

By: Senator(s) Dawkins

To: Public Health and Welfare

SENATE BILL NO. 2646

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 * * * State Board of Health * * * shall be
8 reconstituted as follows:

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

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

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

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

25 (d) One (1) member shall be a licensed and practicing
26 pharmacist appointed from the state at large, who shall have had

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

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

33 (f) One (1) member shall be a practicing hospital
34 administrator who shall have had at least seven (7) years'
35 experience in the practice of his profession preceding his
36 appointment.

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

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

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

48 It is the intent of the Legislature that the membership of
49 the board reflect the population of the State of Mississippi.

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

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

88 (4) It shall be unlawful for any member of the State Board
89 of Health, or any employee of the State Department of Health, to
90 knowingly accept any gift, money or other pecuniary benefit
91 whatsoever, either directly or indirectly, from any person
92 interested as owner, agent or representative of any public or

93 private entity that shall come under the jurisdiction or
94 supervision of the State Department of Health. Any person found
95 guilty of violating the provisions of this subsection shall
96 immediately forfeit his or her office or position and, upon
97 conviction, shall be fined not less than Ten Thousand Dollars
98 (\$10,000.00), or imprisoned in the State Penitentiary for not less
99 than one (1) year, or both.

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