

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2764**

**BY: Senator(s) Nunnelee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

50           **SECTION 1.** Section 41-3-20, Mississippi Code of 1972, is  
51 amended as follows:

52           41-3-20. (1) Sections 41-3-1 and 41-3-5, which create the  
53 State Board of Health and the position of the Executive Officer of  
54 the State Department of Health, shall stand repealed on June 30,  
55 2007.

56           (2) Sections 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1, 41-3-6,  
57 41-3-15, 41-3-16, 41-3-17, 41-3-18 and 41-3-19, which create the  
58 reconstituted State Board of Health, establish the position of  
59 Executive Director of the State Department of Health and establish  
60 the State Department of Health and prescribe its powers and  
61 duties, shall stand repealed on June 30, 2010.

62           **SECTION 2.** The following shall be codified as Section  
63 41-3-1.1, Mississippi Code of 1972:

64           41-3-1.1. (1) The State Board of Health is hereby continued  
65 and reconstituted as follows:

66           There is hereby created the State Board of Health which from  
67 and after July 1, 2007, shall consist of seven (7) members

68 appointed with the advice and consent of the Senate, as  
69 hereinafter set forth:

70 (a) Two (2) members of the board shall be licensed  
71 physicians of good professional standing who shall have had at  
72 least seven (7) years' experience in the practice of their  
73 profession in this state, appointed by the Governor, one (1) to be  
74 appointed from the First Mississippi Supreme Court District for an  
75 initial term to expire on July 1, 2010, and one (1) to be  
76 appointed from the Third Mississippi Supreme Court District for an  
77 initial term to expire on July 1, 2012.

78 (b) One (1) member of the board shall be a licensed  
79 physician of good professional standing who shall have had at  
80 least seven (7) years' experience in the practice of his  
81 profession in this state, appointed by the Lieutenant Governor  
82 from the Second Mississippi Supreme Court District, for an initial  
83 term to expire on July 1, 2012.

84 (c) One (1) member shall be engaged professionally in  
85 rendering health services who shall have had at least seven (7)  
86 years' experience in the practice of his profession in this state,  
87 appointed by the Governor from the Second Mississippi Supreme  
88 Court District, for an initial term to expire on July 1, 2011.

89 (d) Two (2) members shall be engaged professionally in  
90 rendering health services who shall have had at least seven (7)  
91 years' experience in the practice of his profession in this state,  
92 appointed by the Lieutenant Governor, one (1) to be appointed from  
93 the First Mississippi Supreme Court District for an initial term  
94 to expire on July 1, 2011, and one (1) to be appointed from the  
95 Third Mississippi Supreme Court District for an initial term to  
96 expire on July 1, 2012.

97 (e) One (1) member shall be a consumer representative  
98 with an interest in public health who is not a direct provider of

99 health care goods or services, appointed by the Governor from the  
100 state at large for an initial term to expire on July 1, 2010.

101 A member of the board serving prior to January 1, 2007, shall  
102 be eligible for reappointment to the reconstituted board unless  
103 such person is disqualified due to a conflict of interest. No  
104 person shall be eligible for appointment or reappointment to the  
105 reconstituted board if related by blood or marriage within the  
106 first degree computed by the rule of civil law to another person  
107 who is an employee of the State Department of Health.

108 It is the intent of the Legislature that the membership of  
109 the board reflect the population of the State of Mississippi.

110 All members of the State Board of Health shall annually  
111 review and sign a statement acknowledging the statutes and  
112 policies concerning conflicts of interest. For purposes of this  
113 subsection, the term "direct interest" means a material financial  
114 interest in a legal entity or employment by a legal entity that is  
115 under the jurisdiction or regulatory authority of the State Board  
116 of Health, or a material financial interest in a business or  
117 employment by a business which is a contractor, subcontractor or  
118 vendor with the State Board of Health. The term "indirect  
119 interest" means an interest which is less than a direct interest.  
120 Any member, upon determining that a matter scheduled for  
121 consideration by the State Board of Health results in a conflict  
122 with a direct interest, shall immediately notify the Executive  
123 Director of the State Board of Health and shall be recused from  
124 any deliberation of the matter, from making any recommendation,  
125 from testifying concerning the matter, or from voting on the  
126 matter. The member shall join the public during the proceedings.  
127 Any member of the State Board of Health with an indirect interest  
128 in a matter shall publicly acknowledge such interest. All members  
129 shall make every reasonable effort to avoid the appearance of a  
130 conflict of interest in conducting board business. If a member is

131 uncertain whether the relationship justifies recusal, the member  
132 shall follow the determination of the Mississippi Ethics  
133 Commission.

134 A determination by the State Board of Health or any court  
135 that (a) a member of the board with a direct interest failed to  
136 provide notice and be recused from deliberation of the matter,  
137 from making any recommendation, from testifying concerning the  
138 matter, or from voting on the matter, or (b) a member of the board  
139 is related by blood or marriage within the first degree computed  
140 by the rule of civil law to another person who is an employee of  
141 the State Department of Health, such determination shall result in  
142 a member's automatic termination from the board and the position  
143 shall be considered vacant. The member shall not be eligible for  
144 appointment to any agency, board or commission of the state for a  
145 period of two (2) years.

146 (2) At the expiration of a term, members of the board shall  
147 be appointed in the manner prescribed in subsection (1) of this  
148 section for terms of five (5) years from the expiration of the  
149 previous term and thereafter until his or her successor is duly  
150 appointed. Vacancies in office shall be filled by appointment of  
151 the Governor or the Lieutenant Governor, as the case may be, in  
152 the same manner as the appointment to the position which becomes  
153 vacant, subject to the advice and consent of the Senate at the  
154 next regular session of the Legislature. An appointment to fill a  
155 vacancy other than by expiration of a term of office shall be for  
156 the balance of the unexpired term and thereafter until his or her  
157 successor is duly appointed.

158 (3) The Lieutenant Governor may designate one (1) Senator  
159 and the Speaker of the House of Representatives may designate one  
160 (1) Representative to attend any meeting of the State Board of  
161 Health. The appointing authorities may designate alternate  
162 members from their respective houses to serve when the regular

163 designees are unable to attend such meetings of the board. Such  
164 legislative designees shall have no jurisdiction or vote on any  
165 matter within the jurisdiction of the board. For attending  
166 meetings of the board, such legislators shall receive per diem and  
167 expenses which shall be paid from the contingent expense funds of  
168 their respective houses in the same amounts as provided for  
169 committee meetings when the Legislature is not in session;  
170 however, no per diem and expenses for attending meetings of the  
171 board will be paid while the Legislature is in session. No per  
172 diem and expenses will be paid except for attending meetings of  
173 the board without prior approval of the proper committee in their  
174 respective houses.

175 (4) It shall be unlawful for any employee of the State  
176 Department of Health, to knowingly accept any gift, money or other  
177 pecuniary benefit whatsoever, either directly or indirectly, from  
178 any person interested as owner, agent or representative of any  
179 public or private entity that shall come under the jurisdiction or  
180 supervision of the State Department of Health. Any person found  
181 guilty of violating the provisions of this subsection shall  
182 immediately forfeit his or her office or position and, upon  
183 conviction, shall be fined not less than Ten Thousand Dollars  
184 (\$10,000.00), or imprisoned in the State Penitentiary for not less  
185 than one (1) year, or both.

186 **SECTION 3.** Section 41-3-3, Mississippi Code of 1972, is  
187 reenacted as follows:

188 41-3-3. Each person appointed as a member of the State Board  
189 of Health shall immediately take the oath prescribed by Section  
190 268 of the Constitution and file a certificate thereof in the  
191 Office of the Secretary of State. Thereupon a commission shall be  
192 issued to him under the terms as specified in Section 41-3-1.

193 **SECTION 4.** Section 41-3-4, Mississippi Code of 1972, is  
194 amended as follows:

195           41-3-4. (1) There shall be a chairman and vice chairman of  
196 the State Board of Health elected by and from its membership at  
197 the first meeting of the board; and the chairman shall be the  
198 presiding officer of the board. The board shall adopt rules and  
199 regulations governing times and places for meetings, and governing  
200 the manner of conducting its business. The term of office of any  
201 member who shall not attend three (3) consecutive regular meetings  
202 of the board shall be automatically terminated, and the position  
203 shall be considered as vacant. All meetings of the board shall be  
204 called by the chairman or by a majority of the members of the  
205 board, except the first meeting of the original appointees which  
206 shall be called by the Governor.

207           (2) The members of the board shall receive no annual salary  
208 but shall receive per diem compensation as is authorized by law  
209 for each day devoted to the discharge of official board duties and  
210 shall be entitled to reimbursement for all actual and necessary  
211 expenses incurred in the discharge of their duties, including  
212 mileage as authorized by Section 25-3-41.

