he has been found qualified to receive a permit, the applicant shall pay a fee of \$25 to the Minister of Finance and on presentation to the Board of the receipt of payment of such fee, shall be issued the permit. Payment of a fee shall not be required, however, of any Government hospital or other governmental agency for the issuance of the permit.

3. *Renewal.* Permits issued under this chapter shall be renewed by the filing of the prescribed renewal application with the Board before January 1 of each year together with proof of payment to the Minister of Finance of the fee therefor of \$25, and when requested by the Board, satisfactory proof of the continuance of the factors on which the issuance of the original permit was based. Payment of a fee shall not be required, however, of any Government hospital or other governmental agency for renewal of a permit.

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4. *Revocation or suspension.* Any permit issued pursuant to this section may be revoked or suspended by the Minister if the permittee:

(a) Has been convicted of violating or conspiring to violate any law of Liberia or of any other jurisdiction where the offense involves any activity or transaction with respect to narcotic drugs; or

(b) Has violated or failed to comply with any duly promulgated regulation of the Minister relating to narcotic drugs and such violation or failure to comply reflects adversely on the permittee's reliability and integrity with respect to the handling of narcotic drugs.

5. *Seizure of narcotic drugs on revocation or suspension of permit.* In the event of the revocation or suspension of a permit obtained pursuant to the provisions of this section, all narcotic drugs owned or possessed by the permittee at the time of the revocation or suspension may, in the discretion of the Minister, be placed under seal and no disposition shall be made thereof until the time for taking an appeal has elapsed or until final determination of the appeal. Upon a revocation or suspension order becoming final, all narcotic drugs seized from the permittee shall be forfeited to the Government.

§ 41.54. Records to be kept.

1. *By Government Central Medical Store.* The Government Central Medical Store shall keep an exact record of all imports exports, purchases, sales and other transaction to which the Store is a party and which involve narcotic drugs. The records shall contain information with regard to all such transactions concerning amounts and kinds of narcotic drugs involved, the identity of the nation and person by or to which shipments are made, the identity of domestic vendors and vendees, the dates of transactions, and any other facts necessary to enable the Minister to control narcotic traffic within Liberia and furnish the International Narcotics Control Board the estimates and statistics required under the Convention.

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2. *By non-government importers.* A non-government importer of narcotic drugs shall keep an exact record of all imports, purchases, sales and other transactions to which he is a party and which involve narcotic drugs. The records shall contain information with regard to all such transactions concerning amounts and kinds of narcotic drugs involved, the identity of the nation and person by which shipments are made, the identity of domestic vendees, the dates of transactions, and any other facts necessary to enable the Minister to control narcotic traffic within Liberia and furnish to the International Narcotic Control Board the estimates and statistics required under the Convention.

3. *By manufacturers.* Manufacturers of narcotic drugs shall keep records of all drugs compounded or by other process produced or prepared, and of all narcotic drugs received and disposed of by them in accordance with the provisions of paragraph 9 of this section.

4. *By pharmacies.* Pharmacies shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of paragraph 9 of this section.

5. *Vendors of exempted preparations.* Every person who purchases for resale or who sells narcotic drug preparations exempted by section 41.2 of this chapter, shall keep a record showing the quantities and kinds thereof received and sold, or otherwise disposed of, in accordance with the provisions of paragraph 9 of this section.

6. *By persons authorized to use professionally.* Every physician, dentist, veterinarian or other person who is authorized to administer or use narcotic drugs in the course of his profession or in the scope of his official duty or employment shall keep a record of such drugs received by him and a record of all such drugs administered, dispensed, or officially or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this section if any such person using small or other preparations of such drugs for keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such

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solution or other preparation applied by him to individual patients; provided that no record need be kept of narcotic drugs administered, dispensed or officially or professionally used in the treatment of any one patient when the amount administered, dispensed, or officially or professionally used for that purpose does not exceed in any 48 consecutive hours (a) four grains of opium or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacological potency any one of the drugs named above in the quantity stated.

7. *By hospitals.* Hospitals shall keep the following records:

(a) An order, signed by a person authorized to prescribe under the provisions of this chapter, specifying the narcotic medication for an indicated Person or animal;

(b) A separate record, at the main point of supply for narcotic drugs, showing the type and strength of each drug in the form of a running inventory indicating the dates and amounts of such drugs compounded or received by them and their distribution or use.

(c) A record of authorized requisitions for such drugs for distribution to substations or wards. Such record shall show receipt at the substation or wards, by the signature of a person supervising such substation or ward.

(d) A separate record for each ward or substation where narcotic drugs are used or administered to patients, indicating thereon each narcotic drug name, size and amount, the date and hour withdrawn for use, signature of the administering attendant and the balance of such drug remaining in stock.

(e) A separate record showing the name of the patient to a narcotic drug is administered, the name of the administering attendant and the hour of administration.

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8. *By laboratories.* Laboratories authorized to possess and use narcotic drugs shall keep records of the receipt and disbursement of such drugs. The record shall show the requisition, receipt at the authorized point of use, name of the person authorized to control and use such drugs, the date and amount used, the signature of the user.

9. *Form and preservation of records.* The form of records shall be prescribed by the Minister. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received and the kind and quality of drugs received. The record of a manufacturer shall show the kind and quantity of narcotic drugs produced from the process of manufacture and the date of such production; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from the plant Cannabis Sativa. The record of all narcotic drugs sold, administered, dispensed or otherwise disposed of shall show the date of selling, administering or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed. and the kind and quality of drugs. Every record required under this section shall be kept for a period of two years from the date of the transaction recorded. Every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any, the kind and quantity of such drugs, and the date of discovery of such loss, destruction or theft. A report of such loss, destruction or theft and other related facts shall be furnished promptly to the Minister and to the National Police Force. In addition, a quarterly report based upon such records shall be made to the Minister in accordance with regulations thereon to be promulgated by the Minister.

§ 41.55. Labels.

1. *By government Central Medical Store and wholesalers.* The Government Central Medical Store and non-government importers engaged in dealing in narcotic drugs at wholesale in selling or dispensing any such drug in a package or container prepared by them shall securely affix to the package or container a label showing in

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legible English the name "Government Central Medical Store" or the name of such importer, as the case may be, with their address and the quantity, kind and form of narcotic drug contained therein. No person except the vendor or person to whom the drug is dispensed or an authorized agent of such person shall alter, deface or remove any label so affixed.

2. *By manufacturer.* Whenever a manufacturer sells a narcotic drug to the Government Central Medical Store, he shall securely affix to each package or container in which the drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind and form of the narcotic drug contained therein. No person, except an authorized agent of the Government Central Medical Store for the purpose of selling or dispensing the drug contained in a package, shall alter, deface, or remove any label so affixed.

3. *By pharmacist.* Whenever a pharmacist sells or dispenses any narcotic drug on a prescription issued by a physician, dentist or veterinarian, he shall affix to the immediate container in which such drug is sold or dispensed, a label in accordance with the provisions of section 43.3(3). No person shall alter, deface or remove any label so affixed.

4. *By physicians dentists and veterinarians.* Physicians, dentists and veterinarians dispensing narcotic drugs shall affix to the container a label showing the dispensing practitioner's name and address, the name and address of the patient, directions for use, and the date of dispensing. If the narcotic drugs dispensed are intended for an animal, the label shall indicate the species of the animal and the name and address of the owner. No person shall alter, deface, or remove any label so affixed.

5. *Drugs exempted from prescription.* Whenever a pharmacy or registered medicine store sells or dispenses any narcotic drug which under the provisions of this chapter is excepted from prescription, the pharmacy or registered medicine store shall securely affix to each package in which such drug is contained a label showing in legible English the name and address of the dispensing pharmacy or registered

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medicine store and the kind and form of narcotic contained therein. No person shall alter, deface or remove any label so affixed.

§ 41.56. Reports identifying narcotic addicts.

Every physician and every hospital treating a person who appears to be addicted to the use of narcotic drugs shall within 48 hours after the person is first treated fill out with regard to such person the form appearing at the end of this chapter designated as form A and transmit such form to the Minister. Such reports shall be open for inspection only to the police officers and to the enforcement officers of the narcotics control unit of the Ministry or to officials or employees of such unit who are concerned with the commitment, care, treatment and rehabilitation of a person addicted to the use of narcotic drugs. No officer or employee having knowledge by virtue of his office or employment of any such report shall divulge such knowledge except in connection with his duties.

§ 41.57. Reports of violations of this chapter.

On conviction of any offender under this chapter, the head of the National Police Force shall transmit to the Minister information concerning such offender on the form appearing at the end of this chapter designated as Form B.

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FORM A
REPORT OF ADDICT

(SURNAME)	(FIRST NAME)	(LAST NAME)
(Aliases and Criminal Identification Number)		
(Present Address Number, Street, City, County)		
(City and County of Birth)		Date of Birth)
Sex	Race	No. of Cures at Government or Private Hospitals
Drug Used	Years Addicted	Original cause of Addiction
Source of Supply		
Reporting Officer	Date	Reporting Agency

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FORM B
REPORT OF NARCOTIC DRUG VIOLATION

Male _____ Female _____ No., if any _____

Police No., if any _____

Offender s surname _____ Given name Initial Aliases or nicknames _____

Address given when arrested _____ Correct Address _____

Nativity _____ occupation _____ Married _____

No. of children _____ Single _____

Present age _____ Date of Birth _____ Place of Birth _____

If the offender owns automobile, give full description, license number
and where car is kept _____

Place of employment and how long employed _____

Extent income _____ Source income _____

Place of arrest _____ Date and time of arrest _____

complainant's name _____ Address _____ Telephone Number _____

Violation _____

Narrative statement of facts: _____

Arresting and investigating officers _____

Date of conviction _____

Sentence _____

Chapter 42. CONTROL OF HALLUCINOGENIC DRUGS

§ 42.1. Hallucinogenic drugs outlawed.

§ 42.2. Seizure and disposition of hallucinogenic drugs.

§ 42.1. Hallucinogenic drugs outlawed.

1. Definition. As used in this chapter, "hallucinogenic drug" means any material, compounded, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) 3, 4-methylenedioxy amphetamine.
- (b) 5-methoxy-3, 4-methylenedioxy amphetamine.
- (c) 3, 4, 5-trimethoxy amphetamine.
- (d) Bufotenine.
- (e) Diethyltryptamine.
- (f) Dimethyltryptamine.
- (g) 4-methyl-2, 5-dimethoxyamphetamine.
- (h) Ibogaine.
- (i) Lysergic acid diethylamide.
- (j) Concentrated cannabis.
- (k) Mescaline.
- (l) Peyote.
- (m) N-ethyl-3-piperidyl benzilate.
- (n) N-methyl-3-piperidyl benzilate.
- (o) Psilocybin.
- (p) Psilocyn.
- (q) Tetrahydrocannabinols, other than marihuana.
- (r) 2,5-dimethoxyamphetamine.
- (s) 4-bromo-2,5-dimethoxyamphetamine.
- (t) 4-methoxyamphetamine.

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2. Prohibited acts. Except as otherwise provided in paragraph 3, it shall be unlawful to import, manufacture, sell, prescribe, distribute, dispense, administer or possess any hallucinogenic drug.

3. Incidental possession of public officers not unlawful. The provisions of this section making it unlawful to possess any hallucinogenic drug shall not apply to public officers or employees in the performance of their official duties requiring such profession; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

4. Penalties. The following penalties shall be applicable to violations of the provisions of this section:

(a) Except as otherwise provided in subparagraph (b), a person who violates the provisions of paragraph 2 shall be guilty of a felony in the first degree;

(b) A person who is found to have possession of an hallucinogenic drug for his own personal use shall be guilty of a misdemeanor in the first degree.¹¹³

§ 42.2. Seizure and disposition of hallucinogenic drugs.

Any hallucinogenic drug which was being imported, manufactured, sold, prescribed, distributed, dispensed, administered or possessed in violation of the provisions of this chapter, is hereby declared to be a public nuisance and may be seized by a peace officer in accordance with the provisions of section 41.51 with respect to narcotic drugs unlawfully possessed and shall be forfeited and disposed of in the same manner as provided for cannabis, heroin and smoking opium in said section 41.51.

113. Prior legislation: An act to amend the Penal Law, etc., approved March 25, 1970.

**Chapter 43. CONTROL OF DRUGS OTHER
THAN NARCOTIC AND HALLUCINOGENIC
DRUGS**

- § 43.1. Establishment of Liberian Drug Register.
- § 43.2. Persons and establishments exempted from application of restrictions in Liberian Drug Register.
- § 43.3. Prescription directives; labeling.
- § 43.4. Quality control of imported drugs, medical preparations and therapeutic devices.
- § 43.5. Sanitary control of imported drugs, medical preparations and therapeutic devices.



§ 43.1. Establishment of Liberian Drug Register.

With all convenient speed after the effective date of this title, subject to the exemptions set forth in section 43.2, the Liberian Pharmacy Board, with the approval of the Minister, shall promulgate a Liberian Drug Register by regulations to be officially published, consisting of schedules of drugs and medical preparations including proprietary medicines, which may be sold and dispensed in the Republic, other than non-exempted narcotic drugs covered by the provisions of chapter 41 and poisons covered by the provisions of chapter 44, and so classified as to promote safety factors for the protection of the public health and take into account the degree of competency and other qualifications required of persons engaged in dispensing such, drugs and preparations. The schedules shall be classified as follows:

Category A - Prescriptive drugs and medical preparations.

Prescriptive drugs and medical preparations, other than non-exempted narcotic drugs covered by the provisions of chapter 41, and poisons covered by the provisions of chapter 44, which because of toxicity or other potentiality for harmful effect, or the method of use, or the collateral measures necessary to its use, are not safe for use except under the supervision of a licensed practitioner autho-

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rized by law to administer them. Except as expressly permitted by the provisions of section 43.2, such prescriptive drugs and medical preparations shall only be compounded and dispensed in licensed pharmacies by licensed pharmacists, upon prescriptions executed in accordance with the provisions of section 43.3.

Category B - Non-prescriptive, drugs and medical preparations dispensable by licensed pharmacists; exception.

Drugs and medical preparations for which a prescription is not required but which for reasons of safeguarding the public health may only be sold/or dispensed at licensed pharmacies and hospital dispensaries except as permitted under the schedule promulgated hereunder as category C.

Category C - Non-prescriptive drugs and medical preparations dispensable by Registered medical Stores.

Drugs and medical preparations included in the schedule promulgated under category B which may safely be sold at Registered Medicine Stores.

Category D - Unrestricted drugs and medical preparations.

Drugs and medical preparations if or which a prescription is not required and which may safely be sold at any establishment.

The schedules promulgated hereunder may be amended and supplemented by the Board from time to time as necessary, with the approval of the Minister, the regulations for which shall also be officially published.

§ 43.2. Persons and establishments exempted from application of restrictions in Liberian Drug Register.

1. Physicians and dentists. A licensed physician or dentist, in good faith and in the course of his professional practice only, may prescribe, apply,

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administer and dispense prescriptive drugs and medical preparations listed on the schedule promulgated in accordance with section 43.1 under Category A without a prescription, or he may cause them to be applied or administered by a nurse or intern under his direction or supervision. He may similarly apply, administer and dispense drugs and medical preparations listed on the schedules promulgated in accordance with section 143.1 under Categories B and D. Sales at retail, however, whether to patients or other persons are prohibited.

2. *Veterinarians.* A licensed veterinarian, in good faith and in the course of professional practice only and not for use by a human being, may prescribe, apply, administer and dispense prescriptive drugs and medical preparations listed on the schedule promulgated in accordance with section 43.1 under Category A without a prescription, or he may cause them to be applied or administered by an assistant under his direction or supervision. He may similarly prescribe, apply, administer and dispense drugs and medical preparations listed on schedules promulgated in accordance with section 43.1 under Categories B and D, Sales and retail, however, are prohibited.

