

By: Senator(s) Cuevas

To: Appropriations

SENATE BILL NO. 2846

1 AN ACT TO AMEND SECTIONS 43-13-407 AND 41-79-5, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT BEGINNING WITH SCHOOL YEAR 2001-2002
3 THE LEGISLATURE SHALL ANNUALLY APPROPRIATE FROM THE TOBACCO
4 LITIGATION HEALTH CARE EXPENDABLE FUND AN AMOUNT NECESSARY TO FUND
5 ONE SCHOOL NURSE IN EVERY PUBLIC SCHOOL IN THE STATE; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 43-13-407, Mississippi Code of 1972, is
9 amended as follows:

10 43-13-407. (1) In accordance with the purposes of this
11 article, there is established in the State Treasury the Health
12 Care Expendable Fund, into which shall be transferred from the
13 Health Care Trust Fund the following sums:

14 (a) In fiscal year 2000, Fifty Million Dollars
15 (\$50,000,000.00);

16 (b) In fiscal year 2001, Fifty-five Million Dollars
17 (\$55,000,000.00);

18 (c) In fiscal year 2002, Sixty Million Five Hundred
19 Thousand Dollars (\$60,500,000.00);

20 (d) In fiscal year 2003, Sixty-six Million Five Hundred
21 Fifty Thousand Dollars (\$66,550,000.00);

22 (e) In fiscal year 2004 and each subsequent fiscal
23 year, a sum equal to the average annual amount of the income from
24 the investment of the funds in the Health Care Trust Fund since
25 July 1, 1999.

26 (2) In any fiscal year in which interest and dividends from
27 the investment of the funds in the Health Care Trust Fund are not
28 sufficient to fund the full amount of the annual transfer into the

29 Health Care Expendable Fund as required in subsection (1) of this
30 section, the State Treasurer shall transfer from tobacco
31 settlement installment payments an amount that is sufficient to
32 fully fund the amount of the annual transfer.

33 (3) All income from the investment of the funds in the
34 Health Care Expendable Fund shall be credited to the account of
35 the Health Care Expendable Fund. Any funds in the Health Care
36 Expendable Fund at the end of a fiscal year shall not lapse into
37 the State General Fund.

38 (4) The funds in the Health Care Expendable Fund shall be
39 available for expenditure pursuant to specific appropriation by
40 the Legislature beginning in fiscal year 2000, and shall be
41 expended exclusively for health care purposes. Provided, however,
42 that beginning with school year 2001-2002, the Legislature shall
43 annually appropriate from the Health Care Expendable Fund an
44 amount necessary to pay for the cost of employing at least one (1)
45 school nurse in every public school in the state, as certified to
46 the Legislative Budget Office by the State Department of Education
47 and the State Board of Health.

48 SECTION 2. Section 41-79-5, Mississippi Code of 1972, is
49 amended as follows:

50 41-79-5. (1) There is hereby established within the State
51 Department of Health a school nurse intervention program,
52 available to all public school districts in the state.

53 (2) By the school year 1998-1999, each public school
54 district shall have employed a school nurse, to be known as a
55 Health Service Coordinator, pursuant to the school nurse
56 intervention program prescribed under this section. The school
57 nurse intervention program shall offer any of the following
58 specific preventive services, and other additional services
59 appropriate to each grade level and the age and maturity of the
60 pupils:

- 61 (a) Reproductive health education and referral to
62 prevent teen pregnancy and sexually transmitted diseases, which
63 education shall include abstinence;
- 64 (b) Child abuse and neglect identification;
- 65 (c) Hearing and vision screening to detect problems
66 which can lead to serious sensory losses and behavioral and
67 academic problems;
- 68 (d) Alcohol, tobacco and drug abuse education to reduce
69 abuse of these substances;
- 70 (e) Scoliosis screening to detect this condition so
71 that costly and painful surgery and lifelong disability can be
72 prevented;
- 73 (f) Coordination of services for handicapped children
74 to ensure that these children receive appropriate medical
75 assistance and are able to remain in public school;
- 76 (g) Nutrition education and counseling to prevent
77 obesity and/or other eating disorders which may lead to
78 life-threatening conditions, for example, hypertension;
- 79 (h) Early detection and treatment of head lice to
80 prevent the spread of the parasite and to reduce absenteeism;
- 81 (i) Emergency treatment of injury and illness to
82 include controlling bleeding, managing fractures, bruises or
83 contusions and cardiopulmonary resuscitation (CPR);
- 84 (j) Applying appropriate theory as the basis for
85 decision making in nursing practice;
- 86 (k) Establishing and maintaining a comprehensive school
87 health program;
- 88 (l) Developing individualized health plans;
- 89 (m) Assessing, planning, implementing and evaluating
90 programs and other school health activities, in collaboration with
91 other professionals;
- 92 (n) Providing health education to assist students,
93 families and groups to achieve optimal levels of wellness;

94 (o) Participating in peer review and other means of
95 evaluation to assure quality of nursing care provided for students
96 and assuming responsibility for continuing education and
97 professional development for self while contributing to the
98 professional growth of others;

99 (p) Participating with other key members of the
100 community responsible for assessing, planning, implementing and
101 evaluating school health services and community services that
102 include the broad continuum or promotion of primary, secondary and
103 tertiary prevention; and

104 (q) Contributing to nursing and school health through
105 innovations in theory and practice and participation in research.

106 (3) Public school nurses shall be specifically prohibited
107 from providing abortion counseling to any student or referring any
108 student to abortion counseling or abortion clinics. Any violation
109 of this subsection shall disqualify the school district employing
110 such public school nurse from receiving any state administered
111 funds under this section.

112 (4) Each local school district of this state may apply for a
113 school nurse intervention program. State administered funds shall
114 only be available on a 50-50 matching basis, and subject to
115 appropriation by the Legislature, with the local school district
116 providing its local contribution from nonminimum program funds.
117 However, school districts with an ad valorem assessed value per
118 student of less than Seventeen Thousand Dollars (\$17,000.00),
119 according to the most recent ad valorem assessed valuation, shall
120 not be required to make a local contribution to the cost of the
121 program. In order to be eligible for such program, each district
122 desiring to participate shall apply to the State Department of
123 Health by May 31 before the beginning of the applicable fiscal
124 year. Such applications shall be on forms provided by the State
125 Department of Health. The local school governing board and the
126 county health department shall mutually determine their school

127 nurse intervention program within the previously determined state
128 guidelines. The State Department of Health shall determine by
129 July 1 of each succeeding year which local school districts have
130 submitted approved applications for school nurse intervention
131 programs. This subsection (4) shall stand repealed on July 1,
132 2001.

133 (5) Beginning with the 1997-1998 school year, to the extent
134 that federal or state funds are available therefor and pursuant to
135 appropriation therefor by the Legislature, in addition to the
136 school nurse intervention program funds administered under
137 subsection (4), the State Department of Health shall establish and
138 implement a Prevention of Teen Pregnancy Pilot Program to be
139 located in the public school districts with the highest numbers of
140 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
141 the following education services directly through public school
142 nurses in the pilot school districts: health education sessions
143 in local schools, where contracted for or invited to provide,
144 which target issues including reproductive health, teen pregnancy
145 prevention and sexually transmitted diseases, including syphilis,
146 HIV and AIDS. When these services are provided by a school nurse,
147 training and counseling on abstinence shall be included.

148 (6) In addition to the school nurse intervention program
149 funds administered under subsection (4) and the Teen Pregnancy
150 Pilot Program funds administered under subsection (5), to the
151 extent that federal or state funds are available therefor and
152 pursuant to appropriation therefor by the Legislature, the State
153 Department of Health shall establish and implement an Abstinence
154 Education Pilot Program to provide abstinence education,
155 mentoring, counseling and adult supervision to promote abstinence
156 from sexual activity, with a focus on those groups which are most
157 likely to bear children out of wedlock. Such abstinence education
158 services shall be provided by the State Department of Health
159 through its clinics, public health nurses, school nurses and

160 through contracts with rural and community health centers in order
161 to reach a larger number of targeted clients. For purposes of
162 this subsection, the term "abstinence education" means an
163 educational or motivational program which:

164 (a) Has as its exclusive purpose, teaching the social,
165 psychological and health gains to be realized by abstaining from
166 sexual activity;

167 (b) Teaches abstinence from sexual activity outside
168 marriage as the expected standard for all school-age children;

169 (c) Teaches that abstinence from sexual activity is the
170 only certain way to avoid out-of-wedlock pregnancy, sexually
171 transmitted diseases and other associated health problems;

172 (d) Teaches that a mutually faithful monogamous
173 relationship in context of marriage is the expected standard of
174 human sexual activity;

175 (e) Teaches that sexual activity outside of the context
176 of marriage is likely to have harmful psychological and physical
177 effects;

178 (f) Teaches that bearing children out of wedlock is
179 likely to have harmful consequences for the child, the child's
180 parents and society;

181 (g) Teaches young people how to reject sexual advances
182 and how alcohol and drug use increase vulnerability to sexual
183 advances; and

184 (h) Teaches the importance of attaining
185 self-sufficiency before engaging in sexual activity.

186 (7) Beginning with the 2001-2002 school year and pursuant to
187 appropriation therefor by the Legislature from the tobacco
188 litigation Health Care Expendable Fund established in Section
189 43-13-407, in addition to other funds allotted under the minimum
190 education program, each school district shall be provided
191 sufficient funds for the purpose of employing at least one (1)
192 qualified public school nurse in each public school, which in no

193 event shall be less than one (1) school nurse per school district,
194 for such purpose. In the event the Legislature provides less
195 funds than the total state funds needed for the public school
196 nurse allotment, those school districts with fewer teacher units
197 shall be the first funded for such purpose, to the extent of funds
198 available.

199 (8) Prior to the 1998-1999 school year, nursing staff
200 assigned to the program shall be employed through the local county
201 health department and shall be subject to the supervision of the
202 State Department of Health with input from local school officials.
203 Local county health departments may contract with any
204 comprehensive private primary health care facilities within their
205 county to employ and utilize additional nursing staff. Beginning
206 with the 1998-1999 school year, nursing staff assigned to the
207 program shall be employed by the local school district and shall
208 be designated as "health service coordinators," and shall be
209 required to possess a bachelor's degree in nursing as a minimum
210 qualification.

211 (9) Upon each student's enrollment, the parent or guardian
212 shall be provided with information regarding the scope of the
213 school nurse intervention program. The parent or guardian may
214 provide the school administration with a written statement
215 refusing all or any part of the nursing service. No child shall
216 be required to undergo hearing and vision or scoliosis screening
217 or any other physical examination or tests whose parent objects
218 thereto on the grounds such screening, physical examination or
219 tests are contrary to his sincerely held religious beliefs.

220 (10) A consent form for reproductive health education shall
221 be sent to the parent or guardian of each student upon his
222 enrollment. If a response from the parent or guardian is not
223 received within seven (7) days after the consent form is sent, the
224 school shall send a letter to the student's home notifying the
225 parent or guardian of the consent form. If the parent or guardian

226 fails to respond to the letter within ten (10) days after it is
227 sent, then the school principal shall be authorized to allow the
228 student to receive reproductive health education. Reproductive
229 health education shall include the teaching of total abstinence
230 from premarital sex and, wherever practicable, reproductive health
231 education should be taught in classes divided according to gender.
232 All materials used in the reproductive health education program
233 shall be placed in a convenient and easily accessible location for
234 parental inspection. School nurses shall not dispense birth
235 control pills or contraceptive devices in the school. Dispensing
236 of such shall be the responsibility of the State Department of
237 Health on a referral basis only.

238 (11) No provision of this section shall be construed as
239 prohibiting local school districts from accepting financial
240 assistance of any type from the State of Mississippi or any other
241 governmental entity, or any contribution, donation, gift, decree
242 or bequest from any source which may be utilized for the
243 maintenance or implementation of a school nurse intervention
244 program in a public school system of this state.

245 SECTION 3. This act shall take effect and be in force from
246 and after July 1, 2001.