213           **SECTION 5.** The following shall be codified as Section  
214 41-3-5.1, Mississippi Code of 1972:

215           41-3-5.1. The State Department of Health shall be headed by  
216 an executive director who shall be a physician having earned a  
217 graduate degree in public health or health care administration or,  
218 in the alternative, be a physician who in the opinion of the  
219 Governor is fitted and equipped to execute the duties incumbent  
220 upon him by law. The executive director shall not engage in the  
221 private practice of medicine. The executive director shall be  
222 appointed by the Governor, with the advice and consent of the  
223 Senate, and he shall serve at the will and pleasure of the  
224 Governor. The executive director shall be subject to such rules  
225 and regulations as may be prescribed by the State Board of Health.  
226 The executive director shall be the State Health Officer with such

227 authority and responsibility as is prescribed by law. Any  
228 reference to the Executive Officer of the State Department of  
229 Health in the laws of the State of Mississippi shall mean the  
230 Executive Director of the State Department of Health established  
231 under this section.

232 **SECTION 6.** Section 41-3-6, Mississippi Code of 1972, is  
233 reenacted as follows:

234 41-3-6. It shall be the duty of the State Board of Health to  
235 review the statutes of the State of Mississippi affecting public  
236 health and submit at least thirty (30) days prior to each regular  
237 session of the Legislature any proposed legislation as may be  
238 necessary to enhance the effective and efficient delivery of  
239 public health services and to bring existing statutes into  
240 compliance with modern technology and terminology. The board  
241 shall formulate a plan for consolidating and reorganizing existing  
242 state agencies having responsibilities in the field of public  
243 health to eliminate any needless duplication in services which may  
244 be found to exist. In carrying out the provisions of this  
245 section, the State Board of Health shall cooperate with and may  
246 utilize the services, facilities and personnel of any department  
247 or agency of the state, any private citizen task force and the  
248 committees on public health of both houses of the Legislature.  
249 The State Board of Health is authorized to apply for and expend  
250 funds made available to it by grant from any source in order to  
251 perform its responsibilities under this section.

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

254 41-3-15. (1) (a) There shall be a State Department of  
255 Health \* \* \*.

256 (b) The State Board of Health shall have the following  
257 powers and duties:

258                   (i) To formulate the policy of the State  
259 Department of Health regarding public health matters within the  
260 jurisdiction of the department;

261                   (ii) To adopt, modify, repeal and promulgate,  
262 after due notice and hearing, and where not otherwise prohibited  
263 by federal or state law, to make exceptions to and grant  
264 exemptions and variances from, and to enforce rules and  
265 regulations implementing or effectuating the powers and duties of  
266 the department under any and all statutes within the department's  
267 jurisdiction, and as the board may deem necessary;

268                   (iii) To apply for, receive and expend any federal  
269 or state funds or contributions, gifts, devises, bequests or funds  
270 from any other source;

271                   (iv) To enter into, and to authorize the executive  
272 director to execute, with the approval of the board, contracts,  
273 grants and cooperative agreements with any federal or state agency  
274 or subdivision thereof, or any public or private institution  
275 located inside or outside the State of Mississippi, or any person,  
276 corporation or association in connection with carrying out the  
277 provisions of this chapter; and

278                   (v) To discharge such other duties,  
279 responsibilities and powers as are necessary to implement the  
280 provisions of this chapter.

281                   (c) The Executive Director of the State Board of Health  
282 shall have the following powers and duties:

283                   (i) To administer the policies of the State Board  
284 of Health within the authority granted by the board;

285                   (ii) To supervise and direct all administrative  
286 and technical activities of the department;

287                   (iii) To organize the administrative units of the  
288 department in accordance with the plan adopted by the board and,  
289 with board approval, alter such organizational plan and reassign



290 responsibilities as he may deem necessary to carry out the  
291 policies of the board;

292 (iv) To coordinate the activities of the various  
293 offices of the department;

294 (v) To employ qualified professional personnel in  
295 the subject matter or fields of each office, and such other  
296 technical and clerical staff as may be required for the operation  
297 of the department;

298 (vi) To recommend to the board such studies and  
299 investigations as he may deem appropriate, and to carry out the  
300 approved recommendations in conjunction with the various offices;

301 (vii) To prepare and deliver to the Legislature  
302 and the Governor on or before January 1 of each year, and at such  
303 other times as may be required by the Legislature or Governor, a  
304 full report of the work of the department and the offices thereof,  
305 including a detailed statement of expenditures of the department  
306 and any recommendations the board may have;

307 (viii) To prepare and deliver to the Chairmen of  
308 the Public Health and Welfare/Human Services Committees of the  
309 Senate and House on or before January 1 of each year, a plan for  
310 monitoring infant mortality in Mississippi and a full report of  
311 the work of the department on reducing Mississippi's infant  
312 mortality and morbidity rates and improving the status of maternal  
313 and infant health; and

314 (ix) With the approval of the board, to enter into  
315 contracts, grants and cooperative agreements with any federal or  
316 state agency or subdivision thereof, or any public or private  
317 institution located inside or outside the State of Mississippi, or  
318 any person, corporation or association in connection with carrying  
319 out the provisions of this chapter, provided the agreements do not  
320 have a financial cost in excess of the amounts appropriated for  
321 such purposes by the Legislature.

322           (2) The State Board of Health shall have the authority to  
323 establish an Office of Rural Health within the department. The  
324 duties and responsibilities of this office shall include the  
325 following:

326           (a) To collect and evaluate data on rural health  
327 conditions and needs;

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

330           (c) To develop and implement plans and provide  
331 technical assistance to enable community health systems to respond  
332 to various changes in their circumstances;

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

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

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

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

342           (a) To make investigations and inquiries with respect  
343 to the causes of disease and death, and to investigate the effect  
344 of environment, including conditions of employment and other  
345 conditions which may affect health, and to make such other  
346 investigations as it may deem necessary for the preservation and  
347 improvement of health.

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

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

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

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

363           (f) To charge and collect reasonable fees for health  
364 services, including immunizations, inspections and related  
365 activities, and the board shall charge fees for such services;  
366 provided, however, if it is determined that a person receiving  
367 services is unable to pay the total fee, the board shall collect  
368 any amount such person is able to pay.

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

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

373           (i) (i) To establish standards for, issue permits and  
374 exercise control over, any cafes, restaurants, food or drink  
375 stands, sandwich manufacturing establishments, and all other  
376 establishments, other than churches, church-related and private  
377 schools, and other nonprofit or charitable organizations, where  
378 food or drink is regularly prepared, handled and served for pay;  
379 and

380           (ii) To require that a permit be obtained from the  
381 Department of Health before such persons begin operation. If any  
382 such person fails to obtain the permit required herein, the State  
383 Board of Health, after due notice and opportunity for a hearing,

384 may impose a monetary penalty not to exceed One Thousand Dollars  
385 (\$1,000.00) for each violation. However, the department is not  
386 authorized to impose a monetary penalty against any person whose  
387 gross annual prepared food sales are less than Five Thousand  
388 Dollars (\$5,000.00). Money collected by the board under this item  
389 shall be deposited to the credit of the State General Fund of the  
390 State Treasury. This subparagraph (ii) shall stand repealed on  
391 July 1, 2010.

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

395 (k) On presentation of proper authority, to enter into  
396 and inspect any public place or building where the State Health  
397 Officer or his representative deems it necessary and proper to  
398 enter for the discovery and suppression of disease and for the  
399 enforcement of any health or sanitary laws and regulations in the  
400 state.

401 (l) To conduct investigations, inquiries and hearings,  
402 and to issue subpoenas for the attendance of witnesses and the  
403 production of books and records at any hearing when authorized and  
404 required by statute to be conducted by the State Health Officer or  
405 the State Board of Health.

406 (m) To employ, subject to the regulations of the State  
407 Personnel Board, qualified professional personnel in the subject  
408 matter or fields of each bureau, and such other technical and  
409 clerical staff as may be required for the operation of the  
410 department. The executive director shall be the appointing  
411 authority for the department, and shall have the power to delegate  
412 the authority to appoint or dismiss employees to appropriate  
413 subordinates, subject to the rules and regulations of the State  
414 Personnel Board.

415           (n) To promulgate rules and regulations, and to collect  
416 data and information, on (i) the delivery of services through the  
417 practice of telemedicine; and (ii) the use of electronic records  
418 for the delivery of telemedicine services.

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

421           (5) (a) The State Board of Health shall have the authority,  
422 in its discretion, to establish programs to promote the public  
423 health, to be administered by the State Department of Health.  
424 Specifically, such programs may include, but shall not be limited  
425 to, programs in the following areas:

426                   (i) Maternal and child health;

427                   (ii) Family planning;

428                   (iii) Pediatric services;

429                   (iv) Services to crippled and disabled children;

430                   (v) Control of communicable and noncommunicable  
431 disease;

432                   (vi) Child care licensure;

433                   (vii) Radiological health;

434                   (viii) Dental health;

435                   (ix) Milk sanitation;

436                   (x) Occupational safety and health;

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

438                   (xii) Protection of drinking water;

439                   (xiii) Sanitation in food handling establishments  
440 open to the public;

441                   (xiv) Registration of births and deaths and other  
442 vital events;

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

446                   (xvi) Regulation of domestic and imported fish for  
447 human consumption.

