

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 759
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 73-14-1 THROUGH 73-14-5, 73-14-13
2 THROUGH 73-14-23 AND 73-14-27 THROUGH 73-14-47, MISSISSIPPI CODE
3 OF 1972, WHICH PROVIDE FOR THE LICENSURE AND REGULATION OF HEARING
4 AID SPECIALISTS BY THE STATE BOARD OF HEALTH; TO AMEND REENACTED
5 SECTIONS 73-14-7 AND 73-14-25, MISSISSIPPI CODE OF 1972, TO
6 CLARIFY THE QUALIFICATIONS OF THE MEMBERSHIP OF THE HEARING AID
7 ADVISORY COUNCIL AND TO DELETE CERTAIN REFERENCES TO CERTIFICATES
8 OF ENDORSEMENT; TO AMEND REENACTED SECTION 73-14-49, MISSISSIPPI
9 CODE OF 1972, TO EXTEND THE REPEALER ON THOSE STATUTES WHICH
10 PROVIDE FOR THE LICENSURE AND REGULATION OF HEARING AID
11 SPECIALISTS BY THE STATE BOARD OF HEALTH; AND FOR RELATED
12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 73-14-1, Mississippi Code of 1972, is
15 reenacted as follows:[JU1]

16 73-14-1. The State Board of Health established and empowered
17 by Section 41-3-1 et seq., Mississippi Code of 1972, shall
18 discharge as additional duties and responsibilities the provisions
19 of this chapter in the examination, licensing and regulation of
20 persons who sell and fit hearing aids and who test hearing while
21 engaged in the selling and fitting of hearing aids.

22 SECTION 2. Section 73-14-3, Mississippi Code of 1972, is
23 reenacted as follows:[JU2]

24 73-14-3. The following definitions apply as used in this
25 chapter, unless the context otherwise requires:

26 (a) The "board" means the Mississippi State Board of
27 Health.

28 (b) "License" includes a temporary license.

29 (c) "Hearing aid" shall mean any wearable instrument or
30 device designed for or offered for the purpose of aiding or
31 compensating for impaired human hearing and any parts,

32 attachments, or accessories, including ear molds, but excluding
33 such things as telephone devices, batteries and cords.

34 (d) "Hearing aid specialist" means an individual
35 licensed by the board to engage in the practice of dispensing and
36 fitting hearing aids.

37 (e) "Practice of dispensing and fitting hearing aids"
38 means the evaluation or measurement of powers or range of human
39 hearing by means of an audiometer and the consequent selection or
40 adaptation or sale of hearing aids intended to compensate for
41 hearing loss, including the making of an impression of the ear.

42 (f) "Sell" or "sale" means any transfer of title or of
43 the right to use by lease, bailment, or any other contract,
44 excluding wholesale transactions with distributors or dealers.

45 (g) "Unethical conduct" means:

46 (i) The obtaining of any fee or the making of any
47 sale by fraud or misrepresentation.

48 (ii) Knowingly employing directly or indirectly
49 any suspended or unlicensed person to perform any work covered by
50 this chapter.

51 (iii) Representing that the professional services
52 or advice of a physician or audiologist will be used or made
53 available in the selling, fitting, adjustment, maintenance or
54 repair of hearing aids when that is not true, or using the words
55 "doctor," "clinic," "clinical," and/or "research audiologist,"
56 "audiologic," or any other like words, abbreviations or symbols
57 which tend to connote audiological or professional services, when
58 such use is not accurate.

59 (iv) Permitting another to use his license or
60 certificate or endorsement.

61 (v) Quoting prices of competitive hearing aids or
62 devices without disclosing that they are not the present current
63 prices, or showing, demonstrating, or representing competitive
64 models as being current models when such is not the fact.

65 (vi) Imitating or simulating the trademarks, trade
66 names, brands or labels of competitors with the capacity and
67 tendency or effect of misleading or deceiving purchasers or
68 prospective purchasers.

69 (vii) Defaming competitors by falsely imputing to
70 them dishonorable conduct, inability to perform contracts,
71 questionable credit standing, or by other false representations,
72 or falsely disparaging the products of competitors in any respect,
73 or their business methods, selling prices, values, credit terms,
74 policies or services.

