

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 931

1 AN ACT TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REPEALER ON THE PROVISION THAT AUTHORIZES THE STATE  
3 BOARD OF HEALTH TO ISSUE RESTAURANT PERMITS AND IMPOSE MONETARY  
4 PENALTIES FOR FAILURE TO OBTAIN THE REQUIRED PERMITS; AND FOR  
5 RELATED 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 pay;  
71 and

72 (ii) To require that a permit be obtained from the  
73 Department of Health before such persons begin operation. If any  
74 such person fails to obtain the permit required herein, the State  
75 Board of Health, after due notice and opportunity for a hearing,  
76 may impose a monetary penalty not to exceed One Thousand Dollars  
77 (\$1,000.00) for each violation. However, the department is not  
78 authorized to impose a monetary penalty against any person whose  
79 gross annual prepared food sales are less than Five Thousand  
80 Dollars (\$5,000.00). Money collected by the board under this item  
81 shall be deposited to the credit of the State General Fund of the  
82 State Treasury. \* \* \*

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

86 (k) On presentation of proper authority, to enter into  
87 and inspect any public place or building where the State Health  
88 Officer or his representative deems it necessary and proper to  
89 enter for the discovery and suppression of disease and for the  
90 enforcement of any health or sanitary laws and regulations in the  
91 state.

92 (l) To conduct investigations, inquiries and hearings,  
93 and to issue subpoenas for the attendance of witnesses and the

94 production of books and records at any hearing when authorized and  
95 required by statute to be conducted by the State Health Officer or  
96 the State Board of Health.

97 (m) To employ, subject to the regulations of the State  
98 Personnel Board, qualified professional personnel in the subject  
99 matter or fields of each bureau, and such other technical and  
100 clerical staff as may be required for the operation of the  
101 department. The executive officer shall be the appointing  
102 authority for the department, and shall have the power to delegate  
103 the authority to appoint or dismiss employees to appropriate  
104 subordinates, subject to the rules and regulations of the State  
105 Personnel Board.

106 (n) To promulgate rules and regulations, and to collect  
107 data and information, on (i) the delivery of services through the  
108 practice of telemedicine; and (ii) the use of electronic records  
109 for the delivery of telemedicine services.

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

112 (5) (a) The State Board of Health shall have the authority,  
113 in its discretion, to establish programs to promote the public  
114 health, to be administered by the State Department of Health.  
115 Specifically, such programs may include, but shall not be limited  
116 to, programs in the following areas:

- 117 (i) Maternal and child health;
- 118 (ii) Family planning;
- 119 (iii) Pediatric services;
- 120 (iv) Services to crippled and disabled children;
- 121 (v) Control of communicable and noncommunicable  
122 disease;
- 123 (vi) Child care licensure;
- 124 (vii) Radiological health;
- 125 (viii) Dental health;
- 126 (ix) Milk sanitation;

- 127                   (x) Occupational safety and health;
- 128                   (xi) Food, vector control and general sanitation;
- 129                   (xii) Protection of drinking water;
- 130                   (xiii) Sanitation in food handling establishments
- 131 open to the public;
- 132                   (xiv) Registration of births and deaths and other
- 133 vital events;
- 134                   (xv) Such public health programs and services as
- 135 may be assigned to the State Board of Health by the Legislature or
- 136 by executive order; and
- 137                   (xvi) Regulation of domestic and imported fish for
- 138 human consumption.

139                   (b) The State Board of Health and State Department of

140 Health shall not be authorized to sell, transfer, alienate or

141 otherwise dispose of any of the home health agencies owned and

142 operated by the department on January 1, 1995, and shall not be

143 authorized to sell, transfer, assign, alienate or otherwise

144 dispose of the license of any of those home health agencies,

145 except upon the specific authorization of the Legislature by an

146 amendment to this section. However, this paragraph (b) shall not

147 prevent the board or the department from closing or terminating

148 the operation of any home health agency owned and operated by the

149 department, or closing or terminating any office, branch office or

150 clinic of any such home health agency, or otherwise discontinuing

151 the providing of home health services through any such home health

152 agency, office, branch office or clinic, if the board first

153 demonstrates that there are other providers of home health

154 services in the area being served by the department's home health

155 agency, office, branch office or clinic that will be able to

156 provide adequate home health services to the residents of the area

157 if the department's home health agency, office, branch office or

158 clinic is closed or otherwise discontinues the providing of home

159 health services. This demonstration by the board that there are

160 other providers of adequate home health services in the area shall  
161 be spread at length upon the minutes of the board at a regular or  
162 special meeting of the board at least thirty (30) days before a  
163 home health agency, office, branch office or clinic is proposed to  
164 be closed or otherwise discontinue the providing of home health  
165 services.

166 (c) The State Department of Health may undertake such  
167 technical programs and activities as may be required for the  
168 support and operation of such programs, including maintaining  
169 physical, chemical, bacteriological and radiological laboratories,  
170 and may make such diagnostic tests for diseases and tests for the  
171 evaluation of health hazards as may be deemed necessary for the  
172 protection of the people of the state.

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

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

177 (i) To enter into capitalization grant agreements  
178 with the United States Environmental Protection Agency, or any  
179 successor agency thereto;

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

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

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

193           **SECTION 2.** This act shall take effect and be in force from  
194 and after July 1, 2007.