448                   (b) The State Board of Health and State Department of  
449 Health shall not be authorized to sell, transfer, alienate or  
450 otherwise dispose of any of the home health agencies owned and  
451 operated by the department on January 1, 1995, and shall not be  
452 authorized to sell, transfer, assign, alienate or otherwise  
453 dispose of the license of any of those home health agencies,  
454 except upon the specific authorization of the Legislature by an  
455 amendment to this section. However, this paragraph (b) shall not  
456 prevent the board or the department from closing or terminating  
457 the operation of any home health agency owned and operated by the  
458 department, or closing or terminating any office, branch office or  
459 clinic of any such home health agency, or otherwise discontinuing  
460 the providing of home health services through any such home health  
461 agency, office, branch office or clinic, if the board first  
462 demonstrates that there are other providers of home health  
463 services in the area being served by the department's home health  
464 agency, office, branch office or clinic that will be able to  
465 provide adequate home health services to the residents of the area  
466 if the department's home health agency, office, branch office or  
467 clinic is closed or otherwise discontinues the providing of home  
468 health services. This demonstration by the board that there are  
469 other providers of adequate home health services in the area shall  
470 be spread at length upon the minutes of the board at a regular or  
471 special meeting of the board at least thirty (30) days before a  
472 home health agency, office, branch office or clinic is proposed to  
473 be closed or otherwise discontinue the providing of home health  
474 services.

475                   (c) The State Department of Health may undertake such  
476 technical programs and activities as may be required for the  
477 support and operation of such programs, including maintaining

478 physical, chemical, bacteriological and radiological laboratories,  
479 and may make such diagnostic tests for diseases and tests for the  
480 evaluation of health hazards as may be deemed necessary for the  
481 protection of the people of the state.

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

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

486 (i) To enter into capitalization grant agreements  
487 with the United States Environmental Protection Agency, or any  
488 successor agency thereto;

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

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

494 (iv) To establish and collect fees to defray the  
495 reasonable costs of administering the revolving fund or emergency  
496 fund if the State Board of Health determines that such costs will  
497 exceed the limitations established in the federal Safe Drinking  
498 Water Act, as amended. The administration fees may be included in  
499 loan amounts to loan recipients for the purpose of facilitating  
500 payment to the board; however, such fees may not exceed five  
501 percent (5%) of the loan amount.

502 (7) The department shall perform the following duties  
503 relating to tobacco education, prevention and cessation:

504 (a) Develop and implement appropriate policies and  
505 procedures for the operation of the tobacco education, prevention  
506 and cessation program;

507 (b) Develop and implement a five-year strategic plan  
508 for the tobacco education, prevention and cessation program;

509           (c) Develop and maintain an annual operating budget and  
510 oversee fiscal management of the tobacco education, prevention and  
511 cessation program;

512           (d) Execute any contracts, agreements or other  
513 documents with any public school district, governmental agency or  
514 any person, corporation, association, partnership or other  
515 nonprofit organization or entity that are necessary to accomplish  
516 the purposes of this subsection;

517           (e) Receive appropriations, grants, bequeaths, gifts,  
518 donations or any other contributions made to the department to be  
519 used for specific purposes related to the goals of this  
520 subsection;

521           (f) Receive grant applications and provide funds to  
522 public school districts or nonprofit entities to be used for  
523 specific purposes relative to the goals of this subsection;

524           (g) Receive grant applications and provide funds to the  
525 Mississippi Bureau of Narcotics for the purpose of hiring agents  
526 and supporting efforts to reduce drug crime;

527           (h) Submit an annual report to the Legislature  
528 regarding the operation of the department;

529           (i) Submit to the State Auditor any financial records  
530 that are necessary for the Auditor to perform an annual audit of  
531 the department as required by law;

532           (j) Adopt any rules or regulations that are necessary  
533 to carry out the purposes of this subsection; and

534           (k) Take any other actions that are necessary to carry  
535 out the purposes of this subsection.

536           **SECTION 8.** Section 41-3-16, Mississippi Code of 1972, is  
537 reenacted as follows:

538           41-3-16. (1) (a) There is established a local governments  
539 and rural water systems improvements revolving loan and grant  
540 program to be administered by the State Department of Health,



541 referred to in this section as "department," for the purpose of  
542 assisting counties, incorporated municipalities, districts or  
543 other water organizations that have been granted tax exempt status  
544 under either federal or state law, in making improvements to their  
545 water systems, including construction of new water systems or  
546 expansion or repair of existing water systems. Loan and grant  
547 proceeds may be used by the recipient for planning, professional  
548 services, acquisition of interests in land, acquisition of  
549 personal property, construction, construction-related services,  
550 maintenance, and any other reasonable use which the board, in its  
551 discretion, may allow. For purposes of this section, "water  
552 systems" has the same meaning as the term "public water system"  
553 under Section 41-26-3.

554 (b) (i) There is created a board to be known as the  
555 "Local Governments and Rural Water Systems Improvements Board,"  
556 referred to in this section as "board," to be composed of the  
557 following nine (9) members: the State Health Officer, or his  
558 designee, who shall serve as chairman of the board; the Executive  
559 Director of the Mississippi Development Authority, or his  
560 designee; the Executive Director of the Department of  
561 Environmental Quality, or his designee; the Executive Director of  
562 the Department of Finance and Administration, or his designee; the  
563 Executive Director of the Mississippi Association of Supervisors,  
564 or his designee; the Executive Director of the Mississippi  
565 Municipal League, or his designee; the Executive Director of the  
566 Consulting Engineers Council, or his designee; the State Director  
567 of the United States Department of Agriculture, Rural Development,  
568 or his designee; and a manager of a rural water system.

569 The Governor shall appoint a manager of a rural water system  
570 from a list of candidates provided by the Executive Director of  
571 the Mississippi Rural Water Association. The Executive Director  
572 of the Mississippi Rural Water Association shall provide the

573 Governor a list of candidates which shall contain a minimum of  
574 three (3) candidates for each appointment.

575 (ii) Nonappointed members of the board may  
576 designate another representative of their agency or association to  
577 serve as an alternate.

578 (iii) The gubernatorial appointee shall serve a  
579 term concurrent with the term of the Governor and until a  
580 successor is appointed and qualified. No member, officer or  
581 employee of the Board of Directors of the Mississippi Rural Water  
582 Association shall be eligible for appointment.

583 (c) The department, if requested by the board, shall  
584 furnish the board with facilities and staff as needed to  
585 administer this section. The department may contract, upon  
586 approval by the board, for those facilities and staff needed to  
587 administer this section, including routine management, as it deems  
588 necessary. The board may advertise for or solicit proposals from  
589 public or private sources, or both, for administration of this  
590 section or any services required for administration of this  
591 section or any portion thereof. It is the intent of the  
592 Legislature that the board endeavor to ensure that the costs of  
593 administration of this section are as low as possible in order to  
594 provide the water consumers of Mississippi safe drinking water at  
595 affordable prices.

596 (d) Members of the board may not receive any salary,  
597 compensation or per diem for the performance of their duties under  
598 this section.

599 (2) (a) There is created a special fund in the State  
600 Treasury to be designated as the "Local Governments and Rural  
601 Water Systems Improvements Revolving Loan Fund," referred to in  
602 this section as "revolving fund," which fund shall consist of  
603 those monies as provided in Sections 6 and 13 of Chapter 521, Laws  
604 of 1995. The revolving fund may receive appropriations, bond

605 proceeds, grants, gifts, donations or funds from any source,  
606 public or private. The revolving fund shall be credited with all  
607 repayments of principal and interest derived from loans made from  
608 the revolving fund. The monies in the revolving fund may be  
609 expended only in amounts appropriated by the Legislature, and the  
610 different amounts specifically provided for the loan program and  
611 the grant program shall be so designated. Monies in the fund may  
612 only be expended for the grant program from the amount designated  
613 for such program. The revolving fund shall be maintained in  
614 perpetuity for the purposes established in this section and  
615 Sections 6 through 20 of Chapter 521, Laws of 1995. Unexpended  
616 amounts remaining in the revolving fund at the end of a fiscal  
617 year shall not lapse into the State General Fund, and any interest  
618 earned on amounts in the revolving fund shall be deposited to the  
619 credit of the fund. Monies in the revolving fund may not be used  
620 or expended for any purpose except as authorized under this  
621 section and Sections 6 through 20 of Chapter 521, Laws of 1995.  
622 Any monies in the fund may be used to match any federal funds that  
623 are available for the same or related purposes for which funds are  
624 used and expended under this section and Sections 6 through 20 of  
625 Chapter 521, Laws of 1995. Any federal funds shall be used and  
626 expended only in accordance with federal laws, rules and  
627 regulations governing the expenditure of those funds. No person  
628 shall use any monies from the revolving fund for the acquisition  
629 of real property or any interest in real property unless that  
630 property is integral to the project funded under this section and  
631 the purchase is made from a willing seller. No county,  
632 incorporated municipality or district shall acquire any real  
633 property or any interest in any real property for a project funded  
634 through the revolving fund by condemnation. The board's  
635 application of Sections 43-37-1 through 43-37-13 shall be no more

636 stringent or extensive in scope, coverage and effect than federal  
637 property acquisition laws and regulations.

