

By: Representative Wells-Smith

To: Public Property

HOUSE BILL NO. 1381

1 AN ACT TO BRING FORWARD SECTION 41-3-15, MISSISSIPPI CODE OF
2 1972, WHICH CREATES THE STATE DEPARTMENT OF HEALTH AND SPECIFIES
3 THE POWERS OF THE STATE BOARD OF HEALTH; TO BRING FORWARD SECTION
4 41-23-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A
5 VACCINATION PROGRAM FOR FIRST RESPONDERS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 41-3-15, Mississippi Code of 1972, is
9 brought forward as follows:

10 41-3-15. (1) There shall be a State Department of Health
11 which shall be organized into such bureaus and divisions as are
12 considered necessary by the executive officer, and shall be
13 assigned appropriate functions as are required of the State Board
14 of Health by law, subject to the approval of the board.

15 (2) The State Board of Health shall have the authority to
16 establish an Office of Rural Health within the department. The
17 duties and responsibilities of this office shall include the
18 following:

19 (a) To collect and evaluate data on rural health
20 conditions and needs;

21 (b) To engage in policy analysis, policy development
22 and economic impact studies with regard to rural health issues;

23 (c) To develop and implement plans and provide
24 technical assistance to enable community health systems to respond
25 to various changes in their circumstances;

26 (d) To plan and assist in professional recruitment and
27 retention of medical professionals and assistants; and

28 (e) To establish information clearinghouses to improve
29 access to and sharing of rural health care information.

30 (3) The State Board of Health shall have general supervision
31 of the health interests of the people of the state and to exercise
32 the rights, powers and duties of those acts which it is authorized
33 by law to enforce.

34 (4) The State Board of Health shall have authority:

35 (a) To make investigations and inquiries with respect
36 to the causes of disease and death, and to investigate the effect
37 of environment, including conditions of employment and other
38 conditions which may affect health, and to make such other
39 investigations as it may deem necessary for the preservation and
40 improvement of health.

41 (b) To make such sanitary investigations as it may,
42 from time to time, deem necessary for the protection and
43 improvement of health and to investigate nuisance questions which
44 affect the security of life and health within the state.

45 (c) To direct and control sanitary and quarantine
46 measures for dealing with all diseases within the state possible
47 to suppress same and prevent their spread.

48 (d) To obtain, collect and preserve such information
49 relative to mortality, morbidity, disease and health as may be
50 useful in the discharge of its duties or may contribute to the
51 prevention of disease or the promotion of health in this state.

52 (e) To enter into contracts or agreements with any
53 other state or federal agency, or with any private person,
54 organization or group capable of contracting, if it finds such
55 action to be in the public interest.

56 (f) To charge and collect reasonable fees for health
57 services, including immunizations, inspections and related
58 activities, and the board shall charge fees for such services;
59 provided, however, if it is determined that a person receiving
60 services is unable to pay the total fee, the board shall collect
61 any amount such person is able to pay.

62 (g) To accept gifts, trusts, bequests, grants,
63 endowments or transfers of property of any kind.

64 (h) To receive monies coming to it by way of fees for
65 services or by appropriations.

66 (i) (i) To establish standards for, issue permits and
67 exercise control over, any cafes, restaurants, food or drink
68 stands, sandwich manufacturing establishments, and all other
69 establishments, other than churches, church-related and private
70 schools, and other nonprofit or charitable organizations, where
71 food or drink is regularly prepared, handled and served for pay;
72 and

73 (ii) To require that a permit be obtained from the
74 Department of Health before such persons begin operation.

75 (j) To promulgate rules and regulations and exercise
76 control over the production and sale of milk pursuant to the
77 provisions of Sections 75-31-41 through 75-31-49.

78 (k) On presentation of proper authority, to enter into
79 and inspect any public place or building where the State Health
80 Officer or his representative deems it necessary and proper to
81 enter for the discovery and suppression of disease and for the
82 enforcement of any health or sanitary laws and regulations in the
83 state.