3. *Pharmacists and dispensers in hospital dispensaries.* Licensed pharmacists supervising pharmaceutical services with the provisions of section 67.41 in good faith may dispense prescriptive drugs and medical preparations listed on the schedule promulgated in accordance with section 43.1 under category A to patients registered for treatment at the hospitals maintaining such dispensaries, but only on order of a staff physician. Dispensers, however, may not compound such prescriptive drugs and medical preparations. The said licensed pharmacists and dispensers may similarly dispense drugs and medical preparations listed on the schedules promulgated in accordance with section 43.1 under categories B and D. Sales to patients registered for treatment at hospitals maintaining dispensaries shall not be deemed to be sales at retail.

4. *Manufacturers and drug wholesalers.* Manufacturers and wholesalers of drugs holding duly issued permits therefor may sell prescriptive drugs and medical preparations listed on the schedule promulgated in accordance with section 43.1 under category A without a prescription

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but only to licensed pharmacists, dentists, veterinarians, pharmacies and hospital dispensaries. They may similarly sell drugs and medical preparations listed on the schedule promulgated in accordance with section 43.1 under category B, except that in addition, such drugs and medical preparations which are also listed on the schedule promulgated in accordance with section 43.1 under Category C may be sold by them to Registered Medicine Stores.

§ 43.3. Prescription directives; labeling.

1. Prescriptive drugs require written or oral-written prescription. Except as otherwise provided in section 43.2 a drug or medical preparation which is listed on the schedule promulgated in accordance with section 43.1 under category A shall be compounded and dispensed in accordance with the following:

(a) Upon a written prescription of a person legally authorized to issue such prescription; or

(b) Upon an oral prescription of such a legally authorized person which is reduced promptly to writing and filed by the dispensing pharmacist; or

(c) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by an oral order which is reduced promptly to writing on the original prescription and filed by the dispensing pharmacist.

If such a drug or medical preparation is dispensed upon an oral prescription or order, the prescriber shall furnish a written prescription for such drug or medical preparation to the dispensing pharmacist within seventy-two hours from the making of the oral prescription or order and if the written prescription is not received by the pharmacist within this period, the pharmacist shall report the default of the prescriber to the Board representing the prescriber's profession.

2. Contents of written prescription; filing. A written prescription

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required by the provisions of paragraph 1 shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom or the owner of the animal for which, the drug or medical preparation is dispensed and the full name and address of the person prescribing. If the prescription is for an animal, it shall state the species of animal for which the drug or medical preparation is prescribed. The pharmacist filling the prescription shall give it a serial number under which it is recorded in the pharmacist's prescription file and shall indicate such serial number on the prescription and write the date of filling and his own signature on the face of the prescription. The date of each refilling, if any, must also be indicated on the face of the prescription. The prescription shall be retained on file by the dispensing pharmacist for a period of at least two years and, upon request, shall be made available for inspection by any public officer or employee engaged in the enforcement of this title.

3. *Labeling on drug containers.* No drug or medical preparation prescription is required by the provisions of paragraph 1 shall be dispensed without having affixed to the immediate container in which the drug or medical preparation is sold or dispensed a label bearing the name and address of the dispenser, the serial number under which it is recorded in the pharmacist's prescription file and the date of the prescription or of its filling or refilling, the name and address of the prescriber, the name and address of the patient, or if prescribed for an animal, the name and address of the owner of the animal and the species of animal, and the directions for use and the cautionary statements, if any contained on the prescription.

§ 43.4. Quantity control of imported drugs, medical preparations and therapeutic devices.

With all convenient speed after the effective date of this title, the Liberian Pharmacy Board, with the approval of the Minister, shall by regulation to be officially published, promulgate a catalogue based on quality, of drugs, medical preparations and therapeutic devices, other than non-exempted narcotic drugs covered by the provisions of chapter 41, which may be imported in the Republic, classified under their

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generic names, with the brand names, if any, and the name and addresses of the manufacturers in each category manufacturing the same items approved for import into the Republic. Thereafter, no person may import into the Republic any drug, medical preparation or therapeutic device other than non-exempted narcotic drugs which are covered by the provisions of chapter 41, unless it is contained in the catalogue. If a drug, medical preparation or therapeutic device is not contained in the catalogue to be promulgated hereunder, or if the brand name and the name and address of the manufacturer of any generic item listed in the catalogue is not contained thereon, a person intending to import any such item may make an application to the Liberian Pharmacy Board to have such item approved for import and placed in the catalogue. Approval shall be based on the quality of item proposed, and if the item is not contained in any recognized official pharmacological compendium proof of its efficacy. If such application is approved, the name of the item and the name and address of its manufacturer shall be officially published and no further application shall be required for its importation. The catalogue promulgated hereunder may be amended and supplemented by the Board from time to time as necessary, with the approval of the Minister, the regulations for which shall also be officially published.

§ 43.5. Sanitary control of imported drugs, medical preparations and therapeutic devices.

The Minister of Finance and the Minister of Health and Social Welfare shall have the same duties and obligations with respect to the protection against insanitary conditions, adulteration, misbranding, prohibitions and restrictions in sale in the countries of origin or of export, of drugs, medical preparations and therapeutic devices which are being imported or offered for import into the Republic as are provided for foods in section 26.17 and such articles shall be subject to the same provisions as therein contained for foods. The provisions of the section shall not be construed to prohibit the admission of narcotic drugs, the importation

of which is controlled under section 41.13.¹¹⁴

Chapter 44. POISONS

- § 44.1. Permit required for dealing in poisons.
- § 44.2. Requirements for poison dealer's permit.
- § 44.3. Storing of poisons and display of permit.
- § 44.4. Labelling of containers.
- § 44.5. Restrictions on sales by manufacturing chemists and wholesalers.
- § 44.6. Safety inquiry to be made on sale at retail.
- § 44.7. Records of poison sales to be kept by dealers.
- § 44.8. A Revocation or suspension of permits.
- § 44.9. Poison schedule to be promulgated by Liberian Pharmacy Board.

§ 44.1. Permit required for dealing in poisons.

No person, other than a licensed pharmacy or hospital dispensary, which shall otherwise be bound by the provisions of this chapter, shall deal in any of the poisons listed on the schedule provided for in section 44.9 or on any amendment thereto, without a permit issued therefor by the Liberian Pharmacy Board with the approval of the Minister. A licensed physician, dentist, or veterinarian, however, in good faith and in the course of his professional practice only may prescribe, administer and dispense any such poisons or cause them to be administered or dispensed under his direction and supervision by a nurse, intern, or assistant and such practice shall not be construed as dealing in poisons for the purpose of this chapter.

§ 44.2. Requirements for poison dealer's permit.

To qualify for a permit to deal in poisons, and with respect to the annual

¹¹⁴ *Prior legislation:* 1956 Code 31:702; L. 1953-54, ch. XXI, § 157.

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renewal of such a permit, an applicant shall file an application with the Liberian Pharmacy Board on the form prescribed therefor and submit evidence of the applicant's good character, ability to read and write English and understanding of the dangerous properties of the poisons for which a dealer's permit is being applied for. Such evidence shall be submitted for all individual members if applicant is a partnership or for all of its officers, if an association or corporation. The application shall be signed by the applicant and such signature shall constitute an agreement that the permittee assumes responsibility for the conduct of the dealings in poisons under the permit to be issued in accordance with the requirements of this chapter. The signature of a partner or of a principal officer, as the case may be, shall suffice for such purpose where the applicant is not an individual person. The Board may limit the kinds of poisons to be dealt in by the permittee and shall not issue a permit unless, on the basis of the application and investigation thereunder, they are satisfied that the applicant is sufficiently competent and responsible as to assure that the public health will not be jeopardized and that the provisions of this chapter with reference to dealings in poisons will be met. A separate permit is required for each of the following types of operations: (1) manufacturing chemist, (2) retail dealer. No wholesale dealer or manufacturing chemist shall engage in dealing at retail unless the retail establishment is separate and distinct from the wholesale or manufacturing establishment and a separate permit has been obtained therefor.

§ 44.3. Storing of poisons and display of permit.

The poisons for which a dealer's permit has been issued shall be stored under lock and key and kept separate and apart from non-poisonous substances. The permit shall be conspicuously displayed at all times at the location where the substances permitted to be dealt in thereunder are stored.

§ 44.4. Labeling of containers.

1. For sale at retail. It shall be unlawful for any person to sell at retail or to furnish any of the poisons listed on the schedule provided for in

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section 44.9 or on any amendment thereto, without affixing or causing to be affixed to the immediate bottle, box, vessel or package in which it is sold, a label with the name of the article, the word "Poison" distinctly shown thereon and the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain legible characters and where practicable, the name of at least one suitable antidote.

2. *For wholesale distribution.* Manufacturing chemists and wholesale dealers in poisons shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of any original package containing any of the poisons listed on the schedule provided for in section 44.9 or on any amendment thereto, a suitable label or brand with the word "Poison" plainly and legibly printed upon it in red ink.

§ 44.5. Restrictions on sales by manufacturing chemists and wholesalers.

Manufacturing chemists and wholesale dealers holding permits to deal in poisons may sell such poisons only to licensed physicians, dentists, veterinarians, pharmacies, hospital dispensaries and to persons holding retail dealer poison permits.

§ 44.6. Safety inquiry to be made on sale at retail.

A holder of a retail poison dealer permit shall not deliver any poison listed on the schedule provided for in section 44.9 or on any amendment thereto unless satisfied that the purchaser is aware of its poisonous character and that the poison is to be used for a legitimate purpose.

§ 44.7. Records of poison sales to be kept by dealers.

Every holder of a permit to deal in poisons who disposes of, sells, or furnishes any poison listed on the schedule provided for in section 44.9 or on any amendment thereto, shall before delivering such poison, enter in a book kept for that purpose the date of sale, the name and address of the purchaser, the name and quantity of the poison, the purpose for

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which it is purchased and the name and address of the dispenser. Such poison record shall always be open for inspection by the proper authorities and shall be preserved for at least two years after the last entry. The provisions of this section shall not apply to the dispensing of poisons by way of prescription.

§ 44.8. Revocation or suspension of permits.

Poison dealer's permit may be revoked or suspended by the Minister for violation of the provisions of this chapter in accordance with the procedures set forth in section 61.22 with respect to licenses issued to medical and allied health professionals and the penalties set forth in section 61.23, the Liberian Pharmacy Board shall hear and report on the charges.

§ 44.9. Poison schedule to be promulgated by Liberian Pharmacy Board.

The Liberian Pharmacy Board with all convenient speed after the effective date of this title, with the approval of the Minister, shall promulgate by regulation to be officially published, a schedule of poisons which may be dealt in under the provisions of this chapter. The schedule may be amended and supplemented by the Board from time to time as necessary, with the approval of the Minister, the regulations for which shall also be officially published.

P A R T VI

Vital Statistics: Disposal of Human Remains

Chapter 51. REGISTRATION OF BIRTHS AND DEATHS: BURIAL PERMITS

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- § 51.1. Office of Vital Statistics established: Principal Registrar.
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- § 51.3. Duties of Principal Registrar.
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- § 51.5. Vital Statistics forms to be supplied to registrars by Principal Registrar.
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- § 51.41. Permit necessary before burial; cremation or other disposition of remains.
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- § 51.43. Time limit for burials or other disposition.
- § 51.44. Subsequent permit procedure; person in charge of burial premises present.
- § 51.45. Subsequent permit procedure; no person in charge.

Subchapter A. ADMINISTRATION AND GENERAL PROVISIONS

§ 51.1. Office of vital statistics established; Principal Registrar.

There is hereby established in the Ministry of Health and Social Welfare an Office of Vital Statistics which shall be charged with the administration of uniform registration of births and deaths occurring in Liberia and the permanent and safe preservation of all records received or made with respect thereto in accordance with the provisions of this chapter. The Office shall be headed by a Principal Registrar of Vital Statistics who shall be appointed by the Minister with the approval of the President.¹¹⁵

¹¹⁵ *Prior legislation:* 1956 Code 31:441 (in part); L. 1931-32, ch. V, § 4(2); OBB 158, An Act requiring the Register of Births and Deaths, § 1; 1841 Digest, pt. 1, An Act requiring the Register of Births and Deaths, § 1, 2 Hub. 1493; Acts 1841, An Act on registration, § 1. 2 Hub. 1434

§ 51.2. Minister to establish registration districts; appointment of registrars.

For the purpose of facilitating the registration of births and deaths occurring in Liberia, the Minister shall divide the Republic into appropriate registration districts. He shall then designate conveniently located registry offices therein and direct for what areas and for what parts of the territorial waters of Liberia each such office shall serve and shall appoint such registrars of Vital Statistics and assistants to staff the offices as may be necessary. Whenever feasible, the office of the Local Authority shall be so designated and the member thereof performing the duties of town clerk shall be appointed as Registrar.¹¹⁶

§ 51.3. Duties of Principal Registrar.

The Principal Registrar of Vital Statistics, subject to the authority and direction of the Minister; shall have general supervision over all vital statistics of the Republic and in furtherance of the function shall have the duty and power to:

- (a) Provide suitably equipped offices for the permanent and safe preservation of all records received or made under the provisions of this chapter;
- (b) Prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of this chapter and the maintenance of a good system of registration;
- (c) Examine original vital statistics reports, the register copies thereof and all other documents as soon as received from the local Registrars, and if any such are incomplete or unsatisfactory, require such further information to be supplied as may be necessary to make the record complete and satisfactory;

¹¹⁶ *Prior legislation:* 1956 Code 31:441; L. 1931-32, ch. X, §§ 4(l) (3) OBB 158, An Act requiring the Register of Births and Deaths, 1, 2 Hub. 1493; Acts 1841, Act on Registration, § 1, 2 Hub. 1434.

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(d) Arrange and permanently preserve the original reports and other documents received in a systematic manner;

(e) Arrange and maintain as a national registry, the register copies of the vital statistics reports received from local Registrars;

(f) Prepare and maintain a complete typewritten or printed national index of all births, deaths, and fetal deaths registered; the index to be arranged, in the case of deaths, by the names of decedents and for births and fetal deaths, by the names of fathers, or the names of mothers if the names of fathers do not appear;

(g) Compile as soon as possible after the expiration of every calendar year, a summary of the births and deaths of the past year including a general report on the increase or decrease of the population so far as such information can be gathered from the vital statistics returns received from local Registrars.¹¹⁷

§ 51.4. Duties of Registrars.

Registrars of Vital Statistics shall have the following duties:

(a) To supply blank forms of vital statistics reports to such persons as require them;

(b) To examine each report of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this chapter and this instructions of the Principal Registrar;

(c) To number consecutively the reports of births, death and fetal death presented for record in three separate series, beginning with number one for the first birth, the first death and the first fetal death in each calendar year, noting over his signature the date of filing of

¹¹⁷. *Prior legislation*: 1956 Code 31:442; L. 1931-32, ch. X § 5.

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each report;

(d) To make a complete and accurate copy of each birth, death and fetal death report presented for record and arrange and preserve such copies in a systematic manner in the registers supplied for that purpose, making and keeping for reference, alphabetical indexes of the respective registers of births, deaths and fetal deaths;

(e) To transmit to the Principal Registrar as soon as feasible, all original vital statistics reports presented for record and a duplicate copy of the register entry thereof;

(f) To issue burial permits in accordance with the provisions of this chapter and when returned in due course to file the permit to each burial to be presented permanently as the local record in such manner as directed by the Principal Registrar.¹¹⁸

§ 51.5. Vital Statistics forms to be supplied Registrars by Principal Registrar.

