

ORDINANCE

**AN ORDINANCE OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
AMENDING KNOX COUNTY CODE,
CHAPTER 38, ARTICLE II, DIVISION 1,
SECTION 38-33 ENTITLED "COUNTY
BOARD OF HEALTH" TO PROVIDE FOR
THE BOARD OF HEALTH TO SERVE
AS AN ADVISORY BOARD TO THE
KNOX COUNTY HEALTH DEPARTMENT.
(Ord. No. O-96-3-102, adopted 4-22-96)**

ORDINANCE: O-20-12-101
REQUESTED BY: COMMISSIONER WARD
**PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE**

**APPROVED AS TO FORM
AND CORRECTNESS: _____
DIRECTOR OF LAW**

**APPROVED 1ST READING: _____
DATE**

**APPROVED 2ND READING: _____
DATE**

**APPROVED EMERGENCY: _____
(YES) (NO)**

**VETOED: _____
DATE**

**VETO
OVERRIDE: _____
DATE**

**MINUTE
BOOK _____ PAGE _____**

**WHEREAS, the Knox County Board of Health (the "Board of Health") was
previously established by ordinance of the Knox County Commission (the "Commission")
and codified at Chapter 38, Article II, Division 1 of the Knox County Code; and**

**WHEREAS, the creation of the Board of Health is a discretionary act of the
Commission; and**

WHEREAS, Knox County Code Sec. 38-33 provides that the Board of Health shall have all of the powers and duties as required and provided for by state law; and

WHEREAS, the powers and duties of the Board of Health are set out in Tenn. Code Ann. § 68-2-601, *et seq.* and, under these provisions, the Board of Health has policy making authority over the Knox County Health Department (the “Health Department”); and

WHEREAS, the Board of Health is not answerable to the public or the county’s elected legislative body and mayor; and

WHEREAS, the Knox County Commission deems it in the best interest of Knox County to vest the responsibility of general health and safety protections of Knox County citizens in the Health Department and to provide for the Board of Health to serve in an advisory capacity to the Health Department.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

SECTION 1. The Code of Knox County, Tennessee, Chapter 38, Article II. Health Department, Division 1, Section 38-33 entitled “County board of health” is hereby amended by repealing Subsections (a) and (b) in their entirety and amended to read as follows:

(a) There is hereby created an Advisory County Board of Health. It shall serve as an advisory board to the Knox County Health Department.

(b) The duties of the Advisory County Board of Health are to:

(1) Advise the health department on policies;

(2) Advise the Knox County Health Department on issues of enforcement of such rules and regulations as may be prescribed by the Tennessee Commissioner of Health essential to the control of preventable diseases and the promotion and maintenance of the general health of the county;

(3) Advise the Knox County Health Department on rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of the county and as may be in the statutory powers of the Knox County Health Department. Such regulations shall be at least as stringent as the standard established by a state law or regulation as applicable to the same or similar subject matter as set forth by the Tennessee Commissioner of Health or the Governor by valid Executive Order.

(4) Advise the Knox County Health Department on its annual budget to be submitted to the county legislative body for consideration and adoption.

- (c) **The Advisory County Board of Health Board shall consist of the following:**
- (1) The county mayor;**
 - (2) The director of schools or a designee appointed annually by the director;**
 - (3) Two (2) physicians licensed to practice in the state of Tennessee, who shall be nominated by the medical society serving the county;**
 - (4) One (1) dentist licensed to practice dentistry in the state of Tennessee, who shall be nominated by the dental society serving the county;**
 - (5) One (1) pharmacist licensed to practice in the state of Tennessee, who shall be nominated by the pharmaceutical society serving the county;**
 - (6) One (1) registered nurse licensed to practice in the state of Tennessee, who shall be nominated by the nurses association serving the county;**
 - (7) One (1) doctor of veterinary medicine appointed by the county legislative body;**
 - (8) One (1) citizen representative appointed by the county legislative body. The citizen representative shall not, at the time of such citizen representative's election, previous to such citizen representative's election, nor during the term of such citizen representative's office, be a health provider or the spouse of a health provider;**
 - (9) The county health director and the county health officer shall serve as ex officio members to the advisory board, with the county health director serving as secretary to the board; and**
 - (10) In the event a nomination is not timely made by the societies referenced in subsections (c)(3) through (6), the county legislative body may proceed to elect an otherwise qualified member; and**
 - (11) Members of the Board of Health serving as of the effective date of the ordinance from which this subsection (c)(11) derives shall continue to serve until their terms expire as provided by previous resolutions of the county legislative body.**

SECTION 2. This Ordinance shall take effect as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