75 (viii) Stating or implying that the use of any
76 hearing aid will restore or preserve hearing, prevent or retard
77 progression of a hearing impairment.

78 (ix) Dispensing and selling a hearing aid to a
79 child under the age of eighteen (18) years who has not been
80 examined and cleared for hearing aid use by a licensed physician
81 within a six-month period immediately prior to dispensing and
82 selling the hearing aid.

83 (x) Representing himself as being an audiologist
84 as defined in Section 73-38-3.

85 SECTION 3. Section 73-14-5, Mississippi Code of 1972, is
86 reenacted as follows:[JU3]

87 73-14-5. (1) This chapter is not intended to prevent any
88 person from engaging in the practice of measuring human hearing
89 for the purpose of selection of hearing aids, provided such person
90 or organization employing such person does not sell hearing aids
91 or accessories thereto, except in the case of ear molds to be used
92 only for the purpose of audiologic evaluation.

93 (2) This chapter shall not apply to any physician or surgeon
94 licensed by the State of Mississippi.

95 (3) This chapter does not apply to a person while he is
96 engaged in the fitting of hearing aids, provided it is part of the
97 academic curriculum of an accredited institution of higher
98 education or part of a program conducted by a public tax-supported
99 institution or agency or nonprofit organization, unless such
100 person or institution or agency sells hearing aids, and/or
101 accessories, except ear molds.

102 SECTION 4. Section 73-14-7, Mississippi Code of 1972, is
103 reenacted and amended as follows:[JU4]

104 73-14-7. (1) The powers and duties of the Mississippi State
105 Board of Health under this chapter are as follows:

106 (a) To authorize all disbursements necessary to carry
107 out the provisions of this chapter.

108 (b) To supervise and administer qualifying examinations
109 to test the knowledge and proficiency of applicants for a license.

110 (c) To license persons who apply to the board and who
111 are qualified to practice the fitting, dispensing and selling of
112 hearing aids.

113 (d) To purchase and maintain or rent audiometric
114 equipment and facilities necessary to carry out the examination of
115 applicants for license.

116 (e) To issue and renew licenses * * *.

117 (f) To suspend or revoke licenses * * * pursuant to
118 this chapter.

119 (g) To appoint representatives to conduct or supervise
120 the examining of applicants for license.

121 (h) To designate the time and place for examining
122 applicants for license.

123 (i) To make and publish rules and regulations not
124 inconsistent with the laws of this state which are necessary to
125 carry out the provisions of this chapter, in compliance with the
126 provisions of Section 25-43-1 et seq., Mississippi Code of 1972,
127 which is the Administrative Procedures Law.

128 (j) To require the periodic inspection and calibration
129 of audiometric testing equipment and to carry out the periodic
130 inspection of facilities of persons who practice the fitting or
131 selling of hearing aids.

132 (k) To establish minimum requirements of test
133 procedures and test equipment to be used in the fitting of hearing
134 aids pursuant to this chapter, also the retention of all fittings

135 and records of fittings by the dealer.

136 (2) The Hearing Aid Advisory Council appointed pursuant to
137 Section 73-14-7 is hereby continued and reconstituted as follows:

138 The council shall consist of seven (7) members, four (4) of
139 whom are licensed hearing aid specialists who do not currently
140 hold any other professional license regulated by the State Board
141 of Health, one (1) of whom is a licensed audiologist * * *, one
142 (1) of whom is a licensed physician, board certified in
143 otolaryngology, and one (1) of whom is a person of the board's own
144 choosing from the state at large, and said person shall be hearing
145 impaired. The person of the board's choosing shall not be a
146 member of nor have personal interest in any organization
147 associated with hearing aid specialists.

148 * * * No person shall serve more than two (2) full
149 consecutive terms. * * * No more than three (3) members shall be
150 appointed to said council from any one (1) Supreme Court district.

