

By: Senator(s) Harden, Williamson

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2529

1 AN ACT TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE DEPARTMENT OF HEALTH TO ESTABLISH AN OFFICE OF
3 OCCUPATIONAL SAFETY AND HEALTH; AND FOR RELATED PURPOSES.

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

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

7 41-3-15. (1) There shall be a State Department of Health
8 which shall be organized into such bureaus and divisions as are
9 considered necessary by the executive officer, and shall be
10 assigned appropriate functions as are required of the State Board
11 of Health by law, subject to the approval of the board.

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

16 (a) To collect and evaluate data on rural health
17 conditions and needs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 the authority to appoint or dismiss employees to appropriate
93 subordinates, subject to the rules and regulations of the State
94 Personnel Board.

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

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

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

106 (i) Maternal and child health;

107 (ii) Family planning;

108 (iii) Pediatric services;

109 (iv) Services to crippled and disabled children;

110 (v) Control of communicable and noncommunicable
111 disease;

112 (vi) Child care licensure;

113 (vii) Radiological health;

114 (viii) Dental health;

115 (ix) Milk sanitation;

116 (x) Occupational safety and health;

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

118 (xii) Protection of drinking water;

119 (xiii) Sanitation in food handling establishments
120 open to the public;

121 (xiv) Registration of births and deaths and other
122 vital events;

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

126 (xvi) Regulation of domestic and imported fish for
127 human consumption.

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

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

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

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

166 (i) To enter into capitalization grant agreements
167 with the United States Environmental Protection Agency, or any
168 successor agency thereto;

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

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

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

182 (7) The State Board of Health shall have the authority to
183 establish an Office of Occupational Safety and Health within the
184 department. The duties and responsibilities of this office shall
185 include the following:

186 (a) To collect and evaluate data on occupational health
187 conditions and needs;

188 (b) To engage in policy analysis, policy development
189 and economic impact studies with regard to occupational health
190 issues;

191 (c) To develop and implement plans and provide
192 technical assistance to enable community health systems to respond
193 to various changes in their circumstances;

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

196 (e) To establish information clearinghouses to improve
197 access to and sharing of occupational health care information.

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