638           (b) There is created a special fund in the State  
639 Treasury to be designated as the "Local Governments and Rural  
640 Water Systems Emergency Loan Fund," hereinafter referred to as  
641 "emergency fund," which fund shall consist of those monies as  
642 provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The  
643 emergency fund may receive appropriations, bond proceeds, grants,  
644 gifts, donations or funds from any source, public or private. The  
645 emergency fund shall be credited with all repayments of principal  
646 and interest derived from loans made from the emergency fund. The  
647 monies in the emergency fund may be expended only in amounts  
648 appropriated by the Legislature. The emergency fund shall be  
649 maintained in perpetuity for the purposes established in this  
650 section and Section 6 of Chapter 521, Laws of 1995. Unexpended  
651 amounts remaining in the emergency fund at the end of a fiscal  
652 year shall not lapse into the State General Fund. Any interest  
653 earned on amounts in the emergency fund shall be deposited to the  
654 credit of the fund. Monies in the emergency fund may not be used  
655 or expended for any purpose except as authorized under this  
656 section and Section 6 of Chapter 521, Laws of 1995.

657           (c) The board created in subsection (1) shall establish  
658 loan and grant programs by which loans and grants may be made  
659 available to counties, incorporated municipalities, districts or  
660 other water organizations that have been granted tax exempt status  
661 under either federal or state law, to assist those counties,  
662 incorporated municipalities, districts or water organizations in  
663 making water systems improvements, including the construction of  
664 new water systems or expansion or repair of existing water  
665 systems. Any entity eligible under this section may receive  
666 either a loan or a grant, or both. No grant awarded under the  
667 program established in this section may be made using funds from

668 the loan program. Grants may be awarded only when the Legislature  
669 specifically appropriates funds for that particular purpose. The  
670 interest rate on those loans may vary from time to time and from  
671 loan to loan, and will be at or below market interest rates as  
672 determined by the board. The board shall act as quickly as is  
673 practicable and prudent in deciding on any loan request that it  
674 receives. Loans from the revolving fund or emergency fund may be  
675 made to counties, incorporated municipalities, districts or other  
676 water organizations that have been granted tax exempt status under  
677 either federal or state law, as set forth in a loan agreement in  
678 amounts not to exceed one hundred percent (100%) of eligible  
679 project costs as established by the board. The board may require  
680 county, municipal, district or other water organization  
681 participation or funding from other sources, or otherwise limit  
682 the percentage of costs covered by loans from the revolving fund  
683 or the emergency fund. The maximum amount for any loan from the  
684 emergency fund shall be Five Hundred Thousand Dollars  
685 (\$500,000.00), and the maximum amount for any loan from the  
686 revolving fund shall be One Million Five Hundred Thousand Dollars  
687 (\$1,500,000.00).

688 (d) A county that receives a loan from the revolving  
689 fund or the emergency fund shall pledge for repayment of the loan  
690 any part of the homestead exemption annual tax loss reimbursement  
691 to which it may be entitled under Section 27-33-77, as may be  
692 required to meet the repayment schedule contained in the loan  
693 agreement. An incorporated municipality that receives a loan from  
694 the revolving fund or the emergency fund shall pledge for  
695 repayment of the loan any part of the sales tax revenue  
696 distribution to which it may be entitled under Section 27-65-75,  
697 as may be required to meet the repayment schedule contained in the  
698 loan agreement. All recipients of such loans shall establish a  
699 dedicated source of revenue for repayment of the loan. Before any

700 county or incorporated municipality shall receive any loan, it  
701 shall have executed with the State Tax Commission and the board a  
702 loan agreement evidencing that loan. The loan agreement shall not  
703 be construed to prohibit any recipient from prepaying any part or  
704 all of the funds received. The repayment schedule in each loan  
705 agreement shall provide for (i) monthly payments, (ii) semiannual  
706 payments or (iii) other periodic payments, the annual total of  
707 which shall not exceed the annual total for any other year of the  
708 loan by more than fifteen percent (15%). Except as otherwise  
709 provided in subsection (4) of this section, the loan agreement  
710 shall provide for the repayment of all funds received from the  
711 revolving fund within not more than fifteen (15) years or a term  
712 as otherwise allowed by the federal Safe Drinking Water Act, and  
713 all funds received from the emergency fund within not more than  
714 five (5) years from the date of project completion, and any  
715 repayment shall commence not later than one (1) year after project  
716 completion. The State Tax Commission shall withhold semiannually  
717 from counties and monthly from incorporated municipalities from  
718 the amount to be remitted to the county or municipality, a sum  
719 equal to the next repayment as provided in the loan agreement.

720 (e) Any county, incorporated municipality, district or  
721 other water organization desiring to construct a project approved  
722 by the board which receives a loan from the state for that purpose  
723 but which is not eligible to pledge for repayment under the  
724 provisions of paragraph (d) of this subsection, shall repay that  
725 loan by making payments each month to the State Treasurer through  
726 the Department of Finance and Administration for and on behalf of  
727 the board according to Section 7-7-15, to be credited to either  
728 the revolving fund or the emergency fund, whichever is  
729 appropriate, in lieu of pledging homestead exemption annual tax  
730 loss reimbursement or sales tax revenue distribution.

731           Loan repayments shall be according to a repayment schedule  
732 contained in each loan agreement as provided in paragraph (d) of  
733 this subsection.

734           (f) Any district created pursuant to Sections 19-5-151  
735 through 19-5-207 that receives a loan from the revolving fund or  
736 the emergency fund shall pledge for repayment of the loan any part  
737 of the revenues received by that district pursuant to Sections  
738 19-5-151 through 19-5-207, as may be required to meet the  
739 repayment schedule contained in the loan agreement.

740           (g) The State Auditor, upon request of the board, shall  
741 audit the receipts and expenditures of a county, an incorporated  
742 municipality, district or other water organization whose loan  
743 repayments appear to be in arrears, and if the Auditor finds that  
744 the county, incorporated municipality, district or other water  
745 organization is in arrears in those repayments, the Auditor shall  
746 immediately notify the chairman of the board who may take any  
747 action as may be necessary to enforce the terms of the loan  
748 agreement, including liquidation and enforcement of the security  
749 given for repayment of the loan, and the Executive Director of the  
750 Department of Finance and Administration who shall withhold all  
751 future payments to the county of homestead exemption annual tax  
752 loss reimbursements under Section 27-33-77 and all sums allocated  
753 to the county or the incorporated municipality under Section  
754 27-65-75 until such time as the county or the incorporated  
755 municipality is again current in its loan repayments as certified  
756 by the board.

757           (h) All monies deposited in the revolving fund or the  
758 emergency fund, including loan repayments and interest earned on  
759 those repayments, shall be used only for providing loans or other  
760 financial assistance to water systems as the board deems  
761 appropriate. In addition, any amounts in the revolving fund or  
762 the emergency fund may be used to defray the reasonable costs of

763 administering the revolving fund or the emergency fund and  
764 conducting activities under this section and Sections 6 through 20  
765 of Chapter 521, Laws of 1995, subject to any limitations  
766 established in the federal Safe Drinking Water Act, as amended and  
767 subject to annual appropriation by the Legislature. The  
768 department is authorized, upon approval by the board, to use  
769 amounts available to it from the revolving fund or the emergency  
770 fund to contract for those facilities and staff needed to  
771 administer and provide routine management for the funds and loan  
772 program.

773 (3) In administering this section and Sections 6 through 20  
774 of Chapter 521, Laws of 1995, the board created in subsection (1)  
775 of this section shall have the following powers and duties:

776 (a) To supervise the use of all funds made available  
777 under this section and Sections 6 through 20 of Chapter 521, Laws  
778 of 1995, for local governments and rural water systems  
779 improvements;

780 (b) To promulgate rules and regulations, to make  
781 variances and exceptions thereto, and to establish procedures in  
782 accordance with this section and Sections 6 through 20 of Chapter  
783 521, Laws of 1995, for the implementation of the local governments  
784 and rural water systems improvements revolving loan program;

785 (c) To require, at the board's discretion, any loan or  
786 grant recipient to impose a per connection fee or surcharge or  
787 amended water rate schedule or tariff on each customer or any  
788 class of customers, benefiting from an improvement financed by a  
789 loan or grant made under this section, for repayment of any loan  
790 funds provided under this section and Sections 6 through 20 of  
791 Chapter 521, Laws of 1995. The board may require any loan or  
792 grant recipient to undergo a water system viability analysis and  
793 may require a loan or grant recipient to implement any result of  
794 the viability analysis. If the loan recipient fails to implement



795 any result of a viability analysis as required by the board, the  
796 board may impose a monetary penalty or increase the interest rate  
797 on the loan, or both. If the grant recipient fails to implement  
798 any result of a viability analysis as required by the board, the  
799 board may impose a monetary penalty on the grant;

800 (d) To review and certify all projects for which funds  
801 are authorized to be made available under this section and  
802 Sections 6 through 20 of Chapter 521, Laws of 1995, for local  
803 governments and rural water systems improvements;