The Principal Registrar shall prepare, print and supply to all Registrars the necessary reports, registers, indexes, records and other documents relating to the registration of births, deaths and burials, the suggested form for which are appended to this chapter and which the Principal Registrar may vary as required.¹¹⁹

§ 51.6. Correction of records because of errors; application and approval; accompanying documents.

1. Clerical errors only corrected by Registrar. Any clerical error in a vital statistics report, if discovered at or before the time of making the register entry, may be corrected then by the Registrar. No other correction or alteration shall be made of any vital statistics report or in

¹¹⁸. Prior legislation: 1956 Code 31:443; L. 1931-32, ch. X § 6.

¹¹⁹. Prior legislation: 1956 Code 31:444; L. 1931-32, ch. X § 6(l) (3).

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any register except upon the written authority of the Principal Registrar and upon adequate inquiry by him.

2. *Application to Principal Registrar for errors in substance; who may apply.* Principal Registrar may approve the amendment of a birth, fetal death or death report required because of an therein in substance. Application shall be made on a form furnished by him. The application for amendment of a birth report shall be made by the parents or surviving parent, or by the guardian of the person whose birth report is to be corrected, or by the person himself if he is 21 years of age or over and his parents are dead. The application for amendment of a death or fetal death report shall be made by the next of kin, or if there is no next of kin, by the persons authorized to arrange for burial of the remains.

3. *Supporting evidence required.* Every application for amendment shall be accompanied by supporting documentary evidence and, except where the amendment concerns a birth report filed within one year before the application, by a certified copy of the report involved. An application for amendment of a birth report if made within one year of the reporting of the birth, may, however, be accompanied by a certificate of birth registration instead of a certified copy of the birth report.

4. *Standards for Principal Registrar's approval.* No application for amendment shall be approved unless the Principal Registrar is satisfied that the evidence submitted shows the true facts and that an error was made at the time of preparing and filing of the report, or that the name of a person named in a birth report has been changed pursuant to court order.¹²⁰

§ 51.7. Methods of making amendment for errors and adding missing information to vital statistics reports.

1. *Amendments.* Except as provided in section 51.24, when an application for amendment of a vital statistics report is approved, a

¹²⁰. Prior legislation: Par. 1: 1956 Code 31:445 (1st par.); L. 1931-32, ch. X § 9(1).

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single line shall be drawn through the information subject to amendment and the correct information shall be inserted immediately above it. The report shall be marked to show that it is amended and the name of the person approving the amendment and the data thereof shall be noted on the report. When the name of a person is changed pursuant to court order, the new name shall be similarly inserted on the report together with a statement that the change of name is by court order and the date of the order.

2. *Missing information.* Within one year following the filing of a birth, fetal death or death report, any missing information may be added upon submission of the information on a form furnished by the Principal Registrar by any person authorized to file an application for amendment pursuant to the provisions of section 51.6(2). After one year following the filing of a vital statistics report, however, missing information shall be added only upon approval of an application for amendment in the manner specified by the provisions of section 51.6.¹²¹

§ 51.8. Inspection of registers and certified copies; fees.

1. *Availability.* Upon payment of the fees prescribed herein, a person may inspect any entry or search the vital statistics registers and indexes in any registry office, or in the office maintained by the Principal Registrar, on any legal governmental working day between the hours of 8 a.m. and 4 p.m. The searches in the office of the Principal Registrar shall consist of general searches and particular searches. A "general search" is a search during any number of successive hours during a day without stating the object of the search and a "particular search" means a search of records for any given entry over any period not exceeding five years.

2. *Certifications.* A certified copy of any entry in the vital statistics registers maintained in registry offices or in the office of the Principal Registrar may be obtained by any person on request on payment of the

121. *Prior legislation:* 1956 Code 31:445, 446; L. 1931-32, ch. X §§ 9(2) (3), 10, 11.

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fee prescribed herein therefor. Every such certified copy shall be exact of the entry in the register; the certification shall be in the form prescribed by the Principal Registrar.

3. *Fees.* The following fees shall be charged for making an inspection or search of vital statistics registers and indexes and for certified copies of entries:

(a) For each inspection of any entry in any register or for each search of registers and indexes in any registry office \$1.00

(b) For every general search in the indexes and registers maintained by the Principal Registrar \$5.00

(c) For every Particular search in the indexes and registers maintained by the Principal Registrar \$2.50

(d) For a certified copy of an entry in a register \$0.50¹²²

§ 51.9. Vital statistics records as evidence.

Any copy of a vital statistics record of a birth or of a death or any certificate or registration of any birth, when properly certified by the local Registrar or the Principal Registrar, shall be prima facie evidence of the facts therein stated in all courts and places and in all actions, proceedings or applications, judicial, administrative or otherwise, and any such certificate of registration of birth shall be accepted with the same force and effect with respect to the facts therein stated as the original record of birth or a certified copy thereof.¹²³

122. *Prior legislation:* 1956 Code 3:447; L. 1937, ch. XXV, art. 6, § 4; L. 1931-32, ch. X, §§ 12, 13, 15 and schedule 2.

123. *Prior legislation:* 1956 Code 31:447 (5th par.) L. 1931-32, ch. X § 14.

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§ 51.10. Penalty for false vital statistics statement or destruction of books.

Every Person who shall willfully register or permit to be registered any false statement, knowing it to be false, or who shall willfully destroy or permit to be destroyed any original vital statistics record or document or any entry in any vital statistics register book, or shall wilfully or carelessly destroys, injures, mutilates, defaces or lose any index or register book used for the purpose provided for in this chapter shall be guilty of a misdemeanor in the second degree.¹²⁴

***Subchapter B.* REGISTRATION OF BIRTHS**

§ 51.21. Reporting requirements.

1. When and where reports are to be made. The birth of each child born alive in the Republic shall be registered within fourteen days after the date of birth by filing with the Registrar of the district in which the birth occurred a report of such births, which report shall be upon the form prescribed therefor by the Principal Registrar.

2. Persons required to make reports. In each case where a physician, midwife or person acting as a midwife, was in attendance upon the birth, it shall be the duty of such Physician, midwife or person acting as such midwife, to file the report of the birth. Where there is no physician, midwife or person acting as midwife in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the director or person in charge of the public or private institution where the birth occurred, each in the order named, within fourteen days after the date of such birth, to inform the local Registrar of the fact of such birth and to file the required report thereof.

¹²⁴. Prior legislation: 1956 Code 31:449; L. 1931-32, ch. X, § 33.

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3. Registration of births of foundings. Any person who finds any living new-born child deserted, shall forthwith report such findings to the nearest public welfare official, who shall make proper provision for care for the child and thereafter, if the parents are unknown, register the birth. The report of the findings of the child made by such public welfare official shall be filed with the local Registrar and shall constitute the birth record of such child. The district wherein such child was found shall be considered as the place of birth and the date of birth shall be determined by the public welfare official as the approximate date of birth. If, however, such child is subsequently identified and it should appear that a report of birth for this child has either before or following identification been filed, as otherwise provided herein, the report of the public welfare official and the register entries made thereof shall be placed under seal by the Principal Registrar and separately filed. Such seal is not to be known except upon an order of a court of competent jurisdiction.¹²⁵

§ 51.22. Limitations in reports of children born out of wedlock.

There shall be no specific statement on a birth report as to whether a child is born in wedlock or out of wedlock or as to the marital name or status of the mother. The name of the putative father of a child born out of wedlock shall not be entered on the report of birth without the putative father's consent in writing, duly verified by him and filed with the record of birth. In the event the consent in writing of the putative father is not given, the particulars relating to the putative father other than his name may be entered.¹²⁶

§ 51.23. Registrar to furnish certificate of registration to informant; delivery to parents or guardian.

Upon the completion of the registration of any birth, the Registrar shall furnish to the informant without charge a certificate of registration of

^{125.} *Prior legislation:* 1956 Code 31-460, 461(l); L., 1931-32, ch. X, §§ 16, 18.

^{126.} *Prior legislation:* 1956 Code 31:460 (3rd par.); L. 1931-32, ch. X, § 19.

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birth, to be made out on a form furnished by the Principal Registrar. The informant, if not the father, mother or guardian of the child, shall promptly deliver such certificate to the father, mother, or guardian.¹²⁷

§ 51.24. Correction of birth records because of subsequently occurring events; methods of filing new birth reports and disposition or original reports.

1. Applicable circumstances. A new birth report shall be filed by the Principal Registrar in his office in the following circumstances:

(a) When proof is submitted to the Principal Registrar that the previously unmarried parents of a child have inter-married subsequent to the birth of such person; or

(b) When notification is received by the Principal Registrar from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage of the person involved; or

(c) When notification is received by the Principal Registrar from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the adoption of the person involved;

(d) When a putative father of a child consents under oath to the filing of a new birth report bearing his name as the father of the child born out of wedlock.

2. Substitution of new register entries. When a new birth report is filed pursuant to the provisions of paragraph 1, the Principal Registrar shall substitute in place of the original entry in the national register a new register entry in conformity with the new birth report and shall send an authorization and a duplicate copy of the new register entry to the

¹²⁷. *Prior legislation:* 1956 Code 31:461(3.); L. 1931-32, ch. X. § 20. §

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appropriate Registrar for substitution in the local register..

3. *Sealing of original records.* When a new birth report is filed pursuant to the provisions of paragraph 1, the application for the filing of a new birth and the supporting documents, the original birth report and copy of the national register entry thereof shall be placed under seal by the Principal Registrar and separately filed and such seal shall not be broken except by order of a court of competent jurisdiction. Similarly, the Registrar who is authorized to make the substitution for the original local register entry shall abstract such entry and place it under seal after substituting the copy of the new register entry in place thereof in the local register. The seal shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy is requested of the birth report of the person for whom a new birth report has been filed pursuant to the provisions of this section, a certified copy of the new birth report or the new register entry thereof shall be issued, except when an order of a court of competent jurisdiction requires the issuance of a certified copy of the original report or register entry.

§ 51.25. Delayed registration of births.

1. *Application procedure.* When a birth is not recorded in the birth records required to be maintained by the Principal Registrar and the local Registrars before the end of the calendar year following the year in which the birth occurred, it may still be registered with the approval of the Principal Registrar. Application for such delayed registration shall be made on a form furnished by the Principal Registrar by the parents or surviving parent, or by the guardian of the person whose birth is to be registered, if he is a minor, or by the person himself if he is twenty-one years of age or over and his parents are dead. The application shall be accompanied by the following:

(a) A certified statement issued by the Principal Registrar that a search was made for the record of birth in question and that such record was not found;

(b) A report of birth on a delayed registration form prescribed and

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furnished by the Principal Registrar, The report shall state the facts relating to the birth as of the date of birth and shall be signed by the physician, midwife, or person acting as a midwife who attended at the birth, or if the physician, midwife or person acting as a midwife is dead or not available, or if there was no such person in attendance, it shall be signed by the person in charge of the hospital or maternity clinic in which the birth occurred or by the parents or surviving parent, or by the guardian of the person whose birth is to be registered. If none of these persons is alive or available and the person whose birth is to be registered is over twenty-one years of age, he shall sign the report himself; and

(c) Such documentary and other evidence as will establish to the satisfaction of the Principal Registrar the facts and date of birth as alleged in the application. The burden of submitting convincing proof rests with the applicant.

2. *Certificate of registration of birth to be furnished on approval of application.* When an application for delayed registration form is filled pursuant to the provisions of this section, the Principal Registrar shall issue and furnish to the applicant without charge, in exchange for the certified statement submitted pursuant to paragraph (a), a certificate of registration of birth.¹²⁸

§ 51.26. Penalty for failure to report a birth.

Every person responsible under the provisions of section 51.21 for reporting the birth of a child who fails to do so within the time limit fixed by such section shall be liable to a civil penalty not to exceed fifty dollars.¹²⁹

¹²⁸. Prior legislation: 1956 Code 31:461(4); L. 1931-32, ch. X, § 21.

¹²⁹. Prior legislation: 1956 Code 31:448(2nd); L. 1931-32, ch. X

***Subchapter C. REGISTRATION OF DEATHS
INCLUDING FETAL DEATHS***

§ 51.31. Reports of death; when and where made; persons responsible for reporting.

When a death occurs in the Republic, it shall be reported to the Registrar of the district in which the death Occurs or the remains are found. The report shall be made upon a form Prescribed by the Principal Registrar for that purpose. The following persons shall be responsible for registering a death within twenty-four hours of its occurrence: the relatives of the deceased present at the death; or if no relatives are present, then the other persons present; or if no relatives or other persons are present, and if the death occurred in a house to the knowledge of the occupier, then such occupier, or if the death occurred on a bus, train, ship or airplane, then the person in charge or the owner of such bus, train, ship or airplane. When the body of a person who has died unattended is found, the person finding the body shall be responsible for reporting the death without delay.¹³⁰

§ 51.32. Preparation of register entry: form and content.

The Registrar to whom a death is reported shall prepare a register entry thereof in duplicate. The register entry shall contain such information and shall be in such form as the Principal Registrar shall prescribe. The personal and statistical particulars required shall be obtained from a competent person acquainted with the facts and qualified to supply them and shall be inscribed on the register entry together with the name and address of the informant. The Registrar by notice in writing may summon any person with knowledge of the personal and statistical particulars required to attend personally at the registry office to supply them. The cause of death, as stated in the medical report supplied by the physician who attended the deceased during his last illness, where death is from natural causes, or by the coroner or the medical practitioner

130. Prior legislation: 1956 Code 31:470; L. 1931-32. ch. X.

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assisting him, when the coroner assumes jurisdiction of the remains pursuant to the provisions of chapter 7 of the Criminal Procedure Law, shall be set forth in the register entry together with the name and address of the certifying physician. The register entry shall further contain the facts relating to the disposition of the remains obtained from the statement thereof made by the person in charge of the place where the burial or other disposition took place, to be delivered to the Registrar by the funeral director, undertaker, or other person in charge of the burial.¹³¹

§ 51.33. Medical reports of death.

1. *Death from natural causes; physician in attendance.* When death occurs from natural causes and a licensed physician attended the decedent during his last illness such physician shall deliver within eighteen hours of the time of death to the person required to report the death a medical report on 8 form prescribed by the Principal Registrar, provided that such physician visits the scene of death, views the body of the decedent after death and certifies that he has found no evidence of suspicious or unusual circumstances. The person to whom such report is delivered shall deliver it to the appropriate Registrar.

2. *Registration of cause of death when jurisdiction is assumed by coroner.* When a death is investigated pursuant to the provisions of chapter 7 of the Criminal Procedure Law, the coroner inducting the investigation, not later than twenty-four hours from the conclusion thereof, shall forward to the appropriate Registrar a certified copy of his finding or that of any medical practitioner assisting him, concerning the cause of death. The report of the coroner shall be forwarded although based on his own examination or that of any medical practitioner assisting him in the post mortem examination, he dispenses with a formal inquest.

3. *Medical report of cause of death to be filed before embalming of remains.* Except for burials permitted under the provisions of section

131. *Prior legislation:* 1956 Code 31:471; L. 1931-32, ch. X, §§ 27, 28, 29.

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51.42, no embalment of human remains shall be performed until after such time as the cause of death shall have been ascertained and a medical report thereof filed with the appropriate Registrar as provided for hereunder.¹³²

§ 51.34. Registration of fetal deaths, when and how reported; persons responsible for report.

