

ARTICLE XII.*

MISCELLANEOUS PROVISIONS.

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§ 210. **Vaccination of school children.**— No child or person not vaccinated shall be admitted or received into any of the public schools of the state, and the trustees or other officers having the charge, management or control of such schools shall cause this provision of law to be enforced. They may adopt a resolution excluding such children and persons not vaccinated, from such school until vaccinated, and when any such resolution has been adopted, they shall give at least ten days' notice thereof, by posting copies of the same in at least two public and conspicuous places within the limits of the school government, and shall announce therein that due provision has been made, specifying it, for the

* This entire article was amended by L. 1900, ch. 667. For former laws upon the subjects of this article, see L. 1854, ch. 123; L. 1860, ch. 438; L. 1877, ch. 427, and L. 1886, ch. 633.

vaccination of any child or person of suitable age desiring to attend the school, and whose parents or guardians are unable to procure vaccination for them, or who are, by reason of poverty, exempted from taxation in such district.

As amended by L. 1900, ch. 667, § 2.

Section 210 of chapter 661, Laws of 1893, is constitutional, and the trustees or other officers having the charge, management or control of public schools may refuse to admit or receive unvaccinated children or persons into the public schools of the state. *Matter of Walters*, 84 Hun, 457.

§ 211. **Appointment of physician.**— Such trustees or board may appoint a competent physician and fix his compensation, who shall ascertain the number of children or persons in a school district, or in a subdivision of a city school government, of suitable age to attend the common schools, who have not been vaccinated and furnish such trustees or board a list of their names. Every such physician shall provide himself with good and reliable vaccine virus with which to vaccinate such children or persons* such trustees or board shall direct, and give certificates of vaccination when required, which shall be evidence that the child or person to whom given has been vaccinated. The expenses incurred in carrying into effect the provisions of this and the preceding section, shall be deemed a part of the expense of maintaining such school, and shall be levied and collected in the same manner as other school expenses. The trustees of the several school districts of the state shall

* Space in the original; "as" apparently omitted.

include in their annual report the number of vaccinated and unvaccinated children of school age in their respective districts.

As amended by L. 1900, ch. 667, § 2.

§ 212. **Preservation of life at bathing places.**— Every keeper or proprietor of a hotel or boarding-house, and every other person having for use a bathing-house upon any beach or shore of the ocean, for the accommodation of his guests, or of other persons for pay, shall provide for the safety of such bathers two lines of sound, serviceable and strong manilla or hemp rope, not less than one inch in diameter, anchored at some point above high-water, at the same distance apart as the line of bathing-houses, or space fronting on such beach occupied by him is in width; and from the two points at which such life lines are so anchored, such line shall be made to extend as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming, and at such points of safety such lines shall be anchored and buoyed. From the two points of such lines so extended, anchored and buoyed, a third line shall be extended, connecting the two extremities, and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within such lines and the beach within which bathing is believed to be safe. Every such keeper or proprietor or other such person shall cause to be painted and put up in some prominent place upon the beach, near such bathing-houses, the following words: “ Bath-

ing beyond the lines dangerous." Such lines so placed, anchored and buoyed, and such notice so put up, shall continue and be so maintained by every such keeper, proprietor or other person during the entire season of surf bathing. The owner of a bathing-house shall not be subject to the provisions of this section where it is used, occupied or maintained by a lessee for hire, but such lessee shall be deemed the keeper or proprietor thereof. Every person violating any provision of this section shall forfeit to the county where the violation occurs the sum of twenty-five dollars for every such violation, and for each day that any such violation is repeated or continued.

As amended by L. 1900, ch. 667, § 2.

§ 213. Examination and quarantine of children admitted to institutions for orphans, destitute or vagrant children or juvenile delinquents.— Every institution in this state, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words "juvenile delinquents" here used shall include all children whose commitment to an institution is authorized by the penal code. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to

contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physician, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom.

As amended by L. 1900, ch. 667, § 2.

§ 214. **Monthly examination of inmates and reports.**— Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the state board of health, to the board of managers or directors of the institution, and to the local board of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of

the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded, shall cause the evil to be remedied without delay.

As amended by L. 1900, ch. 667, § 2.

§ 215. **Beds; ventilation.**— The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air

there is any corpse in their possession, custody or control, which may be delivered to a medical college or university under this section, and shall deliver the same to such college or university. If two or more medical colleges located in one county are entitled to receive corpses from the same county or adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit.

As amended by L. 1900, ch. 667, § 2.

§ 218. **Cadavers.**— The governors, keepers, wardens, managers, or persons having lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for corpses not interred in the counties of Onondaga, Oswego, Madison and Cortland, and the warden of the Auburn state prison, in the county of Cayuga, and every undertaker or other per-

son in the counties of Onondaga, Oswego, Madison and Cortland, having in his lawful possession any such corpses for keeping or burial, may deliver, and they are hereby required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges or schools in said counties of Onondaga, Oswego, Madison and Cortland, authorized by law to confer either the degree of doctor of medicine, or the degree of doctor of dental surgery and to all other colleges or schools incorporated under the laws of the state in said counties for the purpose of teaching medicine, anatomy or surgery, and to any university in either of said counties having a medical preparatory course of instruction, and the professors and teachers in every such college, school or university may receive such corpses and use the same for the purposes of medical, anatomical or surgical science and study. No such corpse shall be so delivered if within forty-eight hours after death, it is desired for interment by relatives, or by friends, who will bear the expenses of its interment; nor shall a corpse be so delivered or received of any person known to have relatives, whose places of residence are also known, without the assent of such relatives; and such relatives shall be deemed to have assented thereto, unless they shall claim such corpse for the interment within twenty-four hours after being notified of the death of such person. If the re-