804 (e) To requisition monies in the Local Governments and  
805 Rural Water Systems Improvements Revolving Loan Fund and the Local  
806 Governments and Rural Water Systems Emergency Loan Fund and  
807 distribute those monies on a project-by-project basis in  
808 accordance with this section;

809 (f) To ensure that the funds made available under this  
810 section and Sections 6 through 20 of Chapter 521, Laws of 1995, to  
811 a county, an incorporated municipality, a district or a water  
812 organization that has been granted tax exempt status under either  
813 federal or state law provide for a distribution of projects and  
814 funds among the entities under a priority system established by  
815 the board;

816 (g) To maintain in accordance with generally accepted  
817 government accounting standards an accurate record of all monies  
818 in the revolving fund and the emergency fund made available to  
819 counties, incorporated municipalities, districts or other water  
820 organizations under this section and Sections 6 through 20 of  
821 Chapter 521, Laws of 1995, and the costs for each project;

822 (h) To establish policies, procedures and requirements  
823 concerning viability and financial capability to repay loans that  
824 may be used in approving loans available under this section,  
825 including a requirement that all loan recipients have a rate  
826 structure which will be sufficient to cover the costs of

827 operation, maintenance, major equipment replacement and repayment  
828 of any loans made under this section; and

829 (i) To file annually with the Legislature a report  
830 detailing how monies in the Local Governments and Rural Water  
831 Systems Improvements Revolving Loan Fund and the Local Governments  
832 and Rural Water Systems Emergency Loan Fund were spent during the  
833 preceding fiscal year in each county, incorporated municipality,  
834 district or other water organization, the number of projects  
835 approved and constructed, and the cost of each project.

836 For efficient and effective administration of the loan  
837 program, revolving fund and emergency fund, the board may  
838 authorize the department or the State Health Officer to carry out  
839 any or all of the powers and duties enumerated above.

840 (4) The board may, on a case-by-case basis and to the extent  
841 allowed by federal law, renegotiate the payment of principal and  
842 interest on loans made under this section to the six (6) most  
843 southern counties of the state covered by the Presidential  
844 Declaration of Major Disaster for the State of Mississippi  
845 (FEMA-1604-DR) dated August 29, 2005, and to incorporated  
846 municipalities, districts or other water organizations located in  
847 such counties; however, the interest on the loans shall not be  
848 forgiven for a period of more than twenty-four (24) months and the  
849 maturity of the loans shall not be extended for a period of more  
850 than forty-eight (48) months.

851 **SECTION 9.** Section 41-3-17, Mississippi Code of 1972, is  
852 reenacted as follows:

853 41-3-17. The State Board of Health is authorized to make and  
854 publish all reasonable rules and regulations necessary to enable  
855 it to discharge its duties and powers and to carry out the  
856 purposes and objectives of its creation. It is further authorized  
857 to make reasonable sanitary rules and regulations, to be enforced  
858 in the several counties by the county health officer under the

859 supervision and control of the State Board of Health. The State  
860 Board of Health shall not make or enforce any rule or regulation  
861 that prohibits consumers from providing their own containers for  
862 the purpose of purchasing or accepting water from any vending  
863 machine or device which filters or treats water that has already  
864 been tested and determined to meet or exceed the minimum health  
865 protection standards prescribed for drinking water under the  
866 Mississippi Safe Drinking Water Law, if that vending machine or  
867 device meets or exceeds United States Environmental Protection  
868 Agency or national automatic merchandising standards.

869 **SECTION 10.** Section 41-3-18, Mississippi Code of 1972, is  
870 reenacted as follows:

871 41-3-18. The board shall assess fees in the following  
872 amounts and for the following purposes:

873 (a) Food establishment annual permit fee, based on the  
874 assessment factors of the establishment as follows:

|     |                             |          |
|-----|-----------------------------|----------|
| 875 | Assessment Category 1.....  | \$ 15.00 |
| 876 | Assessment Category 2.....  | 30.00    |
| 877 | Assessment Category 3.....  | 70.00    |
| 878 | Assessment Category 4 ..... | 100.00   |
| 879 | Assessment Category 5 ..... | 150.00   |

880 (b) Private water supply approval fee..... \$ 10.00

881 The board may develop such reasonable standards, rules and  
882 regulations to clearly define each assessment category.

883 Assessment categories shall be based upon the factors to the  
884 public health implications of the category and type of food  
885 preparation being utilized by the food establishment, utilizing  
886 the model Food Code of 1995, or as may be amended by the federal  
887 Food and Drug Administration.

888 The fee authorized under paragraph (a) of this section shall  
889 not be assessed for food establishments operated by public  
890 schools, public junior and community colleges, or state agencies

891 or institutions, including without limitation, the state  
892 institutions of higher learning and the State Penitentiary.

893 The fee authorized under paragraph (b) of this section shall  
894 not be assessed for private water supplies used by foster homes  
895 licensed by the Department of Human Services.

896 **SECTION 11.** Section 41-3-19, Mississippi Code of 1972, is  
897 reenacted as follows:

898 41-3-19. It is the duty of the State Board of Health to make  
899 a report, in writing, to the Governor, on or before the first day  
900 of December next preceding each session, not an extraordinary  
901 session of the Legislature, upon the sanitary condition, prospect,  
902 and needs of the state, setting forth the action of said board, of  
903 its officers and agents, the names thereof, and all its  
904 expenditures since the last preceding report, and such other  
905 matters as it may deem proper for the promotion of health or the  
906 prevention of disease. The report shall be laid before the  
907 Legislature by the Governor at its ensuing term.

908 **SECTION 12.** Section 41-59-61, Mississippi Code of 1972, is  
909 amended as follows:

910 41-59-61. (1) Such assessments as are collected under  
911 subsections (1) and (2) of Section 99-19-73 shall be deposited in  
912 a special fund hereby created in the State Treasury to be  
913 designated the "Emergency Medical Services Operating Fund." The  
914 Legislature may make appropriations from the Emergency Medical  
915 Services Operating Fund to the State Board of Health for the  
916 purpose of defraying costs of administration of the Emergency  
917 Medical Services Operating Fund (EMSOF) and for redistribution of  
918 such funds to the counties, municipalities and organized medical  
919 service districts (hereinafter referred to as "governmental  
920 units") for the support of the Emergency Medical Services  
921 programs. The State Board of Health \* \* \* shall administer the  
922 disbursement to such governmental units of any funds appropriated

923 to the board from the Emergency Medical Services Operating Fund  
924 and the utilization of such funds by the governmental units.

925 (2) Funds appropriated from the Emergency Medical Services  
926 Operating Fund to the State Board of Health shall be made  
927 available to all such governmental units to support the Emergency  
928 Medical Services programs therein, and such funds shall be  
929 distributed to each governmental unit based upon its general  
930 population relative to the total population of the state.  
931 Disbursement of such funds shall be made on an annual basis at the  
932 end of the fiscal year upon the request of each governmental unit.  
933 Funds distributed to such governmental units shall be used in  
934 addition to existing annual Emergency Medical Services budgets of  
935 the governmental units, and no such funds shall be used for the  
936 payment of any attorney's fees. The Director of the Emergency  
937 Medical Services program or his appointed designee is hereby  
938 authorized to require financial reports from the governmental  
939 units utilizing these funds in order to provide satisfactory proof  
940 of the maintenance of the funding effort by the governmental  
941 units.

942 **SECTION 13.** Section 41-79-5, Mississippi Code of 1972, is  
943 amended as follows:

944 41-79-5. (1) There is hereby established within the State  
945 Department of Health a school nurse intervention program,  
946 available to all public school districts in the state.

947 (2) By the school year 1998-1999, each public school  
948 district shall have employed a school nurse, to be known as a  
949 Health Service Coordinator, pursuant to the school nurse  
950 intervention program prescribed under this section. The school  
951 nurse intervention program shall offer any of the following  
952 specific preventive services, and other additional services  
953 appropriate to each grade level and the age and maturity of the  
954 pupils:

955           (a) Reproductive health education and referral to  
956 prevent teen pregnancy and sexually transmitted diseases, which  
957 education shall include abstinence;

958           (b) Child abuse and neglect identification;

959           (c) Statutory rape counseling;

960           (d) Hearing and vision screening to detect problems  
961 which can lead to serious sensory losses and behavioral and  
962 academic problems;

963           (e) Alcohol, tobacco and drug abuse education to reduce  
964 abuse of these substances;

965           (f) Scoliosis screening to detect this condition so  
966 that costly and painful surgery and lifelong disability can be  
967 prevented;

968           (g) Coordination of services for handicapped children  
969 to ensure that these children receive appropriate medical  
970 assistance and are able to remain in public school;

971           (h) Nutrition education and counseling to prevent  
972 obesity and/or other eating disorders which may lead to  
973 life-threatening conditions, for example, hypertension;

974           (i) Early detection and treatment of head lice to  
975 prevent the spread of the parasite and to reduce absenteeism;

976           (j) Emergency treatment of injury and illness to  
977 include controlling bleeding, managing fractures, bruises or  
978 contusions and cardiopulmonary resuscitation (CPR);

979           (k) Applying appropriate theory as the basis for  
980 decision making in nursing practice;

981           (l) Establishing and maintaining a comprehensive school  
982 health program;

983           (m) Developing individualized health plans;

984           (n) Assessing, planning, implementing and evaluating  
985 programs and other school health activities, in collaboration with  
986 other professionals;

987           (o) Providing health education to assist students,  
988 families and groups to achieve optimal levels of wellness;

989           (p) Participating in peer review and other means of  
990 evaluation to assure quality of nursing care provided for students  
991 and assuming responsibility for continuing education and  
992 professional development for self while contributing to the  
993 professional growth of others;

994           (q) Participating with other key members of the  
995 community responsible for assessing, planning, implementing and  
996 evaluating school health services and community services that  
997 include the broad continuum or promotion of primary, secondary and  
998 tertiary prevention; and

999           (r) Contributing to nursing and school health through  
1000 innovations in theory and practice and participation in research.