151 The hearing aid specialist appointments may be made from a list
152 of at least three (3) licensed hearing aid specialists furnished
153 by the Mississippi Hearing Aid Dealer Association, or its
154 successor, for each vacancy on the council, who have practiced and
155 resided for three (3) years in the state. The audiologist
156 appointment may be made from a list of at least three (3) licensed
157 audiologists furnished by the Mississippi Speech and Hearing * * *
158 Association, who has practiced and resided for three (3) years in
159 the state. The licensed physician appointment may be made from a
160 list of at least three (3) board certified otolaryngologists
161 furnished by the Mississippi Eye, Ear, Nose and Throat
162 Association, who has practiced and resided for three (3) years in
163 the state. Appointments to the council to fill a vacancy
164 occurring for other than expiration of a term shall only be made
165 for the remainder of the expired term. The council shall
166 promulgate such rules and regulations by which it shall conduct
167 its business. Members of the council shall receive no salary for

168 services performed on the council but may be reimbursed for their
169 reasonable and necessary actual expenses incurred in the
170 performance of the same, from funds provided for such purpose.
171 The council shall assist and advise the board in the development
172 of regulations and standards governing the licensure of hearing
173 aid dealers. Council members may be removed from office if found
174 guilty of any violation of any provision of this chapter. A
175 council member subject to formal disciplinary proceedings shall
176 disqualify himself from any council business until the charge is
177 resolved. A member must also disqualify himself from any council
178 business on which he may not make an objective evaluation and/or
179 decision.

180 SECTION 5. Section 73-14-13, Mississippi Code of 1972, is
181 reenacted as follows:[JU5]

182 73-14-13. Any person who practices the fitting or dispensing
183 of hearing aids shall deliver to each person supplied with a
184 hearing aid, by him or at his order or direction, a bill of sale
185 which shall contain his signature and show the address of his
186 regular place of practice and the number of his license, together
187 with a description of the make and model of the hearing aid
188 furnished, the serial number of the hearing aid furnished, and the
189 amount charged therefor. The bill of sale shall also reveal the
190 condition of the hearing device and whether it is new, used or
191 rebuilt.

192 SECTION 6. Section 73-14-15, Mississippi Code of 1972, is
193 reenacted as follows:[JU6]

194 73-14-15. No person shall engage in the sale or practice of
195 dispensing and fitting hearing aids or display a sign or in any
196 other way advertise or hold himself out as a person who practices
197 the dispensing and fitting of hearing aids unless he holds a
198 current, unsuspended, unrevoked license by the board as provided
199 in this chapter. The license required by this section shall be
200 kept conspicuously posted in his office or place of business at

201 all times.

202 SECTION 7. Section 73-14-17, Mississippi Code of 1972, is
203 reenacted as follows:[JU7]

204 73-14-17. An applicant for a license shall pay a fee of One
205 Hundred Dollars (\$100.00) and shall show to the satisfaction of
206 the board that he:

207 (a) Is twenty-one (21) years of age or older.

208 (b) Has an education equivalent to a four-year course
209 in an accredited high school.

210 No governmental entity or agency shall be required to pay the
211 fee or fees set forth in this section.

212 Each application or filing made under this section shall
213 include the social security number(s) of the applicant in
214 accordance with Section 93-11-64, Mississippi Code of 1972.

215 SECTION 8. Section 73-14-19, Mississippi Code of 1972, is
216 reenacted as follows:[JU8]

217 73-14-19. An applicant for a license who is notified by the
218 board that he has fulfilled the requirements of Section 73-14-17
219 and upon paying a testing fee determined by the department as
220 necessary to cover the expense of the administration of the
221 examination not to exceed One Hundred Fifty Dollars (\$150.00),
222 shall appear at a time, place and before such persons as the board
223 may designate, to be examined by written and practical test in
224 order to demonstrate that he is qualified to practice the fitting,
225 dispensing and selling of hearing aids.

226 SECTION 9. Section 73-14-21, Mississippi Code of 1972, is
227 reenacted as follows:[JU9]

228 73-14-21. The examination provided in Section 73-14-19 shall
229 be selected by the board, with advice of the council, and may also
230 include an oral examination at the discretion of the board. The
231 tests under this section shall not include questions requiring a
232 medical or surgical education. It is the intent of this section
233 that the exams administered under this chapter be of such a level

234 as to provide that at a minimum an individual having a high school
235 education or its equivalent and with appropriate study, training
236 and supervision under the direction of a qualified hearing aid
237 specialist should be able to pass.