mains of any person so delivered or received shall be subsequently claimed for interment by any relative or by any friend who will bear the expense of such interment, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment, as provided in this section, may be required by the persons, college, school, university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, and, if a friend, that he will bear the expense of such interment, the expense of which affidavit shall be paid by the person requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him, but he shall forfeit his claim and right to the same. Any such college, school or university in either of said counties desiring to avail itself of the provisions of this section shall notify said governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified in the county where said college, school or university is situated, or in any of said adjoining counties, in which no such college, school or university is situated of such desire, and thereafter it shall be obligatory upon such governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified, to immediately notify the proper officer or officers of said college, school or university, whenever there is any corpse in

their possession, charge, custody or control, which may be delivered to a medical college, school or university under this section, and to deliver the same to such college, school or university. It shall be the duty of such governors, keepers, wardens, managers and persons having lawful control and management of the institutions hereinbefore mentioned, after being duly notified by any college, school or university of its desire to avail itself of the provisions of this section, to keep, if requested so to do by such college, school or university, and if provided by such medical college, school or university with a suitable book for that purpose, a true and correct record of any and all corpses thereafter coming into their possession, charge, custody, or control, and of the disposition made of the same, giving the name of such corpses, if known; the dates of death and burial, if known; the names and places of residence, if known, of the relative of such corpses; the names of the persons by whom such corpses are claimed for interment and the names of the colleges, schools, universities, or persons, to whom the same are delivered, and the dates of such deliveries; which said books shall be open to the inspection of the officers and agents of such college, school or university furnishing the same and to the officers and agents of any other medical college, school or university entitled to receive corpses from the same county. If two or more colleges, schools or universities located in any one of said counties are entitled to receive corpses from the same or from said adjoining

counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college, school or university receiving any corpse under this section, shall dispose of the remains thereof, after they have served the purposes of medical, anatomical, or surgical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Any person neglecting to comply with or violating any provision of this section, shall forfeit and pay a penalty of twenty-five dollars for each and every such non-compliance or violation thereof, and it shall be the duty of the health officer, or person performing his duties, in the places where said medical colleges, schools or universities are situated, whenever he shall have knowledge or information of any non-compliance with, or violation of, any provision, or provisions, of this section, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the cost and expenses of the action, to the health board of said locality, for its use and benefit.

Added by L. 1896, ch. 302, § 1, and amended by L. 1900, ch. 667, § 2.

§ 219. Prescription of opium, morphine, cocaine and chloral.— No pharmacist, druggist, apothecary or other person shall refill more than once, prescriptions containing opium or morphine or preparations of either of them or cocaine or chloral, in which the dose of opium

shall exceed one-quarter of a grain, or of morphine one-twentieth of a grain or of cocaine one-half of a grain, or of chloral ten grains, except upon the written order of a physician.

As amended by L. 1900, ch. 667, § 2.

§ 220. **Laws repealed.**— Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

As amended by L. 1900, ch. 667, § 2.

§ 221. **When to take effect.**— This chapter shall take effect immediately.

As amended by L. 1900, ch. 667, § 2.

SCHEDULE OF LAWS REPEALED.

Revised Statutes	Sections
Part I, chapter 14.....	All.

LAWS OF	Chapter	Sections
1854.....	123.....	All.
1860.....	438.....	All.
1863.....	358.....	All.
1864.....	398.....	All.
1865.....	592.....	All.
1865.....	613.....	All.
1866.....	154.....	All.
1866.....	751.....	All.
1867.....	543.....	All.
1870.....	525.....	All.
1872.....	746.....	All.
1877.....	427.....	All.
1879.....	540.....	All.
1880.....	322.....	All.
1881.....	376.....	All.
1881.....	407.....	All.
1881.....	550.....	I.

LAWS OF	Chapter	Sections
1881.....	679.....	All.
1882.....	308.....	All.
1883.....	40.....	All.
1883.....	291.....	All.
1883.....	443.....	All.
1884.....	272.....	All.
1884.....	361.....	All.
1885.....	176.....	All.
1885.....	270.....	All.
1885.....	360.....	All.
1885.....	382.....	All.
1885.....	399.....	1, 2.
1885.....	534.....	All.
1885.....	543.....	All.
1886.....	313.....	All.
1886.....	329.....	All.
1886.....	467.....	All.
1886.....	477.....	All.
1886.....	633.....	All.
1887.....	166.....	All.
1887.....	280.....	All.
1887.....	603.....	All.
1887.....	636.....	All.
1887.....	647.....	All.
1887.....	676.....	All.
1888.....	52.....	All.
1888.....	53.....	All.
1888.....	77.....	All.
1888.....	146.....	All.
1888.....	280.....	All.
1888.....	309.....	All.
1888.....	341.....	All.
1888.....	431.....	All.
1889.....	181.....	All.
1889.....	247.....	All.
1889.....	397.....	All.
1889.....	484.....	All.
1889.....	537.....	All.
1890.....	100.....	All.
1890.....	419.....	All.
1890.....	468.....	All.
1890.....	500.....	All.
1890.....	507.....	All.

SCHEDULE OF LAWS REPEALED.

LAWS OF	Chapter	Sections
1892.....	486.....	All.
1892.....	487.....	All.
1892.....	528.....	All except 5.
1892.....	655.....	All.

SCHEDULE OF LAWS REPEALED BY CHAP. 626 OF
1895, § 2.

LAWS OF	Chapter	Sections
1868.....	152.....	All of section seven after and including the words "whose duty it shall be," and all of sections eight, nine and ten.
1870.....	331.....	All.
1879.....	540.....	All.
1881.....	376.....	All.
1889.....	337.....	All.
1892.....	528.....	All.