1001           (3) Public school nurses shall be specifically prohibited  
1002 from providing abortion counseling to any student or referring any  
1003 student to abortion counseling or abortion clinics. Any violation  
1004 of this subsection shall disqualify the school district employing  
1005 such public school nurse from receiving any state administered  
1006 funds under this section.

1007           (4) The State Department of Health shall develop and  
1008 implement a comprehensive and statewide tobacco education,  
1009 prevention and cessation program that is consistent with the  
1010 recommendations for effective program components and funding  
1011 recommendations in the 1999 Best Practices for Comprehensive  
1012 Tobacco Control Programs of the federal Centers for Disease  
1013 Control and Prevention, as those Best Practices may be  
1014 periodically amended by the Centers for Disease Control and  
1015 Prevention. At a minimum, the program shall include the following  
1016 components, and may include additional components that are  
1017 contained within the Best Practices for Comprehensive Tobacco  
1018 Control Programs of the federal Centers for Disease Control and

1019 Prevention, as periodically amended, and that based on scientific  
1020 data and research have been shown to be effective at accomplishing  
1021 the purposes of this subsection:

1022 (a) The employment of school nurses by public school  
1023 districts;

1024 (b) The use of mass media, including paid advertising  
1025 and other communication tools to discourage the use of tobacco  
1026 products and to educate people, especially youth, about the health  
1027 hazards from the use of tobacco products, which shall be designed  
1028 to be effective at achieving these goals and shall include, but  
1029 need not be limited to, television, radio, and print advertising,  
1030 as well as sponsorship, exhibits and other opportunities to raise  
1031 awareness statewide;

1032 (c) Evidence-based curricula and programs implemented  
1033 in schools to educate youth about tobacco and to discourage their  
1034 use of tobacco products, including, but not limited to, programs  
1035 that involve youth, educate youth about the health hazards from  
1036 the use of tobacco products, help youth develop skills to refuse  
1037 tobacco products, and demonstrate to youth how to stop using  
1038 tobacco products;

1039 (d) Local community programs, including, but not  
1040 limited to, youth-based partnerships that discourage the use of  
1041 tobacco products and involve community-based organizations in  
1042 tobacco education, prevention and cessation programs in their  
1043 communities;

1044 (e) Enforcement of laws, regulations and policies  
1045 against the sale or other provision of tobacco products to minors,  
1046 and the possession of tobacco products by minors;

1047 (f) Programs to assist and help people to stop using  
1048 tobacco products;

1049 (g) Programs to support the misdemeanor of narcotics in  
1050 hiring agents to reduce drug crime; and



1051           (h) A surveillance and evaluation system that monitors  
1052 program accountability and results, produces publicly available  
1053 reports that review how monies expended for the program are spent,  
1054 and includes an evaluation of the program's effectiveness in  
1055 reducing and preventing the use of tobacco products, and annual  
1056 recommendations for improvements to enhance the program's  
1057 effectiveness.

1058           Funding for the different components of the program shall be  
1059 pursuant to specific appropriation by the Legislature and  
1060 apportioned between the components based on the recommendations in  
1061 the Best Practices for Comprehensive Tobacco Control Programs of  
1062 the federal Centers for Disease Control and Prevention, as  
1063 periodically amended, to provide adequate program development,  
1064 implementation and evaluation for effective control of the use of  
1065 tobacco products. Funds appropriated for tobacco education and  
1066 cessation program shall not be commingled with other program funds  
1067 of the department. While the department shall develop annual  
1068 budgets based on strategic planning, components of the program  
1069 shall be funded using the following areas as guidelines for  
1070 priority:

- 1071           (a) School nurses;
- 1072           (b) School programs;
- 1073           (c) Narcotics agents;
- 1074           (d) Law enforcement;
- 1075           (e) Mass media (counter-marketing);
- 1076           (f) Cessation programs (including media promotions);
- 1077           (g) Community programs;
- 1078           (h) Surveillance and evaluation; and
- 1079           (i) Administration and management; however, not more  
1080 than five percent (5%) of the total budget may be expended for  
1081 administration and management purposes.

1082           (5) Beginning with the 1997-1998 school year, to the extent  
1083 that federal or state funds are available therefor and pursuant to  
1084 appropriation therefor by the Legislature, in addition to the  
1085 school nurse intervention program funds administered under  
1086 subsection (4), the State Department of Health shall establish and  
1087 implement a Prevention of Teen Pregnancy Pilot Program to be  
1088 located in the public school districts with the highest numbers of  
1089 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
1090 the following education services directly through public school  
1091 nurses in the pilot school districts: health education sessions  
1092 in local schools, where contracted for or invited to provide,  
1093 which target issues including reproductive health, teen pregnancy  
1094 prevention and sexually transmitted diseases, including syphilis,  
1095 HIV and AIDS. When these services are provided by a school nurse,  
1096 training and counseling on abstinence shall be included.

1097           (6) In addition to the school nurse intervention program  
1098 funds administered under subsection (4) and the Teen Pregnancy  
1099 Pilot Program funds administered under subsection (5), to the  
1100 extent that federal or state funds are available therefor and  
1101 pursuant to appropriation therefor by the Legislature, the State  
1102 Department of Health shall establish and implement an Abstinence  
1103 Education Pilot Program to provide abstinence education,  
1104 mentoring, counseling and adult supervision to promote abstinence  
1105 from sexual activity, with a focus on those groups which are most  
1106 likely to bear children out of wedlock. Such abstinence education  
1107 services shall be provided by the State Department of Health  
1108 through its clinics, public health nurses, school nurses and  
1109 through contracts with rural and community health centers in order  
1110 to reach a larger number of targeted clients. For purposes of  
1111 this subsection, the term "abstinence education" means an  
1112 educational or motivational program which:

1113           (a) Has as its exclusive purpose, teaching the social,  
1114 psychological and health gains to be realized by abstaining from  
1115 sexual activity;

1116           (b) Teaches abstinence from sexual activity outside  
1117 marriage as the expected standard for all school-age children;

1118           (c) Teaches that abstinence from sexual activity is the  
1119 only certain way to avoid out-of-wedlock pregnancy, sexually  
1120 transmitted diseases and other associated health problems;

1121           (d) Teaches that a mutually faithful monogamous  
1122 relationship in context of marriage is the expected standard of  
1123 human sexual activity;

1124           (e) Teaches that sexual activity outside of the context  
1125 of marriage is likely to have harmful psychological and physical  
1126 effects;

1127           (f) Teaches that bearing children out of wedlock is  
1128 likely to have harmful consequences for the child, the child's  
1129 parents and society;

1130           (g) Teaches young people how to reject sexual advances  
1131 and how alcohol and drug use increase vulnerability to sexual  
1132 advances; and

1133           (h) Teaches the importance of attaining  
1134 self-sufficiency before engaging in sexual activity.

1135           (7) Beginning with the 1998-1999 school year and pursuant to  
1136 appropriation therefor by the Legislature, in addition to other  
1137 funds allotted under the minimum education program, each school  
1138 district shall be allotted an additional teacher unit per every  
1139 one hundred (100) teacher units, for the purpose of employing  
1140 qualified public school nurses in such school district, which in  
1141 no event shall be less than one (1) teacher unit per school  
1142 district, for such purpose. In the event the Legislature provides  
1143 less funds than the total state funds needed for the public school  
1144 nurse allotment, those school districts with fewer teacher units

1145 shall be the first funded for such purpose, to the extent of funds  
1146 available.

1147 (8) Prior to the 1998-1999 school year, nursing staff  
1148 assigned to the program shall be employed through the local county  
1149 health department and shall be subject to the supervision of the  
1150 State Department of Health with input from local school officials.  
1151 Local county health departments may contract with any  
1152 comprehensive private primary health care facilities within their  
1153 county to employ and utilize additional nursing staff. Beginning  
1154 with the 1998-1999 school year, nursing staff assigned to the  
1155 program shall be employed by the local school district and shall  
1156 be designated as "health service coordinators," and shall be  
1157 required to possess a bachelor's degree in nursing as a minimum  
1158 qualification.

1159 (9) Upon each student's enrollment, the parent or guardian  
1160 shall be provided with information regarding the scope of the  
1161 school nurse intervention program. The parent or guardian may  
1162 provide the school administration with a written statement  
1163 refusing all or any part of the nursing service. No child shall  
1164 be required to undergo hearing and vision or scoliosis screening  
1165 or any other physical examination or tests whose parent objects  
1166 thereto on the grounds such screening, physical examination or  
1167 tests are contrary to his sincerely held religious beliefs.