238 SECTION 10. Section 73-14-23, Mississippi Code of 1972, is
239 reenacted as follows:[JU10]

240 73-14-23. The board shall register each applicant who
241 satisfactorily passes the examination and then issue such
242 applicant a license. The license shall be effective until July 1
243 next following issuance.

244 SECTION 11. Section 73-14-25, Mississippi Code of 1972, is
245 reenacted and amended as follows:[JU11]

246 73-14-25. The department may license as a hearing aid
247 specialist, and furnish a certificate of licensure, to any
248 applicant who presents evidence, satisfactory to the department of
249 having passed an examination before a similar lawfully authorized
250 examining agency or board of hearing aid specialists of another
251 state or the District of Columbia, if the standards for
252 registration of hearing aid specialists or for licensure as a
253 hearing aid specialist in such state or district are determined by
254 the department to be as high as those of this state, and if that
255 jurisdiction affords licensees of this state reciprocity.

256 Any person making application for licensure under the
257 provisions of this section may, at the discretion of the board, be
258 required to pass an examination selected by the board.

259 * * *

260 SECTION 12. Section 73-14-27, Mississippi Code of 1972, is
261 reenacted as follows:[JU12]

262 73-14-27. (1) An applicant who fulfills the requirements of
263 Section 73-14-17 and who has not previously applied to take the
264 examination provided under Section 73-14-19 may apply to the board
265 for a temporary license.

266 (2) Upon receiving an application provided under subsection

267 (1) of this section, the board shall issue a temporary license
268 which shall entitle the applicant to practice the fitting and
269 dispensing of hearing aids for a period ending thirty (30) days
270 after the conclusion of the next examination given after the date
271 of issue.

272 (3) No temporary license shall be issued by the board under
273 this section unless the applicant shows to the satisfaction of the
274 board that he is or will be supervised and trained by a person
275 who:

276 (a) Holds a current and valid document of being
277 National Board Certified in Hearing Instrument Sciences by the
278 International Hearing Society (IHS) or its successor; or

279 (b) Holds a current and valid Certificate of Clinical
280 Competence in Audiology from the American Speech-Language-Hearing
281 Association (ASHA); or

282 (c) Has had a minimum of three (3) years' experience in
283 the testing of hearing, fitting of hearing aids and dispensing of
284 hearing aids.

285 (4) If a person who holds a temporary license issued under
286 this section does not take the next examination given after the
287 date of issue, the temporary license shall not be renewed, except
288 for good cause shown to the satisfaction of the board.

289 (5) If a person who holds a temporary license issued under
290 this section takes and fails to pass the next examination given
291 after the date of issue, the board may renew the temporary license
292 for a period ending thirty (30) days after the date of renewal is
293 announced. In no event shall more than one (1) renewal be
294 permitted. The fee for renewal shall be Fifty Dollars (\$50.00).

295 SECTION 13. Section 73-14-31, Mississippi Code of 1972, is
296 reenacted as follows:[JU13]

297 73-14-31. A person who practices the fitting and dispensing
298 of hearing aids shall biennially pay to the board a fee of Two
299 Hundred Dollars (\$200.00) for a renewal of his license. A grace

300 period of thirty (30) days shall be allowed after the expiration
301 of a license, during which the same may be renewed on payment of a
302 fee of Two Hundred Dollars (\$200.00) to the board. The license of
303 any person who fails to have his license renewed by the expiration
304 of the grace period of thirty (30) days shall be considered to
305 have lapsed. After the expiration of the grace period, the board
306 may reinstate a license upon payment of a fee of Two Hundred Fifty
307 Dollars (\$250.00) to the board. No person who applies for
308 reinstatement, whose license was suspended for the sole reason of
309 failure to renew, shall be required to submit to any examination
310 as a condition of reinstatement, provided such person applies for
311 reinstatement within one (1) year from the date of lapse of the
312 license.

313 The board shall require the applicant for license renewal to
314 present evidence of the satisfactory completion of continuing
315 education requirements as determined by the board.

316 In the event that any licensee shall fail to meet the annual
317 educational requirement, his license shall not be renewed by the
318 board, but the board may renew the license upon the presentation
319 of satisfactory evidence of educational study of a standard
320 approved by the board and upon the payment of all fees due. No
321 governmental entity or agency shall be required to pay the fee or
322 fees set forth in this section.