84 (l) To conduct investigations, inquiries and hearings,
85 and to issue subpoenas for the attendance of witnesses and the
86 production of books and records at any hearing when authorized and
87 required by statute to be conducted by the State Health Officer or
88 the State Board of Health.

89 (m) To employ, subject to the regulations of the State
90 Personnel Board, qualified professional personnel in the subject
91 matter or fields of each bureau, and such other technical and
92 clerical staff as may be required for the operation of the
93 department. The executive officer shall be the appointing
94 authority for the department, and shall have the power to delegate

95 the authority to appoint or dismiss employees to appropriate
96 subordinates, subject to the rules and regulations of the State
97 Personnel Board.

98 (n) To promulgate rules and regulations, and to collect
99 data and information, on (i) the delivery of services through the
100 practice of telemedicine; and (ii) the use of electronic records
101 for the delivery of telemedicine services.

102 (o) To enforce and regulate domestic and imported fish
103 as authorized under Section 69-7-601 et seq.

104 (5) (a) The State Board of Health shall have the authority,
105 in its discretion, to establish programs to promote the public
106 health, to be administered by the State Department of Health.
107 Specifically, such programs may include, but shall not be limited
108 to, programs in the following areas:

109 (i) Maternal and child health;

110 (ii) Family planning;

111 (iii) Pediatric services;

112 (iv) Services to crippled and disabled children;

113 (v) Control of communicable and noncommunicable
114 disease;

115 (vi) Child care licensure;

116 (vii) Radiological health;

117 (viii) Dental health;

118 (ix) Milk sanitation;

119 (x) Occupational safety and health;

120 (xi) Food, vector control and general sanitation;

121 (xii) Protection of drinking water;

122 (xiii) Sanitation in food handling establishments
123 open to the public;

124 (xiv) Registration of births and deaths and other
125 vital events;

126 (xv) Such public health programs and services as
127 may be assigned to the State Board of Health by the Legislature or
128 by executive order; and

129 (xvi) Regulation of domestic and imported fish for
130 human consumption.

131 (b) The State Board of Health and State Department of
132 Health shall not be authorized to sell, transfer, alienate or
133 otherwise dispose of any of the home health agencies owned and
134 operated by the department on January 1, 1995, and shall not be
135 authorized to sell, transfer, assign, alienate or otherwise
136 dispose of the license of any of those home health agencies,
137 except upon the specific authorization of the Legislature by an
138 amendment to this section. However, this paragraph (b) shall not
139 prevent the board or the department from closing or terminating
140 the operation of any home health agency owned and operated by the
141 department, or closing or terminating any office, branch office or
142 clinic of any such home health agency, or otherwise discontinuing
143 the providing of home health services through any such home health
144 agency, office, branch office or clinic, if the board first
145 demonstrates that there are other providers of home health
146 services in the area being served by the department's home health
147 agency, office, branch office or clinic that will be able to
148 provide adequate home health services to the residents of the area
149 if the department's home health agency, office, branch office or
150 clinic is closed or otherwise discontinues the providing of home
151 health services. This demonstration by the board that there are
152 other providers of adequate home health services in the area shall
153 be spread at length upon the minutes of the board at a regular or
154 special meeting of the board at least thirty (30) days before a
155 home health agency, office, branch office or clinic is proposed to
156 be closed or otherwise discontinue the providing of home health
157 services.

158 (c) The State Department of Health may undertake such
159 technical programs and activities as may be required for the
160 support and operation of such programs, including maintaining
161 physical, chemical, bacteriological and radiological laboratories,
162 and may make such diagnostic tests for diseases and tests for the
163 evaluation of health hazards as may be deemed necessary for the
164 protection of the people of the state.

165 (6) (a) The State Board of Health shall administer the
166 local governments and rural water systems improvements loan
167 program in accordance with the provisions of Section 41-3-16.