1. Definition. Fetal death means any terminated pregnancy regardless of its duration in which the product of conception after complete separation from the mother does not show evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, regardless of whether the pregnancy terminates spontaneously or by surgical intervention or whether the termination was therapeutically or otherwise induced, and includes but is not limited to abortion, miscarriage and stillbirth. For the purposes of this chapter, a fetal death shall be considered as a birth and as a death except that, for a fetal death, separate birth and death register entries shall not be required to be prepared and recorded.

2. Time of making report; form and content. A fetal death shall be reported within twenty-four hours after expulsion of the fetus, by filing with the Registrar of the district in which the fetal death occurred a report of such death. The report shall contain such information and be in such form as the Principal Registrar may prescribe. The Registrar to whom a fetal death is reported shall prepare a register entry thereof in duplicate.

3. Persons responsible for reporting. In each case where a licensed physician was in attendance at or after a fetal death, it shall be the duty of such physician to certify to the birth and to the cause of death on the fetal death report. Where a midwife was in attendance at a fetal death, it shall be the duty of such midwife to certify to the birth but she shall not certify as to the cause of death on the fetal death report. Fetal deaths

¹³². Prior legislation: L. 1962-63, ch. XXI, § 1.

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occurring without the attendance of a licensed physician shall be treated as deaths without medical attendance and the report thereof shall be made by the coroner having jurisdiction in accordance with section 51.33(2).¹³³

Subchapter D. BURIAL PERMITS

§ 51.41. Permit necessary before burial cremation or other disposition of remains.

The remains of any person whose death or fetal death occurs in the Republic shall not be buried, cremated or otherwise lawfully disposed of unless a permit for burial, cremation, removal or other lawful disposition thereof shall have been properly issued by the Registrar of the registration district in which the death occurred or the body was found. Such permit shall not be issued until a medical report of the death or fetal death, or an order of a local health inspector dispensing with the prior filing of such report has been filed with such Registrar as provided in section 51.42. The permit shall be issued in duplicate. However, in case the death occurred from a disease, no permit for the removal or other disposition of the body shall be issued by the Registrar, except to a funeral director or undertaker having the necessary skill and means, to the knowledge of such Registrar, to prevent the spread of such disease.¹³⁴

§ 51.42. Authorization of immediate burial by local health inspector.

If a local health inspector, in any case not covered by the provisions of chapter 7 of the Criminal Procedure Law, shall consider it necessary in the interests of public health, he may authorize the immediate burial of

¹³³. Prior legislation: par. 2: 1956 Code 31:483; L. 1931-32, ch. X, § 39.

¹³⁴. Prior legislation: 1956 Code 31:480, 482 (2nd par.), 484; L. 1931-32, ch. X, §§ 34, 37(1), 39(3).

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the remains of a deceased person by written order to be signed by him directing the appropriate Registrar to issue a burial permit before the receipt of the medical report of a death or fetal death.¹³⁵

§ 51.43. Time limit

The remains of a deceased person or of a still-born child shall be buried, or cremated, or otherwise lawfully disposed of within twenty-four hours after the issuance of the Registrar's permit authorizing burial, cremation or other lawful disposition.¹³⁶

§ 51.44. Subsequent permit procedure; person in charge of burial premises present.

No person in charge of any premises on which burials, cremations or other disposition of the remains of a deceased person are made shall inter or permit the internment or other disposition of any dead body unless it is accompanied by a burial or cremation permit as provided in this part. The funeral director, undertaker or other person in charge of the burial shall deliver both duplicates of the permit to the person in charge of the place of burial or other disposition of human remains, before interring or otherwise disposing of the body. The person to whom the permit is required to be delivered shall endorse on the duplicate copies the date and place of internment, or cremation, or other disposition over his signature and deliver one of such duplicate copies to the funeral director, undertaker or other person in charge of the burial for delivery, within forty-eight hours after the funeral service, to the Registrar who issued it. He shall retain the other duplicate as the authority for the internment or other disposition of the remains.¹³⁷

135. *Prior legislation:* 1956 Code 31:482; L. 1931-32, ch. X, § 37(3).

136. *Prior legislation:* 1956 Code 31:486; L. 1931-32, ch. X, § 38.

137. *Prior legislation:* 1956 Code 31:485; L. 1931-32, ch. X, § 36.

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§ 51.45. Subsequent permit procedure; no person in charge.

When burying or otherwise disposing of the remains of a deceased person in a cemetery or burial place having no person in charge, the funeral director, undertaker or other person in charge of the burial shall (1) sign the burial permit, giving the date and place of burial; (2) write across the face of the permit the words "No person in charge"; and (3) file the permit within forty-eight hours after the funeral service with the Registrar who issued it.

FORM A. REGISTER OF BIRTHS

NAME: _____
(Given name or names) (Surname)

Sex: Male _____ Female _____

Father's Name: _____

Father's Occupation: _____

Father's Nationality: _____

Mother's Maiden Name: _____

Mother's Nationality: _____

Date of Birth: _____

Where born: _____

(Give address as fully as possible: number of house,
name of street, name of ward or part of town)

Signature in full, or name in full and mark duly witnessed, of informant, and relationship, if any to the child. If physician or midwife attended at birth, so state giving name and address.

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Date of Registration _____

Signature of Registrar

FORM B. REGISTER OF DEATHS AND BURIALS

Name: _____
(Given name) (Surname)

Age: Years _____ Months ____ Days ____ Sex: Male ____ Female ____

Nationality _____

Address: _____
(No. of house) (Name of street) (Ward or part of town)

Occupation _____

Residence at death: _____

Period of continuous residence
in registration area _____

Last place of residence before
arrival in registration area;
giving address in full if obtainable _____

Date of Death _____ cause of Death _____

Duration of illness _____ Date of Registration _____

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Signature in full, or name in full and
mark duly witnessed, of informant _____

Full name and address of medical practitioner
certifying cause of death _____

Date and Place of burial; give name
of cemetery and town _____

Signature of Registrar _____

FORM C. INDEX TO REGISTER OF BIRTHS

Name in full (give surname first and name or names	Sex	Date of Birth	No. of entry in register and date Vol of registration	Remarks
--	-----	------------------	---	---------

FORM D. INDEX TO REGISTER OF DEATHS AND BURIALS

Name in full (give
Surname first and No. of entry in

Sex Date of register and date Vol. Remarks
given name or names Birth

last of registration

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**FORM E. FORM OF CERTIFICATE CERTIFYING
AUTHENTICITY OF COPY OR ENTRY IN REGISTER**

I, _____ Registrar of Vital Statistics for _____

_____ the area in the Republic of Liberia do hereby certify
that the foregoing is a correct copy of the entry in the Register of Births
(or Deaths and Burials) kept by me under the provisions of the Public
Health Law, showing that _____ was born (or died) at

_____ on the _____ day of 19 _____

Dated at _____ in the district of _____
this _____ day of _____ 19 _____

(L.S.)

Registrar

I, _____ Principal Registrar of Vital Sta-
tistics of the Republic of Liberia do hereby certify that the above
signature is the handwriting of _____
Registrar of Vital Statistics for the _____
area in Liberia.

Given under my hand and seal at _____
in the Republic of Liberia, this _____ day of 19 _____.
(L.S.)

Principal Registrar

I hereby certify that _____ who has
signed above is the Principal, Registrar of Vital Statistics of the
Republic of Liberia and that the signature _____
is in the proper handwriting of the said _____

In testimony whereof I have hereunto set my hand and affixed my

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official seal this _____ day of _____ 19 _____

Minister of Health and
Social Welfare, R. L.

(L.S.)

**FORM F. REGISTRAR'S SUMMONS TO APPEAR AND
TESTIFY**

TO: _____ of _____

You are hereby required to appear before me, the undersigned
Registrar of Vital Statistics at _____ on _____
day of _____ 19 _____ at _____ o'clock in the _____
noon, then and there to testify of your knowledge concerning the
_____ of _____

Herein fail not. In default you will be liable to a civil penalty of one
hundred dollars.

Given under my hand this _____ day of
_____ 19 _____

Registrar

FORM G. CERTIFICATE OF REGISTRATION OF BIRTH

I, _____ Registrar of Vital Statistics
at _____ In the Republic of Liberia do hereby
certify that I have this day registered the birth of _____
born at _____ child of _____ and

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Witness my hand this _____ day of _____ 19 _____.

Registrar

(Insert the names of the parents of the child if legitimate, or of the mother, if the child is illegitimate.)

FORM H. REPORT OF DEATH

NAME: _____

(Given name or names) (Surname)

Age: _____ Years _____ Months _____ days _____

Sex: Male _____ Female _____ Nationality _____

Address _____

(No. of house) (name of street) (ward or part of town)

Occupation: _____

Residence at death _____

Period of continuous residence _____

In registration area _____

Last place of residence before
arrival in registration area
(giving address in full, if
obtainable) _____

Date of death _____ Cause of death _____

Duration of illness _____

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Signature in full or name in full and mark duly witnessed of informant and relationship (if any) to the deceased:

Full name and address of medical practitioner certifying cause of death:

Date and place of burial (give name of cemetery and town) _____

Date this form was sent to the Registrar _____

I, _____ hereby certify the above particulars are to the best of my knowledge and belief a true and correct statement of the particulars required to be furnished with regard to the above death.

Date: _____ Signature:* _____

* Name of person required to register the death.

If this form is sent by post, it should be under registered cover.

FORM I. MEDICAL CERTIFICATE OF CAUSE OF DEATH

I, _____ hereby certify that I have medically attended _____ of _____ who was (a) apparently or stated to be aged _____ years; that I last or on _____ 19 ____ that he (she) was then suffering from _____, that he (she) died, as I am (b) aware or informed, on the _____ day of _____ 19 ____ at _____ (c) and that the cause of death was to the best of my knowledge and belief as herein stated, viz:

Primary cause _____

Secondary cause _____

(a) Omit "apparently" or "or stated to be" as the case may be.

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- (b) Omit "aware, or 'informed,' -- use "informed" when hour of death is known from report.
- (c) State the time of day.
- (d) State duration of illness if possible.

Note that by "primary cause of death" is meant the disease present at the time of death, which initiated the train of events leading thereto, and not a mere secondary, contributory or immediate cause, or a terminal condition or mode of death.

FORM J. BURIAL PERMIT

This is to certify that the death of _____ late
of _____ deceased, has been duly registered in the Register
of Deaths and Burials at _____
(or that I am credibly informed) that a child _____
of _____ and _____
was still-born; and I hereby give permission for the burial of the body,
_____ fee paid.

Date: _____ Signature: _____

Registrar of Vital Statistics, R. L.

Registrar of Vital Statistics at _____ R. L.

The above body was buried on _____
in Grave No. _____ in _____ Cemetery.

Person in charge

N.B. The person in charge of cemetery shall retain one duplicate copy of this form and deliver the other duplicate copy to the funeral director, undertaker or other person in charge of burial for delivery to the person in charge.

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**FORM K. NOTICE TO REGISTRAR BY THE LOCAL
OFFICER OF HEALTH ORDERING BURIAL OF BODY**

To the Registrar of Vital Statistics at _____

I, _____ the undersigned, hereby give
notice that on the _____ day of _____ 19____ I ordered
the body of _____
to be buried, immediately and direct that a burial permit be issued
without the required medical report of death.

The persons responsible for the registration of the death are:
(give names and addresses).

Signature _____
Title _____

**FORM L. CERTIFICATE BY MEDICAL PRACTITIONER
WHO WAS IN ATTENDANCE AT THE BIRTH THAT CHILD
WAS STILL-BORN**

I, the undersigned, a licensed physician, hereby certify that I was present
at _____ on the _____ day of
_____ 19____ when _____ of

(if child was born in wedlock, wife (widow) of _____
of _____) gave birth to a male/female child and that the said
child was not born alive.

Dated at _____ the day of _____
19____.

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Signature: _____

Address _____

**FORM K CERTIFICATE THAT CHILD WAS STILL-BORN
BY A CORONER**

I, the undersigned, Coroner of _____ County,
do hereby certify that I have examined the body of a male (female) child
which I am informed and believed was born to _____
of _____ (if child was born in wedlock; wife
(widow) of _____ of _____
on the _____ day of _____ 19 _____ and that, in my opinion, the said
child was not born alive.

Dated at _____ on the _____ day of _____
19 _____

Signature: _____

Address _____

**FORM N. DECLARATION BY INFORMANT THAT CHILD
WAS STILL-BORN**

(To be used when neither a licensed physician nor coroner available)

I, the undersigned, hereby declare that a male (female) child was born
to _____ of _____
(if the child was born in wedlock) wife (widow) of _____
_____ of _____
at _____ on the _____ day of _____
19 _____ that the said child was not born alive, that no medical

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practitioner was present at the birth, and that no medical certificate of the said child, not having been born alive, can be obtained.

Dated at _____ the day of _____
19 _____

Signature of Informant _____
(or mark duly witnessed)

Description and address of informant _____

Chapter 52. CEMETERIES

- § 52.1. Establishment of public cemeteries.
- § 52.2. Continuance of public cemeteries heretofore established.
- § 52.3. Cost of maintenance of public cemeteries a Government expense.
- § 52.4. Establishment of new private cemeteries.
- § 52.5. Burials to be in established cemeteries.
- § 52.6. Records to be kept by persons in, charge of cemeteries.
- § 52.7. Depth of burial.
- § 52.8. Exhumation.
- § 52.9. Cremation.
- § 52.10. Discontinuance of public and private cemeteries.
- § 52.11. Burials of bodies of destitute persons.

§ 52.1. Establishment of public cemeteries.

The Minister, after consultation with the Local Authority in the area concerned and having given due consideration to the public health requirements involved, and the comfort and convenience in the present and foreseeable future, of the inhabitants of the surrounding neighborhood, by notice officially published, may designate any piece of land, either Government owned or subject to condemnation, the boundaries whereof are to be specified in such notice, to be a public cemetery for any area specified in such notice. Such cemetery shall be maintained, controlled and managed by such Local Authority in accordance with the rules and regulations promulgated by the Minister. Parties in interest may apply to the Minister to have parts thereof appropriated for any particular purpose or purposes and if good and sufficient grounds be shown. The Minister may grant such application, which shall be conditioned upon the payment by the applicants of a fair and reasonable initial consideration for the land so appropriated and a fair and reasonable annual maintenance charge. In such event, the general supervision, maintenance and management of the public cemetery, including any part so appropriated, shall continue under the Local Authority concerned. ¹³⁸

138. *Prior legislation:* 1956 Code 31:511(a)(b); L. 1931-32, ch. X, § 40(a)(b).

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§ 52.2. Continuance of public cemeteries heretofore established.

Public cemeteries heretofore established, which include local cemeteries established under section 513 of chapter 31 of the Liberian Code of Laws of 1956, shall be maintained, controlled and managed by the Local Authorities having jurisdiction over the areas in which such cemeteries are located. If the whole or part of any such cemetery has been appropriated to persons of some particular category or religious denomination or for any purpose or purposes by virtue of the provisions clause (b) of section 511, chapter 31 of the Liberian Code of Laws of 1956. Such appropriation, to the extent presently designated, shall continue, subject to an order of discontinuance of such land as a cemetery as provided in this chapter.

§ 52.3. Cost of maintenance of public cemeteries a Government expense.

The cost of maintenance, control and management of public cemeteries shall be provided for in the annual budgetary appropriations of the Ministry.¹³⁹

§ 52.4. Establishment of new private cemeteries.

No new private cemetery or crematory, and no private mausoleum, vault, tomb, grave or other place of private burial which is not within an existing cemetery shall be established without the approval of the Minister. Such approval shall take into account whether all public health considerations involved have been satisfied or provided for and that proper consideration has been given for the comfort and convenience, in the present and foreseeable future, of the inhabitants of the surrounding neighborhood.¹⁴⁰

129. Prior legislation: 1956 Code 31:512; L. 1931-32, ch. X, § 41.

140. Prior legislation: 1956 Code 31:514; L. 1931-32, ch. X, § 43.

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§ 52.5. Burial to be in established cemeteries.

