

By: Representative Eaton

To: Public Health and Human Services

HOUSE BILL NO. 1387

1 AN ACT TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO  
 2 DIRECT THE STATE BOARD OF HEALTH TO REQUIRE THAT EACH FOOD SERVICE  
 3 EMPLOYEE OF ANY COMMERCIAL FOOD ESTABLISHMENT SHALL RECEIVE A  
 4 PHYSICAL EXAMINATION AND A BLOOD TEST, AND OBTAIN A HEALTH  
 5 CERTIFICATE VERIFYING THE PHYSICAL EXAMINATION AND THE BLOOD TEST,  
 6 BEFORE BEGINNING EMPLOYMENT AND ONCE EVERY FOUR YEARS DURING HIS  
 7 EMPLOYMENT; TO PROVIDE THAT THE BLOOD TEST SHALL BE TO DETECT  
 8 THOSE COMMUNICABLE OR INFECTIOUS DISEASES THAT MAY BE SPREAD  
 9 DURING THE PREPARATION, HANDLING OR SERVING OF FOOD OR DRINK; TO  
 10 PROVIDE THAT THE HEALTH CERTIFICATE SHALL STATE THAT THE EMPLOYEE  
 11 HAS RECEIVED A PHYSICAL EXAMINATION AND A BLOOD TEST AND THAT THE  
 12 EMPLOYEE IS NOT A CARRIER OF ANY SUCH COMMUNICABLE OR INFECTIOUS  
 13 DISEASE; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 41-3-15, Mississippi Code of 1972, is  
 16 amended as follows:

17 41-3-15. (1) There shall be a State Department of Health  
 18 which shall be organized into such bureaus and divisions as are  
 19 considered necessary by the executive officer, and shall be  
 20 assigned appropriate functions as are required of the State Board  
 21 of Health by law, subject to the approval of the board.

22 (2) The State Board of Health shall have the authority to  
 23 establish an Office of Rural Health within the department. The  
 24 duties and responsibilities of this office shall include the  
 25 following:

26 (a) To collect and evaluate data on rural health  
 27 conditions and needs;

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

30 (c) To develop and implement plans and provide  
 31 technical assistance to enable community health systems to respond  
 32 to various changes in their circumstances;

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

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

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

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

42           (a) To make investigations and inquiries with respect  
43 to the causes of disease and death, and to investigate the effect  
44 of environment, including conditions of employment and other  
45 conditions which may affect health, and to make such other  
46 investigations as it may deem necessary for the preservation and  
47 improvement of health.

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

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

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

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

63           (f) To charge and collect reasonable fees for health  
64 services, including immunizations, inspections and related  
65 activities, and the board shall charge fees for such services;

66 provided, however, if it is determined that a person receiving  
67 services is unable to pay the total fee, the board shall collect  
68 any amount such person is able to pay.

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

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

73 (i) (i) To establish standards for, issue permits and  
74 exercise control over, any cafes, restaurants, food or drink  
75 stands, sandwich manufacturing establishments, and all other  
76 establishments, other than churches, church-related and private  
77 schools, and other nonprofit or charitable organizations, where  
78 food or drink is regularly prepared, handled and served for  
79 pay; \* \* \*

80 (ii) To require that a permit be obtained from the  
81 Department of Health before such persons begin operation; and

82 (iii) To require, and the board shall require,  
83 that each employee of any establishment to which subparagraph (i)  
84 of this paragraph applies who prepares, handles or serves food or  
85 drink in the course of his employment shall receive a physical  
86 examination and a blood test, and obtain a health certificate  
87 verifying the physical examination and the blood test, before  
88 beginning employment at the establishment and once every four (4)  
89 years during his employment. The blood test shall be to detect  
90 those communicable or infectious diseases specified by the board  
91 that may be spread during the preparation, handling or serving of  
92 food or drink. The health certificate shall be on a form provided  
93 by the Department of Health, and the certificate shall state that  
94 the employee has received a physical examination and a blood test  
95 and that the employee is not a carrier of any such communicable or  
96 infectious disease.

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

100           (k) On presentation of proper authority, to enter into  
101 and inspect any public place or building where the State Health  
102 Officer or his representative deems it necessary and proper to  
103 enter for the discovery and suppression of disease and for the  
104 enforcement of any health or sanitary laws and regulations in the  
105 state.