323 SECTION 14. Section 73-14-33, Mississippi Code of 1972, is
324 reenacted as follows:[JU14]

325 73-14-33. A person who holds a license or temporary license
326 shall notify the board in writing of the address of the place or
327 places where he engages or intends to engage in the practice of
328 fitting or dispensing of hearing aids.

329 The board shall keep a record of the places of practice of
330 persons who hold licenses or temporary licenses. Any notice
331 required to be given by the board to a person who holds a license
332 or temporary license may be given by mailing it to him at the

333 address given by him to the board.

334 A person who holds a license or temporary license to practice
335 as a hearing aid specialist in this state but whose principal
336 place of business is not in this state shall certify to the board
337 that they will:

338 (a) Display their Mississippi license while conducting
339 business in Mississippi; and

340 (b) Shall make all records regarding clients who are
341 residents of Mississippi available to the licensing authority
342 within seventy-two (72) hours of receiving such a request in
343 writing.

344 Failure to comply with the requirements of (a) or (b) above
345 shall constitute grounds for disciplinary action under the
346 provisions of this chapter and/or rules and regulations
347 promulgated pursuant to this chapter.

348 SECTION 15. Section 73-14-35, Mississippi Code of 1972, is
349 reenacted as follows:[JU15]

350 73-14-35. (1) Any person registered under this chapter may
351 have his license or certificate revoked or suspended for a fixed
352 period to be determined by the board for any of the following
353 causes:

354 (a) Being convicted of an offense involving moral
355 turpitude. The record of such conviction, or certified copy
356 thereof from the clerk of the court where such conviction occurred
357 or by the judge of that court, shall be sufficient evidence to
358 warrant revocation or suspension.

359 (b) By securing a license or certificate under this
360 chapter through fraud or deceit.

361 (c) For unethical conduct or for gross ignorance or
362 inefficiency in the conduct of his practice.

363 (d) For knowingly practicing while suffering with a
364 contagious or infectious disease.

365 (e) For the use of a false name or alias in the

366 practice of his profession.

367 (f) For violating any of the provisions of this chapter
368 or any rules or regulations promulgated pursuant to this chapter.

369 (g) For violating the provisions of any applicable
370 federal laws or regulations.

371 (h) Discipline by another jurisdiction if at least one
372 (1) of the grounds for the discipline is the same or substantially
373 equivalent to those set forth in this chapter or rules and
374 regulations promulgated pursuant to this chapter.

375 (2) In addition to the causes specified in subsection (1) of
376 this section, the board shall be authorized to suspend the license
377 of any licensee for being out of compliance with an order for
378 support, as defined in Section 93-11-153. The procedure for
379 suspension of a license for being out of compliance with an order
380 for support, and the procedure for the reissuance or reinstatement
381 of a license suspended for that purpose, and the payment of any
382 fees for the reissuance or reinstatement of a license suspended
383 for that purpose, shall be governed by Section 93-11-157 or
384 93-11-163, as the case may be. If there is any conflict between
385 any provision of Section 93-11-157 or 93-11-163 and any provision
386 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
387 as the case may be, shall control.

388 SECTION 16. Section 73-14-37, Mississippi Code of 1972, is
389 reenacted as follows:[JU16]

390 73-14-37. (1) Any person, whose license is sought to be
391 revoked under the provisions of this chapter, shall be given
392 thirty (30) days' notice, in writing, enumerating the charges and
393 specifying a date for public hearing thereon. The hearing shall
394 be held in the county where the person's business is conducted.
395 The board may issue subpoenas, compel the attendance and testimony
396 of witnesses, and place them under oath, the same as any court of
397 competent jurisdiction where the hearing takes place.

398 (2) At all hearings the board may designate in writing one

399 or more persons deemed competent by the board to conduct the
400 hearing as trial examiner or trial committee, with the decision to
401 be rendered in accordance with the provisions of subsection (3) of
402 this section.

403 (3) After a hearing has been completed the trial examiner or
404 trial committee who conducted the hearing shall proceed to
405 consider the case and, as soon as practicable, shall render a
406 decision. In any case, the decision must be rendered within sixty
407 (60) days after the hearing. The decision shall contain:

408 (a) The findings of fact made by the trial examiner or
409 trial committee;

410 (b) Conclusions of law reached by the trial examiner or
411 trial committee; and

412 (c) The order based upon these findings of fact and
413 conclusions of law.

