

18 V.S.A. § 107. Life and health of inhabitants; inspections, investigations

(a) The Commissioner shall take cognizance of the interest of the life and health of the inhabitants of the State, shall make or cause to be made inspections, investigations, and inquiries respecting causes of disease and the means of preventing the same and the effect of all circumstances relating to or affecting the public health. With the approval of the Governor, the Commissioner may apply for and accept research grants for such funded research projects as have as their objective the advancement of knowledge in the health sciences, provided that the Commissioner may staff and equip such projects only from such research grants.

(b) A health officer may conduct inspections, take samples, photographs, and other evidence, and review records to detect violations of any State or local health statute, rule, ordinance, or permit, or any public health hazard or public health risk. Inspections shall be conducted at a reasonable time and in a reasonable manner. The health officer may, upon presentation of credentials, seek permission to inspect any premises not open to the public. If permission is refused, the health officer may, pursuant to section 121 of this title, seek a search warrant authorizing the inspection of such premises.

(c) This section shall not limit or conflict with the duties or powers of a health officer to inspect public water sources, public water systems, or public water source protection areas and food or lodging establishments under chapters 24 and 85 of this title

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18 V.S.A. §§ 126 & 127

§ 126. Health orders

(a) The Commissioner or the selectboard may issue a health order to:

- (1) prevent, remove, or destroy any public health hazard;
- (2) mitigate a significant public health risk;
- (3) correct any violation of this title or any rules promulgated thereunder; or
- (4) correct any violation of a permit restriction or requirement.

(b) The issuing authority for a State health order shall be the Commissioner. The issuing authority for a local health order shall be the selectboard.

(c) Prior to issuance of a health order under this section, the issuing authority shall provide notice as provided in this subsection.

(1) The health officer shall prepare a notice of intent to seek a health order, setting forth the health officer's reasons to believe a health order should be issued.

(2) The notice of intent, together with the supporting evidence, and a statement of procedural rights available under this section, shall be served in-person by a health officer or in accordance with the procedures set forth in Vermont Rules of Civil Procedure on the person against whom the health order is

sought. If the person resides out of state, the notice of intent shall be served on the person against whom the health order is sought through certified mail.

§ 127. Emergency health orders

(a) A health officer may, without a prior hearing, issue an emergency health order when necessary to prevent, remove, or destroy an imminent and substantial public health hazard, or to mitigate an imminent and substantial significant public health risk. Such order may include any actions available under section 126 of this title. An emergency health order shall be effective upon actual notice to the person against whom the order is directed.

(b) The health officer may issue an emergency health order only after preparation of a written statement of reasons stating the need for an emergency health order together with the supporting evidence and a statement of procedural rights available under this section. The order, together with the statement and the evidence, shall be made available as soon as possible to the person to whom the order is directed. An emergency order shall be served in-person by a health officer or in accordance with the procedures set forth in Rule 4 of the Vermont Rules of Civil Procedure. If the person resides out of state, the emergency health order shall be served on the person against whom the order is sought through certified mail.