106           (l) To conduct investigations, inquiries and hearings,  
107 and to issue subpoenas for the attendance of witnesses and the  
108 production of books and records at any hearing when authorized and  
109 required by statute to be conducted by the State Health Officer or  
110 the State Board of Health.

111           (m) To employ, subject to the regulations of the State  
112 Personnel Board, qualified professional personnel in the subject  
113 matter or fields of each bureau, and such other technical and  
114 clerical staff as may be required for the operation of the  
115 department. The executive officer shall be the appointing  
116 authority for the department, and shall have the power to delegate  
117 the authority to appoint or dismiss employees to appropriate  
118 subordinates, subject to the rules and regulations of the State  
119 Personnel Board.

120           (n) To promulgate rules and regulations, and to collect  
121 data and information, on (i) the delivery of services through the  
122 practice of telemedicine; and (ii) the use of electronic records  
123 for the delivery of telemedicine services.

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

126           (5) (a) The State Board of Health shall have the authority,  
127 in its discretion, to establish programs to promote the public  
128 health, to be administered by the State Department of Health.

129 Specifically, such programs may include, but shall not be limited  
130 to, programs in the following areas:

131 (i) Maternal and child health;

132 (ii) Family planning;

133 (iii) Pediatric services;

134 (iv) Services to crippled and disabled children;

135 (v) Control of communicable and noncommunicable  
136 disease;

137 (vi) Child care licensure;

138 (vii) Radiological health;

139 (viii) Dental health;

140 (ix) Milk sanitation;

141 (x) Occupational safety and health;

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

143 (xii) Protection of drinking water;

144 (xiii) Sanitation in food handling establishments  
145 open to the public;

146 (xiv) Registration of births and deaths and other  
147 vital events;

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

151 (xvi) Regulation of domestic and imported fish for  
152 human consumption.

153 (b) The State Board of Health and State Department of  
154 Health shall not be authorized to sell, transfer, alienate or  
155 otherwise dispose of any of the home health agencies owned and  
156 operated by the department on January 1, 1995, and shall not be  
157 authorized to sell, transfer, assign, alienate or otherwise  
158 dispose of the license of any of those home health agencies,  
159 except upon the specific authorization of the Legislature by an  
160 amendment to this section. However, this paragraph (b) shall not  
161 prevent the board or the department from closing or terminating

162 the operation of any home health agency owned and operated by the  
163 department, or closing or terminating any office, branch office or  
164 clinic of any such home health agency, or otherwise discontinuing  
165 the providing of home health services through any such home health  
166 agency, office, branch office or clinic, if the board first  
167 demonstrates that there are other providers of home health  
168 services in the area being served by the department's home health  
169 agency, office, branch office or clinic that will be able to  
170 provide adequate home health services to the residents of the area  
171 if the department's home health agency, office, branch office or  
172 clinic is closed or otherwise discontinues the providing of home  
173 health services. This demonstration by the board that there are  
174 other providers of adequate home health services in the area shall  
175 be spread at length upon the minutes of the board at a regular or  
176 special meeting of the board at least thirty (30) days before a  
177 home health agency, office, branch office or clinic is proposed to  
178 be closed or otherwise discontinue the providing of home health  
179 services.

180 (c) The State Department of Health may undertake such  
181 technical programs and activities as may be required for the  
182 support and operation of such programs, including maintaining  
183 physical, chemical, bacteriological and radiological laboratories,  
184 and may make such diagnostic tests for diseases and tests for the  
185 evaluation of health hazards as may be deemed necessary for the  
186 protection of the people of the state.

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

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

191 (i) To enter into capitalization grant agreements  
192 with the United States Environmental Protection Agency, or any  
193 successor agency thereto;

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

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

199                   (iv) To establish and collect fees to defray the  
200 reasonable costs of administering the revolving fund or emergency  
201 fund if the State Board of Health determines that such costs will  
202 exceed the limitations established in the federal Safe Drinking  
203 Water Act, as amended. The administration fees may be included in  
204 loan amounts to loan recipients for the purpose of facilitating  
205 payment to the board; however, such fees may not exceed five  
206 percent (5%) of the loan amount.

207           **SECTION 2.** This act shall take effect and be in force from  
208 and after July 1, 2005.