

REFORMING ALASKA PUBLIC HEALTH LAW

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Table of Alaska Public Health Laws¹

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Constitutional/Statutory Provision	Legal Citation - ALASKA STATUTES	Brief Description of Statutory Citation
Right to Privacy	ALASKA CONST. Art. I, § 22.	“The right of the people to privacy is recognized and shall not be infringed.”
Promote Public Health	ALASKA CONST. Art. VII, § 4.	The state must “provide for the promotion and protection of public health.”
Public Welfare	ALASKA CONST. Art. VII, § 5.	The state must “provide for public welfare” of its citizens.
Public Health Records - exception to right of inspection	§ 09.25.120	Every person has right to inspect public records in the state, unless prohibited by other provisions.
Education - Physical Exam - Immunization	§ 14.30.120 § 14.30.125	Physical exams shall be delivered to child’s parent. School district shall require children attending school be immunized.
Health & Personal Safety Education	§14.30.360	Each state public school system shall initiate a program in health education for kindergarten through grade 12.
Fish Health Inspections	§16.05.868	Fish health inspections shall be performed as necessary.
Department of Health and Social Services (DHSS) - Administration	§18.05.010	DHSS shall “administer the laws and regulations relating to the promotion and protection of the public health, control of communicable diseases, and maternal/fetal health.”
DHSS - Reports	§18.05.020	DHSS shall prepare an annual report of activities.

¹. This Table presents an index of significant Alaska state public health laws in order of appearance among statutory titles in the State’s official statutory reporter, ALASKA STATUTES (Michie 1999). It does not include references to federal laws, state administrative laws, tribal laws, local ordinances, or case law of public health significance in Alaska. For these reasons, this Table should not be viewed as a complete listing of Alaska public health laws, but rather as a guide to those Alaska constitutional and statutory laws which significantly relate to the regulation in the interests of public health.

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Constitutional/Statutory Provision	Legal Citation - ALASKA STATUTES	Brief Description of Statutory Citation
Planned Parenthood	§18.05.035	DHSS shall assist in distributing planned parenthood information
Fetal Health Effects/Pregnancy	§18.05.037	DHSS shall prepare information on fetal health effects during pregnancy for distribution to patients.
Public Health Regulations	§18.05.040	DHSS shall adopt regulations consistent with existing laws for diseases of public health significance.
Persons with Impairments	§18.05.044	DHSS shall assist with the registration of persons with impairments.
Board of Health - Office of Planning and Research	§18.07.021	This office “shall administer the certificate of need program and perform other functions.”
Emergency Medical Services	§18.08.010	“The department is responsible for the development, implementation, and maintenance of a statewide comprehensive emergency medical services system.”
Health Units and Districts (Districts, Local Health Board, Municipal Corporations, Native)	§18.10.010 <i>et seq.</i>	Establishes health units in unincorporated areas and designates consolidation into health districts.
Tuberculosis	§18.15.120	DHSS may establish a comprehensive program for the control of tuberculosis in the state.
Blood Tests/Prenatal Blood Test	§18.15.150	A blood sample shall be taken at a pregnant woman’s first professional visit or within ten days thereafter.
Phenylketonuria (PKU)	§18.15.200	A physician or nurse attending a delivery shall test the child for phenylketonuria.
Hospitals	§18.20.010	To provide for the development, establishment and enforcement of standards for the care and treatment of individuals in hospitals and related health care centers.
Nursing Facilities	§18.20.300	To ensure that the quality of care in nursing facilities in this state is maintained at a high standard in accordance with applicable state and federal law and regulations.
Patient Access To Records	§18.23.005	“A patient is entitled to inspect and copy any records pertaining to the health care rendered to the patient.”
Electronic Medical Records	§18.23.100	Allows health care providers to maintain and preserve their medical records in an electronic format.
Department of Health and Social Services	§18.25	Creates Alaska medical facility authority to promote health and general welfare by finding alternative means of financing medical facilities.
Community Health Aid Program	§18.28.100	Grant may be used for training primary community health aids.