1168 (10) A consent form for reproductive health education shall  
1169 be sent to the parent or guardian of each student upon his  
1170 enrollment. If a response from the parent or guardian is not  
1171 received within seven (7) days after the consent form is sent, the  
1172 school shall send a letter to the student's home notifying the  
1173 parent or guardian of the consent form. If the parent or guardian  
1174 fails to respond to the letter within ten (10) days after it is  
1175 sent, then the school principal shall be authorized to allow the  
1176 student to receive reproductive health education. Reproductive

1177 health education shall include the teaching of total abstinence  
1178 from premarital sex and, wherever practicable, reproductive health  
1179 education should be taught in classes divided according to gender.  
1180 All materials used in the reproductive health education program  
1181 shall be placed in a convenient and easily accessible location for  
1182 parental inspection. School nurses shall not dispense birth  
1183 control pills or contraceptive devices in the school. Dispensing  
1184 of such shall be the responsibility of the State Department of  
1185 Health on a referral basis only.

1186 (11) No provision of this section shall be construed as  
1187 prohibiting local school districts from accepting financial  
1188 assistance of any type from the State of Mississippi or any other  
1189 governmental entity, or any contribution, donation, gift, decree  
1190 or bequest from any source which may be utilized for the  
1191 maintenance or implementation of a school nurse intervention  
1192 program in a public school system of this state.

1193 **SECTION 14.** Section 41-7-197, Mississippi Code of 1972, is  
1194 amended as follows:

1195 41-7-197. (1) The State Board of Health shall adopt and  
1196 utilize procedures for conducting certificate of need reviews.  
1197 Such procedures shall include, inter alia, the following: (a)  
1198 written notification to the applicant; (b) written notification to  
1199 health care facilities in the same health service area as the  
1200 proposed service; (c) written notification to other persons who  
1201 prior to the receipt of the application have filed a formal notice  
1202 of intent to provide the proposed services in the same service  
1203 area; and (d) notification to members of the public who reside in  
1204 the service area where the service is proposed, which may be  
1205 provided through newspapers or public information channels.

1206 (2) All notices provided shall include, inter alia, the  
1207 following: (a) the proposed schedule for the review; (b) written  
1208 notification of the period within which a public hearing during

1209 the course of the review may be requested in writing by one or  
1210 more affected persons, such request to be made within twenty (20)  
1211 days of said notification; and (c) the manner in which  
1212 notification will be provided of the time and place of any hearing  
1213 so requested. Any such hearing shall be conducted by an  
1214 independent hearing officer, who is not an employee of the  
1215 department, designated by the State Board of Health. At such  
1216 hearing, the hearing officer and any person affected by the  
1217 proposal being reviewed may conduct reasonable questioning of  
1218 persons who make relevant factual allegations concerning the  
1219 proposal. The hearing officer shall require that all persons be  
1220 sworn before they may offer any testimony at the hearing, and the  
1221 hearing officer is authorized to administer oaths. Any person so  
1222 choosing may be represented by counsel at the hearing. A record  
1223 of the hearing shall be made, which shall consist of a transcript  
1224 of all testimony received, all documents and other material  
1225 introduced by any interested person, the staff report and  
1226 recommendation and such other material as the hearing officer  
1227 considers relevant, including his own recommendation, which he  
1228 shall make within a reasonable period of time after the hearing is  
1229 closed and after he has had an opportunity to review, study and  
1230 analyze the evidence presented during the hearing. The completed  
1231 record shall be certified to the State Board of Health \* \* \*,  
1232 which shall consider only the record in making its decision, and  
1233 shall not consider any evidence or material which is not included  
1234 therein. All final decisions regarding the issuance of a  
1235 certificate of need shall be made by the State Board of  
1236 Health \* \* \* at its next regularly scheduled meeting, and may not  
1237 be delegated to a subcommittee of the board. The State Board of  
1238 Health \* \* \* shall make its written findings and issue its order  
1239 after reviewing said record. The findings and decision of the  
1240 State Board of Health \* \* \* shall not be deferred to any later

1241 date, and any deferral shall result in an automatic order of  
1242 approval.

1243 (3) If review by the State Board of Health concerning the  
1244 issuance of a certificate of need is not complete within the time  
1245 specified by rule or regulation, which shall not, to the extent  
1246 practicable, exceed ninety (90) days, the certificate of need  
1247 shall not be granted. The proponent of the proposal may, within  
1248 thirty (30) days, after the expiration of the specified time for  
1249 review, commence such legal action as is necessary, in the  
1250 Chancery Court of the First Judicial District of Hinds County or  
1251 in the chancery court of the county in which the new institutional  
1252 health service is proposed to be provided, to compel the State  
1253 Board of Health \* \* \* to issue written findings and written order  
1254 approving or disapproving the proposal in question.

1255 **SECTION 15.** Section 41-7-201, Mississippi Code of 1972, is  
1256 amended as follows:

1257 41-7-201. (1) The provisions of this subsection (1) shall  
1258 apply to any party appealing any final order of the State Board of  
1259 Health pertaining to a certificate of need for a home health  
1260 agency, as defined in Section 41-7-173(h)(ix):

1261 (a) In addition to other remedies now available at law  
1262 or in equity, any party aggrieved by any such final order of the  
1263 State Board of Health shall have the right of appeal to the  
1264 Chancery Court of the First Judicial District of Hinds County,  
1265 Mississippi, which appeal must be filed within thirty (30) days  
1266 after the date of the final order. Provided, however, that any  
1267 appeal of an order disapproving an application for such a  
1268 certificate of need may be made to the chancery court of the  
1269 county where the proposed construction, expansion or alteration  
1270 was to be located or the new service or purpose of the capital  
1271 expenditure was to be located. Such appeal must be filed in  
1272 accordance with the thirty (30) days for filing as heretofore

1273 provided. Any appeal shall state briefly the nature of the  
1274 proceedings before the State Board of Health and shall specify the  
1275 order complained of. Any person whose rights may be materially  
1276 affected by the action of the State Board of Health may appear and  
1277 become a party or the court may, upon motion, order that any such  
1278 person, organization or entity be joined as a necessary party.

1279 (b) Upon the filing of such an appeal, the clerk of the  
1280 chancery court shall serve notice thereof upon the State Board of  
1281 Health, whereupon the State Department of Health shall, within  
1282 fifty (50) days or within such additional time as the court may by  
1283 order for cause allow from the service of such notice, certify to  
1284 the chancery court the record in the case, which records shall  
1285 include a transcript of all testimony, together with all exhibits  
1286 or copies thereof, all pleadings, proceedings, orders, findings  
1287 and opinions entered in the case; provided, however, that the  
1288 parties and the State Department of Health may stipulate that a  
1289 specified portion only of the record shall be certified to the  
1290 court as the record on appeal.

1291 (c) No new or additional evidence shall be introduced  
1292 in the chancery court but the case shall be determined upon the  
1293 record certified to the court.

1294 (d) The court may dispose of the appeal in termtime or  
1295 vacation and may sustain or dismiss the appeal, modify or vacate  
1296 the order complained of in whole or in part as the case may be;  
1297 but in case the order is wholly or partly vacated, the court may  
1298 also, in its discretion, remand the matter to the State Department  
1299 of Health for such further proceedings, not inconsistent with the  
1300 court's order, as, in the opinion of the court, justice may  
1301 require. The order shall not be vacated or set aside, either in  
1302 whole or in part, except for errors of law, unless the court finds  
1303 that the order of the State Board of Health is not supported by  
1304 substantial evidence, is contrary to the manifest weight of the



1305 evidence, is in excess of the statutory authority or jurisdiction  
1306 of the State Board of Health, or violates any vested  
1307 constitutional rights of any party involved in the appeal.

1308 Provided, however, an order of the chancery court reversing the  
1309 denial of a certificate of need by the State Board of Health shall  
1310 not entitle the applicant to effectuate the certificate of need  
1311 until either:

1312 (i) Such order of the chancery court has become  
1313 final and has not been appealed to the Supreme Court; or

1314 (ii) The Supreme Court has entered a final order  
1315 affirming the chancery court.

1316 (e) Appeals in accordance with law may be had to the  
1317 Supreme Court of the State of Mississippi from any final judgment  
1318 of the chancery court.