1. *Where death occurred within Republic.* Unless a transit permit is granted for the transportation of the body of a deceased person out of the Republic for burial or other disposition, or the cremation thereof is permitted in accordance with the provisions of this chapter, the body of any person whose death occurs in the Republic or which shall be found dead therein shall be interred in a public cemetery authorized under the provisions of this chapter, or in a private cemetery lawfully established under the provisions of this chapter.

2. *Where death occurred outside Republic.* When the body of a deceased person is transported from outside the Republic into a registration district in this Republic for burial or other disposition, the transit permit issued in accordance with the law and health regulations of the place where death occurred shall be given the same force and effect as a burial permit granted under the provisions of chapter 51 and be subject to the interment provisions of paragraph 1.¹⁴¹

§ 52.6. Records to be kept by persons in charge of cemeteries.

The person in charge of any premises on which interments, cremations or other dispositions of the body of a deceased person are made shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name and address of each deceased person, place of death, date of burial or disposal, and name and address of the funeral director, or undertaker, or other person in charge of the burial; which record shall at all times be open to official inspection.

§ 52.7. Depth of burial.

Except with the consent of the Local Authority having jurisdiction, no dead body shall be buried at a depth less than six feet beneath the

141. *Prior legislation:* 1956 Code 31:515; L. 1931-32, ch. X, § 42.

surface.¹⁴²

§ 52.8. Exhumation.

No human remains shall be disinterred except upon an order of a court of competent jurisdiction which may be issued therefor, based upon a certificate of Local Authority having jurisdiction over the place of burial setting forth the health precautions to be observed, and conditioned upon compliance with such directives.¹⁴³

§ 52.9. Cremation.

No person shall cremate or be involved in the cremation of a human body unless a cremation permit has been issued by the Registrar of the registration district in which the death occurred or the body was found, upon the consent of the Local Authority therein and approval of the coroner having jurisdiction over the registration district. Application for such permit shall be made by the next of kin, legal representative or friend of the deceased. The application shall be accompanied by an affidavit which establishes the authority of such next of kin, legal representative or friend to request cremation. The affidavit shall contain the name of the funeral director, or undertaker, or other person who is to arrange for cremation, the name of the crematory where cremation is to take place and a statement that the applicant assumes all responsibility for the cremation.¹⁴⁴

§ 52.10. Discontinuance of public and private cemeteries.

Whenever a Local Authority shall deem that further interments in any cemetery, public or private, within the area over which it has jurisdiction, would be detrimental to the public health, it shall refer such

142. Prior legislation: 1956 Code 31:518; L. 1931, ch. X, § 47.

143. Prior legislation: 1956 Code 31:519, 520; L. 1931-32, ch. X, §§ 49, 51.

144. Prior legislation: 1956 Code 31:516; L. 1931-32, ch. X, § 52.

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determination to the Minister, and if he shall find that it is well founded he shall direct the Local Authority to cause a notice to such effect to be served on the persons owning or controlling such cemetery if private, and on the authorities responsible for the management of any portion appropriated for special categories, if public, and to placard the immediate area and publish said notice once a week for three successive weeks in two newspapers published in the area, stating therein a time and place, not less than twenty days after service and first publication of such notice, at which any party interested may show cause why further interments in such cemetery should not be prohibited. At the time and place specified in such notice the Local Authority concerned shall hear all persons desiring to be heard, and if upon such hearing it appears that further interments in such cemetery will be detrimental to public health, it may by order prohibit further interments therein. A certified copy of the order shall be filed with the Registrar of Vital Statistics of the registration district in which the cemetery is located and thereafter, subject to appeal proceedings thereon, permits for interments in such cemetery shall not be issued. Subject to any stay upon an appeal, any person who buries any dead body in such cemetery after the certified copy of the order has been filed with the Registrar shall be liable to a civil penalty not exceeding one hundred dollars.¹⁴⁵

§ 52.11. Burials of bodies of destitute persons.

The Local Authorities shall be responsible for the removal and burial of bodies of destitute persons dying within the areas over, which they have jurisdiction and of unclaimed bodies found therein.¹⁴⁶

¹⁴⁵. *Prior legislation:* 1956 Code 31:511(c); L. 1931-32, ch. X, § 40(c).

¹⁴⁶. *Prior legislation:* 1956 Code 31:703; L. 1953-54, ch. XXI, § 35.

P A R T VII

***Regulation and Supervision of Medical and allied
Health Professions***

Chapter 61. GENERAL PROVISIONS

Subchapter A. Introductory Matters

- § 61.1. Introduction.
- § 61.2. Admission to a profession; licensing; registers.
- § 61.3. Present practitioners' rights to continue practice of profession and to be licensed.
- § 61.4. Duration and annual registration of licenses.
- § 61.5. Practice of a profession; privileges granted and disciplinary restraints assumed.
- § 61.6. Construction limitation on definition of professional practice.

Subchapter B. Administration of Matters Concerning Professional practice

- § 61.11. Minister to administer and supervise professional practice.
- § 61.12. National professional boards to be established.

Subchapter C. Professional Misconduct

- § 61.21. Definitions of professional misconduct.
- § 61.22. Proceedings in cases of professional misconduct.
- § 61.23. Penalties for professional misconduct.

Subchapter D. Unauthorized Acts

- § 61.31. Unauthorized practice a crime.
- § 61.32. Unauthorized use of a professional title a crime.
- § 61.33. Restraint of unlawful acts.

§ 61.1. Introduction.

This part provides for the regulation of the admission to and the practice

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of certain of the medical and allied health professions. This first chapter applies to all such professions included in this part. Each of the remaining chapters applies to a particular profession.

§ 61.2. Admission to a profession; licensing; registers.

Admission to practice a medical or allied health profession in the Republic, the provisions for which are included in this part, is accomplished by a license being issued to a qualified applicant in the form of a certificate by the national board representing the particular concerned, upon the approval of the Minister of Health and Social Welfare. Except for practitioners who have been actively engaged in the practice of their professions prior to the effective date of this chapter and who meet the requirements prescribed in section 61.3, to qualify for a license, an applicant shall meet the requirements prescribed in the chapter for the particular profession involved. The Minister with the assistance of the national boards representing each profession shall keep separate registers for each particular profession and the separate division thereof, if any.¹⁴⁷

§ 61.3. Present practitioners rights to continue practice of profession and to be licensed.

1. Practitioners who have heretofore obtained certificates as to qualifications. Practitioners who prior to the effective date of this chapter have been actively engaged in the practice of any medical or allied health profession in Liberia by virtue of a license heretofore issued after their qualifications had been examined and passed upon by a Liberian board or council and a certificate issued thereon, and who are required to be licensed under the provisions of this part, shall have the right to continue to practice such profession without further examination or determination as to their competency upon the certificates and licenses heretofore issued to them, in conformity with and subject however to the provisions of section 61.4. On or before the date of the

¹⁴⁷ *Prior legislation:* 1956 Code 31:351; L. 1941-42, ch. XV, § 1; L. 1936, ch. VI, §§ 1, 4; L. 1927-28, ch. XXV, §§ 1, 2, 7.

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next succeeding renewal of the annual license registration for a particular profession after the effective date of this chapter, if such practitioner remains in good standing, upon his application, the national board representing his profession shall issue a renewal license upon proof of payment of the prescribe fee.

2. *Practitioners who heretofore were not required to obtain certificates to qualifications.* Practitioners who for ten or more years prior to the effective date of this chapter shall have been actively engaged in the practice of any medical or allied health profession in Liberia without having been required to have their qualifications examined and passed upon by a Liberian board or council pursuant to any legal requirement therefor, and who are presently required to be licensed under the provisions of this part shall, except as hereinafter set forth, have the right to continue to practice such profession without examination or further determination as to their competency, regardless of whether they have obtained the formal education required for license specified in the chapter in this part dealing with their particular professions, and the right to obtain licenses to practice in conformity with the subject to the provisions of section 61.4, provided they make application to the national board representing their profession for such licenses on the prescribed forms within three months after the effective date of this chapter and pay the prescribed fee, unless the national board for the profession concerned determines that an applicant, by profession for which he seeks a license. When such board has determined that an applicant is not competent the Minister shall notify the applicant in writing of the grounds upon which such determination was based. Upon receipt of such a notification the applicant shall immediately cease to engage in such profession. Where the competence of such an applicant cannot be determined solely by a review of his training and experience he shall be entitled to take an examination given by the national board for his profession which, in its opinion, will adequately test his competence to engage in his profession. A license shall not be issued to him unless he shall pass such examination.¹⁴⁸

148. Prior legislation: L. 1927-28, ch. XXV, § 7.

§ 61.4. Duration and annual registration of licenses.

A license to practice a medical or allied health profession shall be valid during the life of the holder unless revoked, annulled or suspended by the Minister in accordance with the provisions of section 61.21 and 61.22. Before commencing practice and in order to continue thereafter, a licensee must pay the annual license fee specified for his particular profession. The Minister shall maintain on the register for his particular profession each licensee who submits an application for renewal of his registration on the prescribed form and presents evidence of having paid the appropriate annual fee. Any licensee who fails to register by the beginning of the appropriate registration period shall be required to pay an additional fee for late filing of two dollars for each month that registration has been delayed while such licensee continued to practice his profession.¹⁴⁹

§ 61.5. Practice of a profession; privileges granted and disciplinary restraints assumed.

Admission to the practice of a medical or allied health profession (1) entitles the licensee to practice the profession as defined in the chapter for the particular profession, (2) entitles the individual licensee to use the professional title as provided in the chapter for the particular profession, and (3) subjects the licensee to the procedures and penalties for professional misconduct as prescribed in this chapter.

§ 61.6. Construction limitation on definition of professional practice.

No definition of the practice of a medical or allied health profession shall be construed to restrain or restrict the performance of similar acts authorized in the definition of other medical or allied health professions.

149. Prior legislation: 1956 Code 31:352; L. 1936, ch. VI, § 3.

***Subchapter B. ADMINISTRATION OF MATTERS
CONCERNING PROFESSIONAL PRACTICE***

§ 61.11. Minister to administer and supervise professional practice.

It shall be the duty of the Minister of Health and Social Welfare to administer and supervise admission to practice in the medical or allied health professions and the regulation or practice with the assistance of the national board representing such professions.

§ 61.12. National professional boards to be established.

There shall be established national board representing each of the medical and allied health professions covered by the provisions of this chapter, which shall be attached to the Ministry of Health and Social Welfare. It shall be the duty of such boards to advise the Minister on matters relating to registration and conditions of practice, to frame rules of procedure concerning licensure, examine and pass upon the qualifications of any person applying for a license to practice any such profession, to hold examinations for that purpose whenever necessary, to evaluate courses of instruction and approve accreditation of medical and allied health schools in the Republic and abroad and to act as hearing officers in disciplinary action taken against licensees for non-professional conduct. No compensation shall be paid to members of the various boards for the performance of their duties; their expenses, however, for attendance at meeting thereof shall be paid to them and provided for in the annual budget of the Ministry. The expenses of various boards shall be provided for in the annual budget of the Ministry.¹⁵⁰

150. Prior legislation: L. 1965-66, An Act to regulate the practice of nursing in the Republic of Liberia, & 2; 1956 Code, 35, 375; L. 1952-53, ch. XXIV, § 3(c)(d); L. 1961-62, ch. XL, § 1; L. 1949, ch. XXIII, §§ 2, 3, 4, 5; L. 1936, ch. VI, § 4; L. 1927-28, ch. XXVI, § 8.

Subchapter C: PROFESSIONAL MISCONDUCT

§ 61.21. Definitions of professional misconduct.

Each of the following subsections is professional misconduct and any licensee licensed under the provisions of this part found guilty of such misconduct under the procedures prescribed in section 61.22 shall be subject to the sanctions prescribed in section 61.23:

- (a) Obtaining the license fraudulently, or by misrepresentation, or other unlawful means;
- (b) Practicing the licensed profession fraudulently, beyond its authorized scope, with gross incompetence or with gross negligence;
- (c) Practicing the licensed profession while the ability to practice is impaired by alcohol, drugs, physical disability or mental disability;
- (d) Being habitually drunk, or being or having been addicted to, dependent on or a habitual user of narcotics, barbiturate, amphetamines, hallucinogens and other drugs having similar effects, if a condition impairs his ability to practice his profession;
- (e) Knowingly permitting, aiding or abetting an unlicensed person to perform activities requiring a license;
- (f) Practicing the licensed profession while the license is suspended or after the licensee has willfully failed to renew his license;
- (g) Committing unprofessional conduct, as defined by the Minister in regulations promulgated by him or by the national board for his profession in its rules.

§ 61.22. Proceedings in cases of professional misconduct.

Proceedings against a licensee licensed under the provisions of this part for professional misconduct shall be given by filing with the appropriate national board a written charge or charges under oath against such licensee. The charges may be preferred by any person, corporation, association or public officer, or by the Minister in the first instance. The charges shall be heard by the members of the national board representing the accused licensee's profession upon due notice and a hearing in accordance with the procedures prescribed in the Administrative Procedure Act. At the conclusion of the hearing, such board, upon the majority vote of its members, shall make a written report of its findings and determinations and shall transmit them to the Minister together with its recommendations and all documents and other evidence involved in the hearing. Based thereon the final determination shall be made by the Minister in writing. He may in his discretion hold a further hearing. If he finds that the accused licensee is not guilty, he shall order a dismissal of the charges and his exoneration. If he finds the accused licensee guilty of the charges or any of them he may impose any of the penalties prescribed in section 61.23.

§ 61.23. Penalties for professional misconduct.

The penalties which may be imposed by the Minister on a present or former licensee found guilty of professional misconduct under the definitions and proceedings prescribed in sections 61.21 and 61.22 are: (1) censure and reprimand, (2) suspension of license, (3) revocation of license, (4) annulment of license, and (5) limitation on registration or issuance of any further license. The Minister may stay any such penalty imposed by him and place the licensee on probation and may restore, upon a proper showing, a license which has been revoked.

Subchapter D. UNAUTHORIZED ACTS

§ 61.31. Unauthorized practice a crime.

Anyone not authorized to practice a profession under the provisions of

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this part who practice or holds himself out as being able to practice in any such profession in which a license is a prerequisite, or who aids or abets an unlicensed person to practice such a profession, or who fraudulently sells, files, furnishes, obtains or attempts to sell, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of such a profession, shall be guilty of a misdemeanor in the first degree.

§ 61.32. Unauthorized use of a professional title a crime.

Anyone who uses a professional title regulated by this part who is not authorized to use such professional title, shall be guilty of a misdemeanor in the second degree.

§ 61.33. Restraint of unlawful acts.

Where a violation of this part is alleged to have occurred, the Minister of Justice may apply to the circuit court within the judicial district in which the violation is alleged to have occurred for an order enjoining or restraining commission or continuance of the unlawful acts complained of. The court shall have jurisdiction of the proceedings and shall have power to grant such temporary relief or restraining order as it deems just and proper. In any such proceedings it shall be necessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if such order were not granted. The remedy provided in this section shall be in addition to any other remedy provided by law or to any proceedings commenced against a licensee under this part.

Chapter 62. MEDICINE

- § 62.1. Introduction.
- § 62.2. Definition of practice of medicine.
- § 62.3. Practice of medicine and use of title "physician".
- § 62.4. National board for medicine; Liberian Medical Board.
- § 62.5. Requirements for a physician's license.

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§ 62.6. Persons exempt from license requirement.

§ 62.1. Introduction.