Constitutional/Statutory Provision	Legal Citation - ALASKA STATUTES	Brief Description of Statutory Citation
Asbestos	§18.31.010 <i>et seq.</i>	Coordinates efforts of state departments and agencies to abate asbestos health hazards in schools.
Public Accommodations	§18.35.010	Authorizes DHSS to maintain health standards in places of public accommodation.
Regulation of Public Smoking	§18.35.300	Designates places where smoking is prohibited.
Radioactive Materials	§18.45.030	DHSS can monitor the presence of radioactive materials in the State.
Vital Statistics	§18.50.010 <i>et seq.</i>	Authorizes DHSS to accumulate vital statistics
Accident and Health Hazards; Accident Prevention	§18.60.010 <i>et seq.</i>	Authorizes a program to reduce the incidence of work-related accidents and health hazards in the state.
Employee Safety Education Programs	§18.60.066	Requires employers to conduct a safety education program for employees exposed to toxic or hazardous substance or physical agent.
Domestic Violence - Standards & Procedures for Health Care	§18.66	Provides for planning and coordination of services to victims of domestic violence and sexual assault.
State Commission for Human Rights	§§18.80.060, 18.80.200	Commission shall adopt regulations relating to discrimination because of physical or mental disability.
Mammogram Coverage	§21.42.375	Health care insurers shall provide coverage for low-dose mammography screening.
Cervical and Prostate Cancer Detection	§21.42.395	Health care insurers shall provide coverage for costs of cervical and prostate cancer screening.
Local Air Quality Control Program	§29.35.055	Authorizes municipalities to establish a local air quality control program
Local Alcohol Regulation	§29.35.080	Authorizes municipalities to regulate the sale and consumption of alcoholic beverages
Local Reporting of Hazardous Wastes	§29.35.500	Authorizes municipalities to create a program for the reporting of hazardous chemicals, materials, or wastes
Hazardous Waste Information	§29.35.540	Information about hazardous wastes shall be made readily available to the public for inspection and copying.
State Grants for Hazardous Spills	§29.35.540	Allows municipalities to receive grants of state funds to clean up or prevent oil and hazardous substance spills
Department of Health and Social Services (DHSS) - Establishment and Duties	§44.29.020	DHSS shall administer state programs of public health and social services, including licensing of child care facilities.

Constitutional/Statutory Provision	Legal Citation - ALASKA STATUTES	Brief Description of Statutory Citation
Department of Environmental Conservation (DEC) - Establishment and Duties	§46.03.010	Requires state to “conserve, improve, and protect its natural resources and environment and control water, land, and air pollution, in order to enhance health, safety and welfare of the people of the state.”
Alaska Environmental Plan	§46.03.040	DEC shall formulate and annually review a statewide environmental plan.
Hazardous Waste Reduction Matching Grants	§46.03.317	Establishes hazardous waste reduction grants.
Regulation of Pesticides & Broadcast Chemicals	§46.03.320	DEC may regulate the transporting, testing, inspection, packaging, and labeling of pesticides and chemicals.
Operation of Sewer and Water Facilities Prohibited; Pesticides; Oil Pollution	§§46.03.720 - 46.03.740	A person may not construct and operate a sewerage system or treatment works, spray DDT or other commercial pesticides, or discharge oil products.
Water Nuisances	§46.03.800	A person is guilty of creating or maintaining a nuisance if they... “befoul, pollute or impair the quality of water used for domestic purposes.”
Air and Land Nuisances	§46.03.810	A person is guilty of creating or maintaining a nuisance if they place or deposit any matter that would be “obnoxious or cause the spread of disease or in any way endanger the health of the community.”
Definitions of DEC terms.	§46.03.900	Defines air, water, soil, and other environmental terms.
Solid and Hazardous Waste Management Practices	§46.06.021	DEC shall promote waste source reduction, recycling of waste, and waste treatment and disposal to minimize threats to human health and environment.
Village Safe Water Act	§46.07.010	Establishes a program to provide safe water and hygienic sewage disposal facilities in the villages of the state.
Hazardous Substance Release Control	§46.09.010	Persons handling hazardous wastes must report releases to DEC and other appropriate public safety agencies.
Hazardous Substance Spill Technology Review Council	§46.13.100	Authorizes legislature to establish a council to assist in identification of containment and cleanup products and procedures.
State Air Quality Plan	§46.14.030	DEC shall act for the state in any state air quality control plan developed.
Records - Publication - Confidential	§47.05.020	DHSS may adopt regulations concerning records and the disclosure of such information.
Misuse of Public Assistance Records	§47.05.030	A person may not “solicit, disclose, receive, make use of, or authorize, the use of a list of names or information concerning persons applying for or receiving assistance.”

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Public Policy - Children	§47.05.060	Secures for each child the care and guidance that will serve the moral, emotional, mental and physical welfare of the child and community.
Medical Assistance	§§47.07.010 - 47.07.900	“The needy persons of the state shall receive uniform and high quality medical care regardless of race, age, national origin or economic standing.”
Catastrophic Illness Assistance	§47.08.010	DHSS may reimburse providers of medical care for unpaid costs due to treatment of catastrophic illness.
Child Abuse and Neglect	§47.17	Requires the reporting of child abuse cases by medical practitioners.
Developmentally Delayed Children - Early Intervention & Family Support Services	§47.20	Provides available funding to children under three who exhibit or are at risk for developmental delays or disabilities.
Community Mental Health Services	§47.30	Establishes the Alaska Mental Health Trust Authority to ensure a comprehensive mental health program.
Alcoholism & Drug Abuse Treatment Act	§47.37	Organizes and administers treatment services for persons with medical-social problems.
Payment Costs of Prenatal Services	§47.40.100	Requires DHSS to pay the cost of prenatal services which are not available from an existing state or federal program for pregnant women with social or economic difficulties.