414 SECTION 17. Section 73-14-39, Mississippi Code of 1972, is
415 reenacted as follows:[JU17]

416 73-14-39. (1) From any revocation, the person charged may,
417 within thirty (30) days thereof, appeal to the chancery court of
418 the county of the residence of the licensee.

419 (2) Notice of appeals shall be filed in the office of the
420 clerk of the court, who shall issue a writ of certiorari directed
421 to the board, commanding it within ten (10) days after service
422 thereof to certify to such court its entire record in the matter
423 in which the appeal has been taken. The appeal shall thereupon be
424 heard in the due course by said court without a jury, and the
425 court shall review the record and make its determination of the
426 cause between the parties.

427 (3) Any order, rule or decision of the board shall not take
428 effect until after the time of appeal in the said court shall have
429 expired. If there is an appeal, such appeal may, in the
430 discretion of and on motion to the chancery court, act as a
431 supersedeas. The chancery court shall dispose of the appeal and

432 enter its decision promptly. The hearing on the appeal may, in
433 the discretion of the chancellor, be tried in vacation.

434 (4) Any person taking an appeal shall post a satisfactory
435 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
436 any costs which may be adjudged against him.

437 (5) Actions taken by the board in suspending a certificate
438 of registration when required by Section 93-11-157 or 93-11-163
439 are not actions from which an appeal may be taken under this
440 section. Any appeal of a suspension of a certificate that is
441 required by Section 93-11-157 or 93-11-163 shall be taken in
442 accordance with the appeal procedure specified in Section
443 93-11-157 or 93-11-163, as the case may be, rather than the
444 procedure specified in this section.

445 SECTION 18. Section 73-14-41, Mississippi Code of 1972, is
446 reenacted as follows:[JU18]

447 73-14-41. No person may:

448 (a) Sell, barter or offer to sell or barter a license.

449 (b) Purchase or procure by barter a license with intent
450 to use it as evidence of the holder's qualifications to practice
451 the fitting and dispensing of hearing aids.

452 (c) Alter materially a license with fraudulent intent.

453 (d) Use or attempt to use as a valid license one which
454 has been purchased, fraudulently obtained, counterfeited or
455 materially altered.

456 (e) Willfully make a false material statement in an
457 application for registration or for renewal of a license.

458 SECTION 19. Section 73-14-43, Mississippi Code of 1972, is
459 reenacted as follows:[JU19]

460 73-14-43. Violation of any provision of this chapter is a
461 misdemeanor punishable upon conviction by a fine of not less than
462 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
463 (\$500.00), or by imprisonment for not more than ninety (90) days
464 in the county jail, or by both.

465 SECTION 20. Section 73-14-45, Mississippi Code of 1972, is
466 reenacted as follows:[JU20]

467 73-14-45. The board may enforce any provisions of this
468 chapter by injunction or by any other appropriate proceeding. No
469 such proceeding shall be barred by any proceeding had or pending
470 pursuant to any other section of this chapter, and the authority
471 conferred in this chapter is in addition to and supplementary to
472 any other statute, civil or criminal, dealing with the subject
473 matters herein and the institution and prosecution of any action
474 shall not preclude the institution and prosecution under other
475 appropriate civil or criminal statutes dealing therewith.

476 SECTION 21. Section 73-14-47, Mississippi Code of 1972, is
477 reenacted as follows:[JU21]

478 73-14-47. All fees and monies received by the board under
479 this chapter shall be deposited in a special fund hereby created
480 in the State Treasury and shall be used for the implementation and
481 administration of this chapter when appropriated by the
482 Legislature for such purpose.

483 SECTION 22. Section 73-14-49, Mississippi Code of 1972, is
484 reenacted and amended as follows:[JU22]

485 73-14-49. Sections 73-14-1 through 73-14-47, Mississippi
486 Code of 1972, which provide for the licensure and regulation of
487 hearing aid specialists by the State Board of Health, shall stand
488 repealed as of July 1, 2005.

489 SECTION 23. This act shall take effect and be in force from
490 and after June 30, 2000.