This chapter applies to the profession of medicine. The general provisions for all medical and allied health professions contained in chapter 61 apply to this chapter.

§ 62.2. Definitions of practice of medicine.

The practice of the profession of medicine is defined as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity, physical or mental condition.

§ 62.3. Practice of medicine and use of title "physician".

Only a person licensed or otherwise authorized under the provisions of this chapter or section 61.3 shall practice medicine and only a person licensed to practice medicine under the provisions of this chapter or section 61.3 shall use the title "physician", or any derivative or other designation denoting that one is a member of such profession.

§ 62.4. National board for medicine: Liberian Medical Board.

A national board for medicine to be known as the Liberian Medical Board is hereby established and shall be composed of the following:

- (a) The Director of Medical Services, Ministry of Health and Social Welfare;
- (b) The Chief Medical Officer, John F. Kennedy Medical Center;
- (c) The Dean of the Doglotti College of Medicine;
- (d) A representative of the Liberia Medical Association, to be selected by the Association;

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- (e) A physician in private practice, to be selected by the Minister;
- (f) A dentist in private practice, to be selected by the Liberian Dental Association;
- (g) A veterinarian to be selected by the Liberian Veterinarian Association. The term of the Liberia Medical Board shall be for successive period of two years. The members of the Board, other than those designated thereon by virtue of their office (a), (b) and (c) shall continue in office until their successors are chosen and may be selected for additional terms. The Minister shall each term designate a member of the Board to serve as chairman. The Board, in accordance with the provisions of section 61.12, shall assist the Minister on matters concerning the licensing of physicians and the practice of medicine. In that connection the Minister shall refer all applications for licenses to the Board to make determinations as to the qualifications of applicants. If satisfied as to the competency of an applicant, the Board shall transmit its findings to the Minister in writing. A determination of the Board which finds that an applicant is not qualified shall be appealable to the Minister.¹⁵¹

§ 62.5. Requirements for a physician's license.

To qualify for a license to practice medicine, an applicant shall file an application with the Minister and submit as to the following matters:

- (a) That the applicant is 21 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has graduated with a degree of doctor of medicine or an equivalent degree from a college or school of medicine, either in Liberia or abroad, which college or school is approved by the Liberian Medical Board as maintaining satisfactory

¹⁵¹. *Prior legislation:* 1956 Code 31:350; L. 1952-53, ch. XXIV, § 3(c); L. 1936, ch. VI, § 4.

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standards.

(d) That the applicant has had at least two years of experience in practice of medicine satisfactory to the Liberian Medical Board as an intern or licensed practitioner of medicine and is qualified in tropical medicine.

(e) When deemed appropriate for all prospective applicants, that the applicant has passed a written examination prepared and administered by the Liberian Medical Board.¹⁵²

§ 62.6. Persons exempt from license requirement.

The following persons, subject to the respective limitations hereinafter set forth, may practice medicine within the Republic with out a license:

(a) Any physician who is licensed in another country, and who is meeting a Physician licensed in the Republic for purposes of consultation, provided such practice is limited to such consultation;

(b) A Physician who is licensed in another country, who is visiting a medical school or teaching hospital in the Republic to conduct medical instruction, provided such practice is limited to such instruction.

(c) Any physician who is authorized by a foreign government to practice in relation to its diplomatic or consular staffs, provided such practice is limited to such staffs;

(d) Any intern who is employed by a hospital and is a graduate of a medical school or college, either in Liberia or abroad, which school or college is approved by the Liberian Medical Board as maintaining satisfactory standards, and is engaged in meeting the experience requirements for a license to practice medicine or where

¹⁵². *Prior legislation*: 1956 Code 31:351; L. 1941-42, ch. XV, § 1; L. 1936, ch. VI, § § 1, 4; L. 1927-28, ch. XXV, §§ 1, 7.

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application for initial licensure is pending with the Minister, provided such practice is limited to such hospital and is under the supervision of a licensed physician; or

(e) Any medical student who is performing a clinical clerkship or similar function in a hospital and who is matriculated in a medical school or college which meets standards satisfactory to the Liberian Medical Board, provided such practice is limited to such clerkship or similar function in such hospital and is under the immediate personal supervision of a licensed physician.

(f) Any registered professional nurse or paramedical worker who, because licensed physicians are unavailable in the area served by them, have been authorized by the Minister to engage in specified outpatient procedures and are supervised by a licensed physician.

Chapter 63. DENTISTRY

§ 63.1. Introduction.

§ 63.2. Definition of practice of dentistry.

§ 63.3. Practice of dentistry and use of title "dentist"

§ 63.4. National board for dentistry; Liberian Medical Board.

§ 63.5. Requirements for a dentist's license.

§ 63.6. Persons exempt from license requirement.

§ 63. 1. Introduction.

This chapter applies to the profession of dentistry. The general provisions for all medical and allied health professions contained in chapter 61 apply to this chapter.

§ 63.2. Definition of practice of dentistry.

The practice of the profession of dentistry is defined as diagnosing, treating, operating or prescribing for any disease, pain, injury, deficiency, deformity or physical condition of the human mouth, including

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the teeth, alveolar process, gums, or jaws and adjacent tissues, or, except by the use of impressions or casts made by a licensed dentist and on his written dental laboratory prescription, furnishing, supplying, constructing, reproducing or repairing prosthetic dentures, bridges, appliances or other structures to be used and worn as substitutes for natural teeth or in the treatment of abnormal conditions of the teeth or jaws or adjacent tissues, or placing such devices in the mouth or adjusting them.

§ 63.3. Practice of dentistry and use of the title "dentist".

Only a person licensed or otherwise authorized under the provisions of this chapter shall practice dentistry and only a person licensed to practice dentistry under the provisions of this chapter or section 61.3 shall use the title "dentist".

§ 63.4. National board for dentistry: Liberian Medical Board.

The Liberian Medical Board established under the provisions of section 62.4. shall be the national board for dentistry and shall represent the profession of dentistry. The Board, in accordance with the provisions of section 61.12, shall assist the Minister on matters concerning the licensing of dentists and the practice of dentistry. In that connection, the Minister shall refer all applications for licenses to the board to make determinations as to the qualifications of applicants. If satisfied as to the competency of an applicant, the Board shall transmit its findings to the Minister in writing. A determination of the Board which finds that an applicant is not qualified shall be appealable to the Minister.¹⁵³

§ 63.5. Requirements for a dentist's license.

To qualify for a license to practice dentistry, an applicant shall file an application with the Minister and submit evidence as to the following matters:

¹⁵³. *Prior legislation:* 1956 Code 31:350; L. 1952-53, ch. XXIV, § 3 (c); L. 1936, Ch. VI, § 4.

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- (a) That the applicant is 21 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has graduated with a doctoral degree in dentistry from a college or school of dentistry, either in Liberia or abroad, which college or school is approved by the Liberian Medical Board as maintaining satisfactory standards;
- (d) That the applicant had at least two years of experience in the practice of dentistry satisfactory to the Liberian Medical Board as an intern or licensed practitioner.
- (e) When deemed appropriate for all prospective applicants, that the applicant has passed a written examination prepared and administered by the Liberian Medical Board.¹⁵⁴

§ 63.6. Persons exempt from license requirement.

Nothing in this chapter shall be construed to affect or prevent the persons described herein from engaging in the following activities without a license:

- (a) An unlicensed person from performing solely mechanical work upon inert matter in a dental office or on a dental laboratory prescription of a dentist holding license;
- (b) A dentist licensed in another country from making a teaching clinical demonstration before a regularly organized dental or medical society or group, or from Meeting licensed dentists in the Republic for consultation, provided such activities are limited to such demonstration or consultation;
- (c) Any graduate of a dental school or college, either in Liberia

154. Prior legislation: 1956 Code 31:351; L. 1936, ch. VI, §§ 1, 4.

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or abroad, which school or college, is approved by the Liberian Medical Board as maintaining satisfactory standards, from engaging in practice as an intern in a hospital or dental facility approved by the Board for the purpose of meeting the experience requirements for a license to practice dentistry or whose application for initial licensure is pending before the Minister, provided such practice is limited to such hospital or facility and is under the direction or supervision of a licensed dentist;

(d) Any dental student is matriculated in a dental school or college which meets standards satisfactory to the Liberian Medical Board, from engaging in clinical practice as part of an approved program operated by the school or college of dentistry under the immediate personal supervision of a licensed dentist.

Chapter 64. VETERINARY MEDICINE

§ 64.1. Introduction.

§ 64.2. Definition of practice of veterinary medicine.

§ 64.3. Practice of veterinary medicine and use of title 'veterinarian'.

§ 64.4. National board for veterinary medicine: Liberian Medical Board.

§ 64.5. Requirements for a veterinarian's license.

§ 64.6. Persons exempt from license requirements.

§ 64.1. Introduction.

This chapter applies to the profession of veterinary medicine. The general provisions for all medical and allied health professions contained in chapter 61. apply to this chapter.

§ 64.2. Definition of practice of veterinary medicine.

The practice of the profession of veterinary medicine is defined as diagnosing, treating, operating or prescribing for any animal disease, pain, injury, deficiency, deformity or physical condition. "Animal"

includes every living creature except a human being.

§ 64.3. Practice of veterinary medicine and use of title "veterinarian".

Only a person licensed or otherwise authorized to practice under this chapter or section 61.3 shall practice veterinary medicine and only a person licensed to practice under this chapter or section 61.3. shall use the title "veterinarian".

§ 64.4. National Board for veterinary medicine: Liberian Medical Board.

The Liberian Medical Board established under the provisions of section 62.4 shall be the national board for veterinary medicine and shall represent the profession of veterinary medicine. The Board, in accordance with the provisions of section 61.12, shall assist the Minister on matters concerning the licensing of veterinarians and the practice of veterinary medicine. In that connection, the Minister shall refer all applications for licenses to the Board to make determinations as to the qualifications of applicants. If satisfied as to the competency of an applicant, the Board shall transmit its findings to the Minister in writing. A determination which finds that an applicant is not qualified shall be appealable to the Minister.

§ 64.5. Application for a veterinarian's license.

To qualify for a license to practice veterinary medicine, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 21 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has graduated with a doctoral degree in veterinary medicine from a school of veterinary medicine, either in

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Liberia or abroad, which school is approved by the Liberian Medical Board as maintaining satisfactory standards;

(d) That the applicant has had at least one year of experience in the practice of veterinary medicine satisfactory to the Liberian Medical Board as an intern or licensed practitioner.

(e) When deemed appropriate for all prospective applicants, that the applicant has passed a written examination prepared and administered by the Liberian Medical Board.

§ 64.6. Persons exempt from license requirement.

The following persons subject to the respective limitations hereinafter set forth, may practice veterinary medicine within the Republic without a license:

(a) Any veterinarian who is licensed in another country and who is meeting a veterinarian licensed in the Republic for purposes of consultation, provided such practice is limited to such consultation;

(b) Any teacher of veterinary medicine who is a graduate of an accredited school of veterinary medicine and whose practice of veterinary medicine is incidental to his course of instruction while serving as an instructor in a Liberian school of veterinary medicine offering a program of study by the Liberian Medical Board;

(c) Any intern who is employed by a veterinarian hospital or school or by a licensed veterinarian. who is a graduate of a school of veterinary medicine, either in Liberia or abroad which school is approved by the Liberian Medical Board as maintaining standards and is engaged in meeting the experience requirements for a license to practice veterinary medicine or whose application for initial license is pending with the Minister; provided such practice is limited to such hospital, or school, or licensed practitioner and is under the supervision of a licensed veterinarian;

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(d) Any student of veterinary medicine who is performing a clinical clerkship in a veterinary hospital or school of veterinary medicine which meets standards satisfactory to the Liberian Medical Board, provided such practice is limited to such clerkship or similar function in such hospital and is under the immediate supervision of a licensed veterinarian;

(e) person foundering gratuitous services in case of emergency.

Chapter 65. NURSING

- § 65.1. Introduction.
- § 65.2. Definition of practice of nursing.
- § 65.3. Practice of nursing and use of title "registered nurse or "licensed practical nurse".
- § 65.4. Liberian Board for Nursing and Midwifery.
- § 65.5. Requirements for an initial license as a registered professional nurse.
- § 65.6. Licensing of foreign-licensed professional nurses.
- § 65.7. Requirements for an initial license as a licensed practical nurse.
- § 65.8. Licensing of foreign-licensed practical nurses.
- § 65.9. Persons exempt from license requirements.
- § 65.10. Exemption from liability for voluntary nursing aid rendered in emergencies.

§ 65.1. Introduction.

This chapter applies to the profession of nursing. The general provisions for all medical and allied health professions contained in chapter 61 apply to this chapter.

§ 65.2. Definition of practice of nursing.

1. *Registered professional nurse.* The practice of the profession of nursing as a registered professional nurse is defined as performing

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services in the maintenance of health, prevention of illness and care of the sick requiring the application of principles of nursing based on biological, physical, and social sciences and appropriate nursing measures and executing orders concerning treatment and medication issued by a licensed or otherwise legally authorized physician or dentist.

2. *Licensed practical nurse.* The practice of nursing as a licensed practical nurse is defined as performing assigned duties and acts in the care of the sick under the direction of a registered professional nurse or a licensed or otherwise legally authorized physician or dentist requiring an understanding of nursing but not requiring the professional service as defined in Paragraph 1.¹⁵⁵

§ 65.3. Practice of nursing and use of title “registered nurse” or “licensed practical nurse”.

Only a person licensed or otherwise authorized under the provisions of this chapter or under section 61.3 shall practice nursing limited however to the capacity licensed or authorized and only a person licensed in such special category under the provisions of section 61.3 or sections 65.6 or 65.7 shall use the title "registered nurse and only a person licensed in such special category under the provisions of section 61.3 or sections 65.7 or 65.8 shall use the title "licensed practical nurse".¹⁵⁶

§ 65.4. Liberian Board for Nursing and Midwifery.

A national board for nursing to be known as the Liberian Board for Nursing and Midwifery is hereby established and shall be composed of the following:

- (a) The Chief Nursing Officer, Minister of Health and Social

^{155.} *Prior legislation:* L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 22.

^{156.} *Prior legislation:* L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 24; 1956 Code, 31:379; L. 1949, ch. XXIII, § § 12(o), 13, 14.

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Welfare;

(b) A director from each nursing and each midwifery school in the Republic;

(c) A registered nurse from each hospital in the Republic maintaining a nurse's training school, to be selected by the head of each such school;

(d) Three members to be selected by the Liberian Nurses Association, one from each of the following sources:

(i) A nurse representing the Public Health Nursing Service;

(ii) A nurse representing all the hospitals operated by concessions;

(iii) A nurse representing all the mission hospitals operating in the Republic;

(e) A representative from the public who is not a nurse. The term of the Liberian Board for Nursing and Midwifery shall be for successive periods of two years. The members of the Board, other than those designated thereon by virtue of their office [(a) and (b)] shall continue in office until their successors are chosen and may be selected for additional terms. The Minister shall each term designate a member of the Board to serve as chairman. The Board, in accordance with the provisions of sections 61.12, shall assist the Minister on matters concerning the licensing of nurses and the practice of nursing. In that connection, the Minister shall refer to the Board all applications for licenses. The Board, with the approval of the Minister, shall prepare and administer uniform written examinations when required hereunder and pass upon the qualifications of all applicants. If satisfied as to the competency of an applicant, the board shall transmit its findings to the Minister in writing. A determination of the Board which finds that an applicant

is not qualified shall be appealable to the Minister.¹⁵⁷

§ 65.5. Requirements for an initial license as a registered professional nurse.

