

By: Senator(s) Dawkins, Horhn, Williamson,
Walls, Jackson (11th), Jordan, Simmons,
Jackson (32nd)

To: Public Health and
Welfare

SENATE BILL NO. 2138

1 AN ACT TO AMEND SECTION 41-3-1, MISSISSIPPI CODE OF 1972, TO
2 RECONSTITUTE THE MEMBERSHIP OF THE STATE BOARD OF HEALTH; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 41-3-1, Mississippi Code of 1972, is
6 amended as follows:

7 41-3-1. (1) The present members of the State Board of
8 Health shall continue to serve until their terms expire. As a
9 board member's term expires, the new appointee shall be selected
10 based on the following consideration of an appointee's residence
11 so that by July 1, 2008, the board shall be reconstituted as
12 follows:

13 There is hereby created the State Board of Health which shall
14 consist of thirteen (13) members, appointed by the Governor with
15 the advice and consent of the Senate, as hereinafter set forth:

16 (a) Three (3) members of the board shall be licensed
17 medical doctors of good professional standing who shall have had
18 at least seven (7) years' experience in the practice of their
19 profession in this state. Of the three (3), one (1) shall be
20 appointed from each of the Mississippi Supreme Court Districts.

21 (b) One (1) member shall be a licensed, registered and
22 practicing dentist appointed from the state at large, who shall
23 have had at least seven (7) years' experience in the practice of
24 his profession in this state.

25 (c) One (1) member shall be a licensed, registered and
26 practicing nurse appointed from the state at large, who shall have

27 had at least seven (7) years' experience in the practice of
28 nursing in this state.

29 (d) One (1) member shall be a licensed and practicing
30 pharmacist appointed from the state at large, who shall have had
31 at least seven (7) years' experience in the practice of pharmacy
32 in this state.

33 (e) One (1) member shall be a licensed and practicing
34 veterinarian appointed from the state at large, who shall have had
35 at least seven (7) years' experience in the practice of veterinary
36 medicine in this state.

37 (f) One (1) member shall be a practicing hospital
38 administrator who shall have had at least seven (7) years'
39 experience in the practice of his profession preceding his
40 appointment.

41 (g) One (1) member shall be a licensed and practicing
42 professional engineer or a registered and practicing sanitarian
43 who shall have had at least seven (7) years' experience in the
44 practice of his profession in this state.

45 (h) One (1) member shall be a licensed and practicing
46 chiropractor, who shall have had at least seven (7) years'
47 experience in the practice of his profession in this state.

48 (i) Three (3) members shall be consumer representatives
49 with an interest in public, one (1) appointed from each of the
50 three (3) Mississippi Supreme Court Districts, and one (1) of whom
51 shall be over sixty (60) years old and represent the elderly.

52 It is the intent of the Legislature that the membership of
53 the board reflect the population of the State of Mississippi.

54 (2) A member of the board shall serve for a term of six (6)
55 years from the expiration of the previous term and thereafter
56 until his or her successor is duly appointed. Vacancies in office
57 shall be filled by appointment of the Governor in the same manner
58 as the appointment to the position which becomes vacant, subject
59 to the advice and consent of the Senate at the next regular

60 session of the Legislature. An appointment to fill a vacancy
61 other than by expiration of a term of office shall be for the
62 balance of the unexpired term and thereafter until his or her
63 successor is duly appointed.

64 (3) There shall be a Joint Oversight Committee of the
65 Mississippi State Department of Health composed of the respective
66 chairmen of the Senate Public Health and Welfare Committee, the
67 Senate Appropriations Committee, the House Public Health and Human
68 Services Committee and the House Appropriations Committee, two (2)
69 members of the Senate appointed by the Lieutenant Governor to
70 serve at the will and pleasure of the Lieutenant Governor, and two
71 (2) members of the House of Representatives appointed by the
72 Speaker of the House to serve at the will and pleasure of the
73 Speaker. The chairmanship of the committee shall alternate for
74 twelve-month periods between the Senate members and House members,
75 with the Chairman of the Senate Public Health and Welfare
76 Committee serving as the first chairman. The committee shall meet
77 once each month, or upon the call of the chairman at such times as
78 he deems necessary or advisable, and may make recommendations to
79 the Legislature pertaining to any matter within the jurisdiction
80 of the Mississippi State Department of Health. The appointing
81 authorities may designate an alternate member from their
82 respective houses to serve when the regular designee is unable to
83 attend such meetings of the oversight committee. For attending
84 meetings of the oversight committee, such legislators shall
85 receive per diem and expenses which shall be paid from the
86 contingent expense funds of their respective houses in the same
87 amounts as provided for committee meetings when the Legislature is
88 not in session; however, no per diem and expenses for attending
89 meetings of the oversight committee will be paid while the
90 Legislature is in session, and without prior approval of the
91 proper committee in their respective houses.

92 (4) It shall be unlawful for any member of the State Board
93 of Health, or any employee of the State Department of Health, to
94 knowingly accept any gift, money or other pecuniary benefit
95 whatsoever, either directly or indirectly, from any person
96 interested as owner, agent or representative of any public or
97 private entity that shall come under the jurisdiction or
98 supervision of the State Department of Health. Any person found
99 guilty of violating the provisions of this subsection shall
100 immediately forfeit his or her office or position and, upon
101 conviction, shall be fined not less than Ten Thousand Dollars
102 (\$10,000.00), or imprisoned in the State Penitentiary for not less
103 than one (1) year, or both.

104 **SECTION 2.** This act shall take effect and be in force from
105 and after its passage.