

TITLE 39  
HEALTH AND SAFETY

CHAPTER 9

PREVENTION OF BLINDNESS AND OTHER PREVENTABLE DISEASES IN INFANTS

39-901. INFLAMMATION OF EYES OF NEWBORN DEFINED. Any inflammation, swelling, or unusual redness in either one (1) or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two (2) weeks after the birth of such infant, shall be known as "inflammation of the eyes of the newborn" (Ophthalmia neonatorum).

[(39-901) 1921, ch. 233, sec. 1, p. 522; I.C.A., sec. 38-701.]

39-902. REPORT TO HEALTH OFFICER -- WARNING OF DANGER -- TREATMENT OF INDIGENT CASES. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth, or any time within two (2) weeks after childbirth, knowing the condition hereinabove defined to exist, immediately to report such fact in writing, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of said infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city, or town.

[(39-902) 1921, ch. 233, sec. 2, p. 522; I.C.A., sec. 38-702.]

39-903. GERMICIDE TO BE INSTILLED IN EYES OF NEWBORN BABY. It shall be unlawful for any physician or midwife practicing midwifery to neglect, or otherwise fail to instill or have instilled immediately upon its birth, in the eyes of the newborn babe, some germicide of proved efficiency in preventing the development of ophthalmia neonatorum.

[(39-903) 1921, ch. 233, sec. 3, p. 522; I.C.A., sec. 38-703.]

39-904. STATEMENT IN REPORT OF BIRTH. Every physician or midwife shall, in making a report of a birth, state whether or not the above germicide was instilled into the eyes of said infant.

[(39-904) 1921, ch. 233, sec. 4, p. 522; I.C.A., sec. 38-704.]

39-905. DUTIES OF LOCAL HEALTH OFFICER. It shall be the duty of the local health officer:

1. To investigate, or have investigated, each case as filed with him in pursuance of the law, and any other cases as may come to his attention.

2. To report all cases of inflammation of the eyes of the newborn, and the result of all such investigations as the state board of health and welfare shall direct.

3. To conform to such other rules and regulations as the state board of health and welfare shall promulgate for his further guidance.

[(39-905) 1921, ch. 233, sec. 5, p. 522; I.C.A., sec. 38-705; am. 1974, ch. 23, sec. 104, p. 633.]

39-906. DUTIES OF DIRECTOR. It shall be the duty of the director of the department of health and welfare:

(1) To enforce the provisions of this chapter.

(2) To administer such rules and regulations as shall, under this chapter, be necessary for the purpose of this chapter and such as the state board of health and welfare may deem necessary for the further and proper guidance of local health officers.

(3) To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn as is necessary for prompt and effective treatment.

(4) To furnish copies of this law to all physicians and midwives who may be engaged in the practice of obstetrics or assisting at childbirth.

(5) To keep a proper record of any and all cases of inflammation of the eyes of the newborn, which shall be filed in the office of the state board of health and welfare in pursuance of this law, and which may come to his attention in any way, and to constitute such records a part of the annual report to the governor.

(6) To furnish birth certificates, which shall include the question: "Did you comply with section six of this act? If so, state what solution was used."

[(39-906) added 1921, ch. 233, sec. 6, p. 522; am. 1974, ch. 23, sec. 105, p. 633; am. 2020, ch. 285, sec. 1, p. 828.]

39-907. BIRTH REPORTS NOT SHOWING COMPLIANCE -- CERTIFICATION TO PROSECUTING ATTORNEY. It shall be the duty of the clerk of the county court of each county on or before the fifteenth day of each month to certify to the prosecuting attorney of his county all reports of births filed during the preceding calendar month which fail to show that the solution hereinbefore provided for was instilled.

[(39-907) 1921, ch. 233, sec. 7, p. 522; I.C.A., sec. 38-707.]

39-909. TESTS FOR PHENYLKETONURIA AND PREVENTABLE DISEASES IN NEWBORN INFANTS. It shall be the duty of the administrative officer or other person in charge of each hospital or other institution caring for newborn infants and the person responsible for the registration of the birth of such infants under section [39-255](#), Idaho Code, to cause to have administered to every newborn infant in its or his care a test for phenylketonuria and such other tests for preventable diseases as prescribed by the state board of health and welfare. The person administering such tests shall make such reports of the results thereof as required by the state board of health and welfare.

[39-909, added 1965, ch. 223, sec. 1, p. 510; am. 1974, ch. 23, sec. 106, p. 633; am. 2018, ch. 169, sec. 9, p. 359.]

39-910. DUTIES OF DIRECTOR IN ENFORCING ACT. It shall be the duty of the director of the department of health and welfare:

1. To enforce the provisions of this act.
2. To prescribe what tests shall be made for preventable diseases in addition to the test for phenylketonuria.
3. To publish rules of the board prescribing the time and manner of administering tests required by this act.
4. To furnish copies of this act and the rules promulgated hereunder to physicians, hospitals or other institutions or persons required by this act to have tests administered to newborn infants.
5. To maintain a record of all infants found to have phenylketonuria or other preventable diseases and to supervise local health agencies in the treatment and cure of such infants.
6. To disseminate information and advice to the public concerning the dangers and effects of phenylketonuria and other preventable diseases and their detection and treatment.

[39-910, added 1965, ch. 223, sec. 2, p. 510; am. 1974, ch. 23, sec. 107, p. 633.]

39-912. EXEMPTION BECAUSE OF RELIGIOUS BELIEF. The provisions of this act shall not apply to any child whose parent or guardian objects thereto on the grounds that it conflicts with the tenets or practices of a recognized church or religious denomination of which said parent or guardian is an adherent or member.

[39-912, added 1965, ch. 223, sec. 4, p. 510.]