Except for applications made under section 65.6 by professional nurses legally qualified in foreign countries, to qualify for an initial license as a registered professional nurse, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 20 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has completed a course of study in and holds a diploma or degree in professional nursing from a school of nursing, either in Liberia or abroad, which school is approved by the Liberian Board of Nursing and Midwifery as maintaining satisfactory standards;
- (d) That the applicant has passed a written examination prepared and administered by the Liberian Board of Nursing and Midwifery.¹⁵⁸

§ 65.6. Licensing of foreign-licensed professional nurses.

A professional nurse legally qualified in a foreign country may qualify in Liberia for a license as a registered professional nurse without examination by filing an application with the Minister and submitting evidence as to the following matters:

157. Prior legislation: L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, S 2; 1956 Code 3: 350, 375; L. 1952-53, ch. XXIV, § 3(d); L. 1951-52, ch. XL, § 1; L. 1949, ch. XXIII, §§ 2, 3, 4, 5.

158. Prior legislation: L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 25 (1st par.); 1956 Code 31:371 (1st par.); L. 1949, ch. XXIII, § 12(c); L. 1936, ch. VI, §§ 1, 4.

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- (a) That the applicant is 20 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has completed a course of study in professional nursing which the Liberian Board for Nursing and Midwifery approved as a satisfactory equivalent to that required in Liberia;
- (d) That the applicant has been duly licensed. in a foreign country as a professional nurse.¹⁵⁹

§ 65.7. Requirements for an initial license as a licensed practical nurse.

Except for applications made under section 65.8 by practical nurses legally qualified in foreign countries, to qualify for an initial license as a licensed practical nurse, an applicant must file an application with the Minister and submit evidence as the following matters:

- (a) That the applicant is 18 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has completed a course of study in practical nursing or in a program in professional nursing, either in Liberia or abroad, which course of study or program is approved by the Liberian Board for Nursing and Midwifery;
- (d) That the applicant has passed a written examination prepared and administered by the Liberian Board for Nursing and Mid-

159. Prior legislation: L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 25(2nd par.); 1956 Code 31:372; L. 1949, ch. XXIII, § 12(d).

wifery.¹⁶⁰

§ 65.8. Licensing of foreign-licensed practical nurses.

A practical nurse legally qualified in a foreign country may qualify in Liberia for a license as a licensed practical nurse without examination by filing an application with the Minister and submitting evidence as to the following matters:

- (a) That the applicant is 18 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has completed a course of study in practical nursing which the Liberian Board for Nursing and Midwifery approves as a satisfactory equivalent to that required in Liberia;
- (d) That the applicant has been duly licensed in a foreign country as a practical nurse.¹⁶¹

§ 65.9. Person exempt from license requirement.

This chapter shall not be construed to affect any of the following activities:

- (a) As prohibiting the care of the sick by any person provided such person is employed primarily in a domestic capacity and does not hold himself or herself out, or accept employment as a person licensed to practice nursing under the provisions of this title, or as preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of an

160. Prior legislation: L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 25(1st par.); 1956 Code 31:371 (2nd par.); L. 1949, ch. XXIII, § 15.

161. Prior legislation: L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 25(2nd par.); 1956 Code 31:372; L. 1949, ch. XXIII, § 12(d).

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emergency.

(b) As prohibiting graduates of schools of nursing approved by the Liberian Board for Nursing and Midwifery from practicing nursing under the supervision of a licensed professional nurse for six months immediately following graduation from a program in nursing and pending receipt of a license for which an application has been filed as provided in this chapter;

(c) As prohibiting such performance of nursing by students enrolled in approved schools or programs as may be incidental to their course of study;

(d) As prohibiting or preventing the practice of nursing in Liberia by any legally qualified professional nurse or practical nurse of another country whose engagement requires accompaniment and care for a patient temporarily residing in Liberia, during the Period of such engagement, provided such person does not represent or hold himself or herself out as a professional nurse or practical nurse licensed to practice in the Republic;

(e) As prohibiting or preventing the practice of nursing in Liberia during an emergency or disaster by any legally qualified professional or practical nurse of another country recruited by governmental authority for such emergency or disaster service, provided such person does not represent or hold himself or herself out as a professional nurse or practical nurse licensed to practice in the Republic;

(f) As prohibiting the care of the sick when done in connection with the practice of the religious tenets of any religion by adherents thereof.¹⁶²

162. *Prior legislation:* L. 1965-66, An act to regulate the practice of nursing in the Republic of Liberia, § 32(d); 1956 Code 31:373; L. 1949, ch. XXIII, § 11.

§ 65.10. Exemption from liability for voluntary nursing aid rendered in emergencies.

Notwithstanding any inconsistent provision of law, any licensed registered professional nurse or licensed practical nurse who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency occurring outside of a hospital, doctor's office or any other place having proper and necessary medical equipment, to a person who is unconscious, ill or injured, shall not be liable for damages for injuries sustained by such person or for damages for the death of such person, occurring by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such registered professional nurse or licensed practical nurse. Nothing in this section shall be deemed or construed to relieve a licensed registered professional nurse or licensed practical nurse from liability for damages for injuries or death caused by an act or omission on the part of such nurse while rendering professional services in the normal and ordinary course of practice.¹⁶³

Chapter 66. MIDWIFERY

- § 66.1. Introduction.
- § 66.2. Definition of practice of midwifery.
- § 66.3. Practice of midwifery and use of title "midwife".
- § 66.4. Liberian Board for Nursing and Midwifery to represent midwives.
- § 66.5. Requirements for initial license as registered nurse midwife.
- § 66.6. Licensing of foreign-licensed registered nurse midwives.
- § 66.7. Requirements for initial license as certified midwife.
- § 66.8. Licensing of foreign license certified midwives.
- § 66.9. Requirements for initial license as traditional birth attendant.

163. Prior legislation: 1956 Code 31:374; L. 1936, ch. VI, § 5.

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§ 66.10. Persons exempt from license requirement.

§ 66.11. Midwifery practice of midwives limited to normal deliveries.

§ 66.12. Compulsory medical examination required.

§ 66.1. Introduction.

This chapter applies to the profession of midwifery. The General Provisions for all medical and allied health professions contained at chapter 61 apply to this chapter.

§ 66.2. Definition of practice of midwifery.

The practice of the profession of midwifery is defined as the art of assisting at childbirth. Traditional birth attendants licensed hereunder, however, are subject to practicing midwifery under the supervision of a registered nurse midwife or licensed physician attending in the area in which they practice.

§ 66.3. Practice of midwifery and use of title "midwife", "traditional birth attendant".

Only a person licensed or otherwise authorized under the provisions of this chapter or under section 61.3 shall practice midwifery, limited however to the capacity licensed or authorized and only a person licensed in such special category under the provisions of sections 61.3 or sections 66.5 or 66.6 shall use the title "registered nurse midwife", and only a person licensed in such special category under the provisions of sections 61.3 or sections 66.7 or 66.8 shall use the title "certified midwife", and only a person licensed in such special category under the provisions of 61.3 or section 66.9 shall use the title "traditional birth attendant".

§ 66.14. Liberian Board for Nursing and Midwifery to represent Midwives.

The Liberian Board for Nursing and Midwifery established under the provisions of section 65.4 shall be the national board for midwifery and

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shall represent the profession of midwifery. The Board, in accordance with the provisions of section 61.12, shall assist the Minister on matters concerning the licensing of midwives and the practice of midwifery. In that connection, the Minister shall refer all applications for licenses to the Board to make determinations as to the qualifications of applicants. If satisfied as to the competency of an applicant, the Board shall transmit its findings to the Minister in writing. A determination of the Board which finds that an applicant is not qualified shall be appealable to the Minister.

§ 66.5. Requirements for initial license as registered nurse midwife.

Except for applications made under section 66.6 by registered nurse midwives legally qualified in foreign countries, to qualify for an initial license as a registered nurse midwife, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 20 years or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant is a registered professional nurse who is so licensed under the provisions of chapter 65 or under section 61.3 and was graduated within two years prior to the date of application from a school giving a complete course in midwifery, either in Liberia or abroad, which school is approved by the Liberian Board for Nursing and Midwifery as maintaining satisfactory standards.

§ 66.6. Licensing of foreign-licensed registered nurse midwives.

A registered nurse midwife legally so qualified in a foreign country may qualify in Liberia for a license as a registered nurse midwife without examination by filing an application with the Minister and submitting evidence as to the following matters:

- (a) That the applicant is 20 years of age or older;

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- (b) That the applicant is of good moral character;
- (c) That the applicant has satisfactorily completed a course of study in and has graduated within six months prior to the date of application from a school of midwifery, either in Liberia or abroad, which school is approved by the Liberian Board for Nursing and Midwifery as maintaining satisfactory standards;
- (d) That the applicant has passed an examination prepared and administered by the Liberian Board for Nursing and Midwifery.

§ 66.7. Requirements for initial license as certified midwife.

Except for applications under section 66.8 by certified midwives or persons having equivalent qualifications legally qualified in foreign countries, to qualify for an initial license as a certified midwife an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 20 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has satisfactorily completed a course of study in and has graduated within six months prior to the date of application from a school of midwifery, either in Liberia or abroad, which school is approved by the Liberian Board for Nursing and Midwifery as maintaining satisfactory standards;
- (d) That the applicant has passed an examination prepared and administered by the Liberian Board for Nursing and Midwifery.

§ 66.8. Licensing of foreign-licensed certified midwives.

Certified midwives or persons having equivalent qualifications legally so qualified in a foreign country may qualify in Liberia for a license as a certified midwife without examination by filing an application with the

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Minister and submitting evidence as to the following matters:

- (a) That the applicant is 20 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has satisfactorily completed a course of study in and was graduated from a school of midwifery which the Liberian Board for Nursing and Midwifery approves as a satisfactory equivalent to that required in Liberia;
- (d) That the applicant has been duly licensed in a foreign country as a certified midwife or under an equivalent title.

§ 66.9. requirements for initial license as traditional birth attendant.

To qualify for an initial license as a traditional birth attendant, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 20 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant within six months prior to the date of application has satisfactorily completed a course of study and training in a school or class teaching midwifery which is approved by the Liberian Board for Nursing and Midwifery as maintaining satisfactory standards, or if the applicant heretofore held an equivalent license, that the applicant within six months prior to application has satisfactorily completed a refresher course in practical midwifery prescribed by the Liberian Board for Nursing and Midwifery.
- (d) That the applicant has passed an examination prepared and administered by the Liberian Board for Nursing and Midwifery.

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§ 66.10. Persons exempt from license requirement.

The following person, subject to the respective limitations hereinafter set forth, may practice midwifery within the Republic without a license:

- (a) Any registered professional nurse or any licensed practical nurse who, in the absence of a licensed Physician or licensed midwife and in the normal course of nursing duties assists at a childbirth.
- (b) Students enrolled in approved midwifery schools or programs who perform midwifery services incidental to their course of study provided such practice is under the immediate personal supervision of a licensed physician or licensed midwife.

§ 66.11. Midwifery practice of midwives limited to normal deliveries.

A licensed midwife may practice midwifery in cases of normal labor and in no others. No midwife shall in any case of labor use instruments of any kind nor assist labor by any artificial, forcible or mechanical means, nor perform version, nor attempt to remove adherent placentae, nor administer, prescribe, advice or employ any poisonous or dangerous drug, herb or medicine, nor attempt the treatment of disease except where the attendance of a physician cannot be speedily secured, and, in such cases, the midwife shall secure the attendance of a physician as soon as possible.

§ 66.12. Compulsory medical examinations required.

A midwife shall not attend patients until she has undergone a thorough medical examination by a licensed physician including a tuberculin test and chest x-ray. Thereafter, she shall undergo an annual medical examination which shall also include such tests and shall submit to such additional interim examinations as the Minister may require. Individual records of all such medical examinations, tests and x-ray shall be forwarded to and kept by the Local Authority within whose jurisdiction she is functioning. A midwife who has symptoms of illness shall report

to a licensed physician or to the health officer of the Local Authority within whose jurisdiction she is functioning and, if found to be affected with a disease in communicable form, shall not attend patients until she is found free from such disease.

Chapter 67. PHARMACY

Subchapter A. Introductory Matter

- § 67.1. Introduction.
- § 67.2. Scope of practice of pharmacy.
- § 67.3. Definitions.
- § 67.4. Practice of pharmacy and use of title "pharmacist.
- § 67.5. Extent of dispenser's services and use of title "dispenser".
- § 67.6. National board for pharmacy: Liberian Pharmacy Board.

Subchapter B. Licensing of Pharmacies

- § 67.11. Requirements for a pharmacist's license.
- § 67.12. Requirements for a dispenser's license.
- § 67.13. Persons exempt from license requirements.

Subchapter C. Licensing of Retail Drug Dispensing Establishments

- § 67.21. Retail sale of drugs and poisons prohibited without license or permit.
- § 67.22. Licensing and operation of pharmacies.
- § 67.23. Licensing and operation of registered medicine stores.
- § 67.24. Catalogue of drug sundries dispensable by pharmacies and registered medicine stores. .
- § 67.25. Licensed establishments limited to dispensing drugs, medicines, and drug sundries.

Subchapter D. Licensing of Wholesalers and Manufacturers

- § 67.3 1. Wholesaling and manufacturing of drugs prohibited without permit.
- § 67.32. Wholesale operations require supervision of licensed pharmacist; application and permit to so indicate.
- § 67.33. Retail operations, if any, to be separate from wholesale

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operations.

§ 67.34. Annual permit fees.

Subchapter E. Regulation of Hospital Dispensaries

§ 67.41. Supervision by licensed professionals.

§ 67.42. Labeling of drugs in hospital dispensaries.

Subchapter F. Oversight of Licensed Establishments

§ 67.51. Inspection of licensed establishments.

§ 67.52. Revocation or suspension of establishments licenses and permits.

Subchapter A. INTRODUCTORY MATTERS

§ 67.1. Introduction.

This chapter applies to the profession of pharmacy and includes the licensing of pharmacists and dispensers, the licensing and operation of retail, wholesale and manufacturing establishments in connection therewith and the regulation of pharmaceutical dispensaries in hospitals. The general provisions for all medical and allied health profession contained in chapter 61 apply to the chapter.

§ 67.2. Scope of practice of pharmacy.

The practice of the profession of pharmacy is defined as the preparing, compounding, preserving or dispensing of drugs, medicines and therapeutic devices on the basis of prescriptions issued by licensed physicians, dentists, and veterinarians, or other legal authority.

§ 67.3. Definitions.

The following words as used in this chapter have the meanings ascribed to them in this section:

(a) "Dispenser" means a person who has undergone a course of

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study and practice and thereby has become proficient in the dispensing of drugs, medicine, poisons and therapeutic devices.

(b) "Drug sundries" means those products which are related and supplementary to medicine such as health aids, therapeutic devices and appliances, medical equipment, baby products, toiletries and cosmetics.

(c) "Manufacturer" means a person who compounds, mixes, prepares and produces drugs, medicines and therapeutic devices for the purpose of distributing or selling to pharmacies or to other authorized channels of distribution.

(d) "Pharmacy" means any place, other than a registered medicine store, in which drugs, medicines, prescriptions, poisons, and therapeutic devices are possessed for the purpose of compounding, preserving or dispensing them for sale at retail, or in which such drugs, medicines, prescriptions, poisons or therapeutic devices are compounded, preserved, dispensed and sold at retail or offered for sale at retail. The term applies whether or not the business conducted or transacted at such place is carried on under a name which contains as a part thereof the words "drugs", "medicines", "drug store", "apothecary" or "Pharmacy" or similar terms or combination of terms. It does not apply to any place selling or offering to sell at retail drugs and medical preparations promulgated in Category D under the provisions of section 43.1. provided drugs and medical preparations promulgated in any other category under the provisions of section 43.1 are not sold or offered for sale there.

