

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2195

1 AN ACT TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO
2 DIRECT THE MISSISSIPPI STATE DEPARTMENT OF HEALTH TO MAINTAIN A
3 WEB SITE WHICH PUBLISHES THE RESULTS OF CURRENT INSPECTION REPORTS
4 ON RESTAURANTS THAT ARE PERMITTED BY THE STATE; AND FOR RELATED
5 PURPOSES.

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

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

9 41-3-15. (1) There shall be a State Department of Health
10 which shall be organized into such bureaus and divisions as are
11 considered necessary by the executive officer, and shall be
12 assigned appropriate functions as are required of the State Board
13 of Health by law, subject to the approval of the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74 (iii) To maintain a Web site which publishes, in
75 summary form, the results of current inspection reports on all
76 restaurants permitted in the state.

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

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

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

91 (m) To employ, subject to the regulations of the State
92 Personnel Board, qualified professional personnel in the subject
93 matter or fields of each bureau, and such other technical and

94 clerical staff as may be required for the operation of the
95 department. The executive officer shall be the appointing
96 authority for the department, and shall have the power to delegate
97 the authority to appoint or dismiss employees to appropriate
98 subordinates, subject to the rules and regulations of the State
99 Personnel Board.

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

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

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

111 (i) Maternal and child health;

112 (ii) Family planning;

113 (iii) Pediatric services;

114 (iv) Services to crippled and disabled children;

115 (v) Control of communicable and noncommunicable
116 disease;

117 (vi) Child care licensure;

118 (vii) Radiological health;

119 (viii) Dental health;

120 (ix) Milk sanitation;

121 (x) Occupational safety and health;

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

123 (xii) Protection of drinking water;

124 (xiii) Sanitation in food handling establishments
125 open to the public;

126 (xiv) Registration of births and deaths and other
127 vital events;

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

131 (xvi) Regulation of domestic and imported fish for
132 human consumption.

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

158 be closed or otherwise discontinue the providing of home health
159 services.

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

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

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

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

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

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

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

187 **SECTION 2.** This act shall take effect and be in force from
188 and after July 1, 2006.