168 (b) The State Board of Health shall have authority:

169 (i) To enter into capitalization grant agreements
170 with the United States Environmental Protection Agency, or any
171 successor agency thereto;

172 (ii) To accept capitalization grant awards made
173 under the federal Safe Drinking Water Act, as amended;

174 (iii) To provide annual reports and audits to the
175 United States Environmental Protection Agency, as may be required
176 by federal capitalization grant agreements; and

177 (iv) To establish and collect fees to defray the
178 reasonable costs of administering the revolving fund or emergency
179 fund if the State Board of Health determines that such costs will
180 exceed the limitations established in the federal Safe Drinking
181 Water Act, as amended. The administration fees may be included in
182 loan amounts to loan recipients for the purpose of facilitating
183 payment to the board; however, such fees may not exceed five
184 percent (5%) of the loan amount.

185 **SECTION 2.** Section 41-23-43, Mississippi Code of 1972, is
186 brought forward as follows:

187 41-23-43. (1) As used in this section:

188 (a) "Department" means the Mississippi State Department
189 of Health, Bioterrorism Division;

190 (b) "Director" means the Executive Director of the
191 State Board of Health;

192 (c) "Bioterrorism" means the intentional use of any
193 microorganism, virus, infectious substance or biological product
194 that may be engineered as a result of biotechnology or any
195 naturally occurring or bioengineered component of any
196 microorganism, virus, infectious substance or biological product,
197 to cause or attempt to cause death, disease or other biological
198 malfunction in any living organism;

199 (d) "Disaster locations" means any geographical
200 location where a bioterrorism attack, terrorist attack,
201 catastrophic or natural disaster or emergency occurs;

202 (e) "First responders" means state and local law
203 enforcement personnel, fire department personnel, emergency
204 medical personnel, emergency management personnel and public works
205 personnel who may be deployed to bioterrorism attacks, terrorist
206 attacks, catastrophic or natural disasters and emergencies.

207 (2) The department shall offer a vaccination program for
208 first responders who may be exposed to infectious diseases when
209 deployed to disaster locations. The vaccinations shall include,
210 but are not limited to, hepatitis A vaccination, hepatitis B
211 vaccination, diphtheria-tetanus vaccination, influenza
212 vaccination, pneumococcal vaccination and other vaccinations when
213 recommended by the United States Public Health Service and in
214 accordance with Federal Emergency Management Directors Policy.
215 Immune globulin will be made available when necessary.

216 (3) Participation in the vaccination program shall be
217 voluntary by the first responders, except for first responders who
218 are classified as having "occupational exposure" to blood borne
219 pathogens as defined by the Occupational Safety and Health
220 Administration Standard contained at 29 CFR 1910.10300 who shall
221 be required to take the designated vaccinations or otherwise
222 required by law.

223 (4) A first responder shall be exempt from vaccinations when
224 a written statement from a licensed physician is presented
225 indicating that a vaccine is medically contraindicated for that
226 person or the first responder signs a written statement that the
227 administration of a vaccination conflicts with their religious
228 tenets.

229 (5) If there is a vaccine shortage, the director, in
230 consultation with the Governor and the Centers for Disease Control
231 and Prevention, shall give priority for vaccination to first
232 responders.

233 (6) The department shall notify first responders to the
234 availability of the vaccination program and shall provide
235 educational materials on ways to prevent exposure to infectious
236 diseases.

237 (7) The department may contract with county and local health
238 departments, not-for-profit home health care agencies, hospitals
239 and physicians to administer a vaccination program for first
240 responders.

241 (8) This section shall be effective upon receipt of federal
242 funding and/or federal grants for administering a first responders
243 vaccination program. Upon receipt of that funding, the department
244 shall make available the vaccines to first responders as provided
245 in this section.

246 **SECTION 3.** This act shall take effect and be in force from
247 and after July 1, 2005.