(e) "Registered Medicine Store" means a store for which a store keeper's license has been issued to permit the sale at retail for medicinal use without a prescription, of certain unopened pre-packaged drugs and medical preparations listed in a schedule provided for by the provisions of section 43.1 and denominate as Category C.

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(f) "Wholesaler" means a person who bottles, packs, imports, or otherwise purchases drugs, medicines and therapeutic devices for the purpose of distributing, selling or reselling to pharmacies or to other authorized channels of distribution.

§ 67.4. Practice of pharmacy and use of title "pharmacist".

Only a person licensed or otherwise authorized under the provisions of this chapter or section 61.3 shall practice pharmacy, and only a person licensed to practice pharmacy under the provisions of this chapter or the provisions of section 61.3 shall use the title "Pharmacist" or any derivative or other designation denoting that one is a member of such profession. The licensed comprehends, without further licensure, the right to prepare, compound, preserve or dispense duly authorized drugs, medicine, poisons and therapeutic devices for which no prescriptions are required.

§ 67.5. Extent of dispenser's services and use of title "dispenser".

A dispenser's license is restricted to dispensing and except for the limited practice of pharmacy permitted certain dispensers as set forth in section 43.2(3), a dispenser may only dispense duly authorized drugs, medicines, poisons and therapeutic devices for which no prescriptions are required. Only a person licensed as a dispenser or otherwise so authorized under the provisions of section 61.3 shall engage in such occupation and only a person licensed as a dispenser under the provisions of this chapter or the provisions of section 61.3 shall use the title "dispenser" or any derivative or other designation denoting that one is engaged in such occupation.

§ 67.6. National board for pharmacy; Liberian Pharmacy Board.

A national board for pharmacy to be known as the Liberian Pharmacy Board is hereby established and shall be composed of the following:

- (a) The Chief Pharmacist, Ministry of Health and Social Welfare;

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- (b) A representative of the Liberian Medical Association, to be selected by the Association;
- (c) A representative of the Liberian Pharmaceutical Association, to be selected by the Association;
- (d) Two pharmacists in private practice, to be selected by the Minister.

The terms of the Liberian Pharmacy Board shall be for successive periods of two years. The members of the Board, other than the Chief Pharmacist, designated thereon by virtue of his office, shall continue in office until their successors are chosen and may be selected for additional terms. The Minister shall each term designate a member of the Board to serve as chairman. The Board, in accordance with the provisions of section 61.12, shall assist the Minister on matters concerning the practice of pharmacy, and the licensing of pharmacists, dispensers, pharmacies, registered medicine stores, manufacturers and wholesalers. In that connection, the Minister shall refer all applications for licenses to the Board. The Board, with the approval of the Minister, shall prepare and administer uniform written examinations when required hereunder and shall examine and pass upon the qualifications of all applicants. The findings of the Board thereon shall be made in writing and transmitted to the Minister. A determination which finds that an applicant is not qualified shall be appealable to the Minister. The Board, in addition, subject to the approval of the Minister, shall regulate and control the sale, distribution, character and standard of drugs, medicines, poisons and therapeutic devices.¹⁶⁴

164. Prior legislation: L. 1966-67, An act to amend the Public Health and Safety Law to create a Pharmacy board within the Department of Health, § 2; 1956 Code 31:350; L. 1936, ch. VI, § 4.

Subchapter B. LICENSING OF PHARMACIES

§ 67.11. Requirements for a pharmacist's license.

To qualify for a license to practice pharmacy, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 21 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has graduated with a bachelor's degree or equivalent in Pharmacy from a college or school of pharmacy, either in Liberia or abroad, which college or school is approved by the Liberian Pharmacy Board as maintaining satisfactory standard.
- (d) That the applicant has passed a written examination prepared and administered by the Liberian Pharmacy Board.¹⁶⁵

§ 67.12. Requirements for a dispenser's license.

To qualify for a dispenser's license, an applicant shall file an application with the Minister and submit evidence as to the following matters:

- (a) That the applicant is 21 years of age or older;
- (b) That the applicant is of good moral character;
- (c) That the applicant has satisfactorily completed a course of study and practice in dispensing of drugs, medicines, poisons and therapeutic devices prescribed by the Liberian Pharmacy Board;

¹⁶⁵. *Prior legislation*: 1956 Code 31:351; L. 1936, ch. VI, §§ 1, 4; L. 1927-28, ch. XXV, § 2.

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- (d) That the applicant has passed an examination prepared and administered by the Liberian Pharmacy Board.

§ 67.13. Persons exempt from license requirements.

Nothing in this chapter shall be construed to affect or prevent the persons described herein from engaging in the following activities without a license to practice pharmacy:

- (a) An unlicensed person from being employed as an assistant in a licensed pharmacy for purposes other than the practice of pharmacy;
- (b) Any licensed physician, dentist or veterinarian who is not the owner of a pharmacy or registered medicine store, or who is not in the employ of such owner, from supplying patients with such drugs as such physician, dentist or veterinarian deems proper in connection with his practice, provided however, that all such drugs shall be dispensed in a container labeled with the names and address of the dispenser and patient, direction, for use and date of delivery;
- (c) Any licensed storekeeper from selling at his registered medicine store the pre-packaged drugs and medical preparations listed in the schedule provided for by the provisions of section 43.1 and denominated as Category C, provided the store is attended by a licensed dispenser at all times during business hours;
- (d) The necessary and ordinary activities of manufacturers, importers and wholesalers of drugs, medicines, poisons and therapeutic devices provided they are supervised by a licensed pharmacist at all times when wholesale operations concerning such articles are being carried on.

***Subchapter C. LICENSING OF RETAIL DRUG
DISPENSING ESTABLISHMENTS***

§ 67.21. Retail sale of drugs and poisons prohibited without license or permit.

Subject to the provisions of chapter 41 (Control of Narcotic Drugs) no person shall possess drugs, prescriptions or poisons for the purpose of compounding and dispensing them for sale at retail, nor shall any person sell or offer to sell at retail any drugs, prescriptions or poisons, unless licensed as a pharmacy or registered medicine store or he has been granted a permit to deal in poisons at a retail level under the provisions of section 44.2, and then only to the extent authorized by the license or permit granted.

§ 67.22. Licensing and operation of pharmacies.

The following shall apply to the licensing and operation of licensed pharmacies:

(a) Licensed pharmacist to supervise pharmacy. Every licensed pharmacy shall be under the supervision of a licensed pharmacist at all hours when open for business. No licensed pharmacist shall have supervision of more than three licensed pharmacies at one time, provided that at all hours when open for business a licensed dispenser is in attendance at those pharmacies not personally supervised by him. The Minister, after consultation with the Liberian Pharmacy Board and upon giving due notice thereof, may hereafter determine that there are sufficient licensed Pharmacists available in Liberia and require that no licensed pharmacist shall have supervision of more than one licensed pharmacy at the same time.

(b) Requirements for Pharmacy license. To qualify for a license to own and operate a pharmacy and for the renewal of such license, an applicant shall file an application with the Minister on

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the form prescribed therefor and submit evidence that the pharmacy is equipped with facilities, apparatus, utensils and stocks of drugs and medicines sufficient to permit the prompt and efficient compounding and dispensing of prescriptions. In the event the applicant is not a licensed pharmacist, the application shall set forth the name of the licensed pharmacist who will have supervision of the pharmacy.

(c) Board to approve location. The Liberian Pharmacy Board shall approve the location of each pharmacy, and in the event that the location of a licensed pharmacy shall be changed, the owner shall apply to the board for inspection of the new location, and endorsement of the address thereof on the license certificate if the required equipment, upon such inspection, is found to be satisfactory.

(d) Display of pharmacy license. The current pharmacy license shall be conspicuously displayed at all times in the pharmacy. The names of the owner or owners of a licensed Pharmacy shall be conspicuously displayed upon the exterior of such establishment. The names so displayed shall be presumptive evidence of ownership of such pharmacy by such person or persons. In the event that the owner of a licensed Pharmacy is not a licensed pharmacist, the Pharmacy license issued shall also bear the name of the licensed pharmacist having supervision of the pharmacy in the event that such licensed pharmacist shall no longer have supervision of the pharmacy, the owner shall notify the Minister of such fact and of the name of the licensed pharmacist replacing the pharmacist named on the license and shall apply for an amended license certificate showing the change. The amended license certificate must be attached to the original license certificate and displayed in the same manner.

§ 67. 23. Licensing and operation of registered medicine stores.

The following shall apply to the licensing and operation of registered medicine stores which may not be located within ten miles of a licensed

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pharmacy and shall be attended by a licensed dispenser at all times during business hours:

(a) Requirements for license. To qualify for a storekeeper's license to own and operate a registered medicine store, or for the renewal of such license, an applicant shall file an application with the Minister on the form prescribed therefor and submit evidence that articles permitted to be sold at the store under the license will be kept under sanitary conditions separate and apart from other merchandise sold at the store and so placed that no one other than the applicant and the attending licensed dispenser may handle such articles until they are delivered to the purchasers thereof. The ability of the applicant, or of its individual members if it is a partnership, or of its officers if it is an association, or corporation, to, read and write English must be demonstrated. The application shall be signed by the applicant and such signature shall constitute an agreement that the licensee assumes responsibility for the conduct of the registered medicine store in accordance with the requirements of this chapter. The signature of a partner or principal officer, as the case may be, shall suffice for such purpose where the applicant is not an individual person. The Minister shall not issue such a license unless, on the basis of the application and the investigation thereunder, he is satisfied that the applicant is sufficiently competent and responsible as to assure that the public health will not be jeopardized and that the provisions of this chapter with reference to registered medicine store will be met. In the event the applicant is not a licensed dispenser, the application shall set forth the name of the licensed dispenser who will be in attendance at the store.

(b) Display of license and procedure on change of location or dispenser. The storekeeper's license to own and operate a registered medicine store issued by the Minister shall be conspicuously displayed at all times at the location where the articles permitted to be sold thereunder are displayed. In the event the owner of a registered medicine store is not a licensed dispenser, the store license issued shall also bear the name of the

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licensed dispenser who will be in attendance at the store. In the event that such licensed dispenser shall no longer be in attendance at the store, the owner shall notify the Minister of such fact and the name of the licensed dispenser replacing the dispenser named on the license and shall apply for an amended license certificate showing the change. The amended license certificate must be attached to the original license certificate and displayed in the same manner. Similarly, in the event that the location of a registered medicine store shall be changed, the owner shall apply to the Minister for inspection of the new location and endorsement of the address thereof on the license certificate if the required conditions regarding the articles permitted to be sold thereunder, upon such inspection, are found, to be satisfactory.

(c) Special provisions. The articles permitted to be sold under a storekeeper's license to own and operate a registered medicine store must have clearly printed in English on the packages in which they are enclosed and on the labels of the bottles or other containers, (i) adequate directions for use and (ii) such adequate warnings against use in those pathological conditions, or by children, where its use may be dangerous to health; or against unsafe dosage or methods or duration of administration or application, as are necessary for the protection of users. In addition, such articles shall be kept and may be sold only in unopened original prepackaged form.

(d) Annual license fee. The annual license fee for registered medicine stores is \$50.00.

§ 67.24. Catalogue of drug sundries dispensable by pharmacies and registered medicine stores.

With all convenient speed after the effective date of this title, the Liberian Pharmacy Board, with the approval of the Minister, shall by regulations to be officially published, promulgate catalogues of drug sundries which may be sold and dispensed in licensed pharmacies and registered medicine stores. Thereafter such establishments may not sell

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or dispense any drug sundry unless it is contained in a catalogue promulgated hereunder. Catalogues promulgated hereunder may be amended and supplemented by the Board from time to time as necessary, with the approval of the Minister, the regulations for which shall also be officially published.

§ 67.25. Licensed establishments limited to dispensing drugs, medicines and drug sundries.

Subject to the limitations set forth in chapters 41, 42, 43, 44, and by the provisions of this chapter, licensed pharmacies and registered medicine store may only sell or dispense drugs, medicines and drug sundries and no other items.

Subchapter D. LICENSING OF WHOLESALERS AND MANUFACTURERS

§ 67.31. Wholesaling and manufacturing of drugs prohibited without permit.

Subject to the provisions of chapter 41 (Control of Narcotic Drugs), no person shall possess prescriptive or non-prescriptive drugs for the purpose of wholesaling or manufacturing or shall sell or offer such drugs for sale at wholesale unless a permit therefor has been issued as a wholesaler or manufacturer by the Liberian Pharmacy Board, upon the approval of the Minister, pursuant to the provisions of chapter 2.

§ 67.32. Wholesale operations require supervision of licensed pharmacist; application and permit to indicate.

The establishment of every licensed wholesaler hereunder shall be under the supervision of a licensed pharmacist at all times when wholesale drug operations are being carried on. In the event the applicant for a wholesaler's permit is not the licensed pharmacist who will so supervise wholesale drug operations, the Application shall set forth the name of

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the licensed pharmacist who will have such supervision and the permit issued shall bear the name of such licensed pharmacist. In the event such licensed Pharmacist shall no longer supervise such wholesale operations, the wholesaler permittee shall notify the Minister of such fact and of the name of the licensed pharmacist replacing the pharmacist named in the permit and shall apply for an amended permit showing the change. The amended permit must be attached to the original permit and displayed in the same manner.

§ 67.33. Retail operations, if any, to be separate from wholesale operations.

Wholesalers and manufacturers shall not engage in dealing at retail in the drugs permitted to be possessed, sold or offered for sale under permits granted under sections 67.31 and 67.32, unless the retail establishment is separate and distinct from the wholesale establishment or factory and a separate license has been obtained therefor.

§ 67.34. Annual permit fees.

1. *Wholesalers.* The annual permit fee for wholesalers is \$250.00.
2. *Manufacturers.* The annual permit fee for manufacturers is \$100.00.

Subchapter E. REGULATION OF HOSPITAL DISPENSARIES

§ 67.41. Supervision by licensed professionals.

1. *Hospitals containing over 100 beds.* Hospital dispensaries in hospitals containing over 100 beds shall be under the immediate supervision of a licensed pharmacist at all times when pharmaceutical services are being rendered by such dispensaries.
2. *Hospitals containing 100 beds or less.* Hospital dispensaries in

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hospitals containing 100 beds or less shall be under the immediate supervision of a licensed dispenser at all times when pharmaceutical services are being rendered by such dispensaries.

§ 67.42. Labeling of drugs in hospital dispensaries.

A hospital or other institution which provides care or treatment shall not have any drug or medical preparation in its possession on its premises unless the container of the drug bears a securely attached label that legibly states the generic name of the drug, its percentage strength, the permitted dosages and required cautions.

Subchapter F. OVERSIGHT OF LICENSED ESTABLISHMENTS.

§ 67.51. Inspection of licensed establishments.

The Minister, by and through employees of the Ministry designated by him, and the Liberian Pharmacy Board, shall have the right to enter the premises of any pharmacy, wholesaler, manufacturer or registered medicine store licensed hereunder, or any vehicle used by any such establishment and to inspect, at reasonable times, such premises or vehicles and the drugs, medicines and other articles permitted to be kept and sold therein under the provisions of this title, pertinent equipment, finished and unfinished materials, containers and labels and all records required to be kept under the provisions of this title.

§ 67.52. Revocation or suspension of establishment licenses and permits.

The license or permit of a pharmacy, registered medicine store, wholesaler or manufacturer may be revoked or suspended by the Minister for violations of the provisions of this title in accordance with the procedures set forth in section 61.22. The Liberian Pharmacy Board shall act as hearing officers.

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Section 2. This Act shall become effective upon publication.

Any law to the contrary notwithstanding.