1319 (2) The provisions of this subsection (2) shall apply to any  
1320 party appealing any final order of the State Board of Health  
1321 pertaining to a certificate of need for any health care facility  
1322 as defined in Section 41-7-173(h), with the exception of any home  
1323 health agency as defined in Section 41-7-173(h)(ix):

1324 (a) There shall be a "stay of proceedings" of any final  
1325 order issued by the State Board of Health pertaining to the  
1326 issuance of a certificate of need for the establishment,  
1327 construction, expansion or replacement of a health care facility  
1328 for a period of thirty (30) days from the date of the order, if an  
1329 existing provider located in the same service area where the  
1330 health care facility is or will be located has requested a hearing  
1331 during the course of review in opposition to the issuance of the  
1332 certificate of need. The stay of proceedings shall expire at the  
1333 termination of thirty (30) days; however, no construction,  
1334 renovation or other capital expenditure that is the subject of the  
1335 order shall be undertaken, no license to operate any facility that  
1336 is the subject of the order shall be issued by the licensing

1337 agency, and no certification to participate in the Title XVIII or  
1338 Title XIX programs of the Social Security Act shall be granted,  
1339 until all statutory appeals have been exhausted or the time for  
1340 such appeals has expired. Notwithstanding the foregoing, the  
1341 filing of an appeal from a final order of the State Board of  
1342 Health or the chancery court for the issuance of a certificate of  
1343 need shall not prevent the purchase of medical equipment or  
1344 development or offering of institutional health services granted  
1345 in a certificate of need issued by the State Board of Health.

1346 (b) In addition to other remedies now available at law  
1347 or in equity, any party aggrieved by any such final order of the  
1348 State Board of Health shall have the right of appeal to the  
1349 Chancery Court of the First Judicial District of Hinds County,  
1350 Mississippi, which appeal must be filed within twenty (20) days  
1351 after the date of the final order. Provided, however, that any  
1352 appeal of an order disapproving an application for such a  
1353 certificate of need may be made to the chancery court of the  
1354 county where the proposed construction, expansion or alteration  
1355 was to be located or the new service or purpose of the capital  
1356 expenditure was to be located. Such appeal must be filed in  
1357 accordance with the twenty (20) days for filing as heretofore  
1358 provided. Any appeal shall state briefly the nature of the  
1359 proceedings before the State Board of Health and shall specify the  
1360 order complained of.

1361 (c) Upon the filing of such an appeal, the clerk of the  
1362 chancery court shall serve notice thereof upon the State Board of  
1363 Health, whereupon the State Department of Health shall, within  
1364 thirty (30) days of the date of the filing of the appeal, certify  
1365 to the chancery court the record in the case, which records shall  
1366 include a transcript of all testimony, together with all exhibits  
1367 or copies thereof, all pleadings, proceedings, orders, findings  
1368 and opinions entered in the case; provided, however, that the

1369 parties and the State Department of Health may stipulate that a  
1370 specified portion only of the record shall be certified to the  
1371 court as the record on appeal. The chancery court shall give  
1372 preference to any such appeal from a final order by the State  
1373 Board of Health in a certificate of need proceeding, and shall  
1374 render a final order regarding such appeal no later than one  
1375 hundred twenty (120) days from the date of the final order by the  
1376 State Board of Health. If the chancery court has not rendered a  
1377 final order within this 120-day period, then the final order of  
1378 the State Board of Health shall be deemed to have been affirmed by  
1379 the chancery court, and any party to the appeal shall have the  
1380 right to appeal from the chancery court to the Supreme Court on  
1381 the record certified by the State Department of Health as  
1382 otherwise provided in paragraph (g) of this subsection. In the  
1383 event the chancery court has not rendered a final order within the  
1384 120-day period and an appeal is made to the Supreme Court as  
1385 provided herein, the Supreme Court shall remand the case to the  
1386 chancery court to make an award of costs, fees, reasonable  
1387 expenses and attorney's fees incurred in favor of appellee payable  
1388 by the appellant(s) should the Supreme Court affirm the order of  
1389 the State Board of Health.

1390 (d) Any appeal of a final order by the State Board of  
1391 Health in a certificate of need proceeding shall require the  
1392 giving of a bond by the appellant(s) sufficient to secure the  
1393 appellee against the loss of costs, fees, expenses and attorney's  
1394 fees incurred in defense of the appeal, approved by the chancery  
1395 court within five (5) days of the date of filing the appeal.

1396 (e) No new or additional evidence shall be introduced  
1397 in the chancery court but the case shall be determined upon the  
1398 record certified to the court.

1399 (f) The court may dispose of the appeal in termtime or  
1400 vacation and may sustain or dismiss the appeal, modify or vacate

1401 the order complained of in whole or in part and may make an award  
1402 of costs, fees, expenses and attorney's fees, as the case may be;  
1403 but in case the order is wholly or partly vacated, the court may  
1404 also, in its discretion, remand the matter to the State Board of  
1405 Health for such further proceedings, not inconsistent with the  
1406 court's order, as, in the opinion of the court, justice may  
1407 require. The court, as part of the final order, shall make an  
1408 award of costs, fees, reasonable expenses and attorney's fees  
1409 incurred in favor of appellee payable by the appellant(s) should  
1410 the court affirm the order of the State Board of Health. The  
1411 order shall not be vacated or set aside, either in whole or in  
1412 part, except for errors of law, unless the court finds that the  
1413 order of the State Board of Health is not supported by substantial  
1414 evidence, is contrary to the manifest weight of the evidence, is  
1415 in excess of the statutory authority or jurisdiction of the State  
1416 Board of Health, or violates any vested constitutional rights of  
1417 any party involved in the appeal. Provided, however, an order of  
1418 the chancery court reversing the denial of a certificate of need  
1419 by the State Board of Health shall not entitle the applicant to  
1420 effectuate the certificate of need until either:

1421 (i) Such order of the chancery court has become  
1422 final and has not been appealed to the Supreme Court; or

1423 (ii) The Supreme Court has entered a final order  
1424 affirming the chancery court.

1425 (g) Appeals in accordance with law may be had to the  
1426 Supreme Court of the State of Mississippi from any final judgment  
1427 of the chancery court.

1428 (h) Within thirty (30) days from the date of a final  
1429 order by the Supreme Court or a final order of the chancery court  
1430 not appealed to the Supreme Court that modifies or wholly or  
1431 partly vacates the final order of the State Board of Health  
1432 granting a certificate of need, the State Board of Health shall

1433 issue another order in conformity with the final order of the  
1434 Supreme Court, or the final order of the chancery court not  
1435 appealed to the Supreme Court.

1436         **SECTION 16.** Section 41-7-205, Mississippi Code of 1972, is  
1437 amended as follows:

1438         41-7-205. The State Department of Health shall provide an  
1439 expedited review for those projects which it determines to warrant  
1440 such action. All requests for such an expedited review by the  
1441 applicant must be made in writing to the State Department of  
1442 Health. The State Board of Health shall make a determination as  
1443 to whether expedited review is appropriate within fifteen (15)  
1444 days after receipt of a written request. The State Board of  
1445 Health shall render its decision concerning the issuance of a  
1446 certificate of need within ninety (90) days after the receipt of a  
1447 completed application. A project is subject to expedited review  
1448 only if it meets one (1) of the following criteria:

1449             (a) A transfer or change of ownership of a health care  
1450 facility wherein the facility continues to operate under the same  
1451 category of license or permit as it possessed prior to the date of  
1452 the proposed change of ownership and none of the other activities  
1453 described in Section 41-7-191(1) take place in conjunction with  
1454 such transfer;

1455             (b) Replacement of equipment with used equipment of  
1456 similar capability if the equipment is included in the facility's  
1457 annual capital expenditure budget or plan;

1458             (c) A request for project cost overruns that exceed the  
1459 rate of inflation as determined by the State Department of Health;

1460             (d) A request for relocation of services or facilities  
1461 if the relocation of such services or facilities (i) involves a  
1462 capital expenditure by or on behalf of a health care facility, or  
1463 (ii) is more than one thousand three hundred twenty (1,320) feet

1464 from the main entrance of the health care facility or the facility  
1465 where the service is located;

1466 (e) A request for a certificate of need to comply with  
1467 duly recognized fire, building, or life safety codes, or to comply  
1468 with state licensure standards or accreditation standards required  
1469 for reimbursements.

1470 **SECTION 17.** The following provision shall be codified as  
1471 Section 41-57-8, Mississippi Code of 1972:

1472 41-57-8. (1) For purposes of this section, the term  
1473 "stillborn child" shall be defined as "an intrauterine death that  
1474 occurs after the twentieth week of gestation through the moment of  
1475 birth."

1476 (2) The Bureau of Vital Statistics of the State Department  
1477 of Health shall develop a form for the registration of a  
1478 Certificate of Birth Resulting in Stillbirth for any stillborn  
1479 child in Mississippi. The Certificate of Birth Resulting in  
1480 Stillbirth shall be offered to a mother after the occurrence of  
1481 any stillbirth. If such mother decides not to place a name on the  
1482 Certificate of Birth Resulting in Stillbirth, the person preparing  
1483 the certificate shall leave this option on the certificate blank.  
1484 The option of registering a Certificate of Birth Resulting in  
1485 Stillbirth shall be available to any parent of a stillborn child  
1486 wherein the stillbirth occurred in Mississippi on or after July 1,  
1487 2005, provided that the burden of applying and supplying medical  
1488 verification of such stillbirth occurring prior to the effective  
1489 date of this act shall be with the parent(s) requesting the  
1490 issuance and registration of such certificate.

1491 (3) The State Board of Health shall formulate and promulgate  
1492 rules and regulations for the proper reporting and registration of  
1493 Certificates of Birth Resulting in Stillbirth.

1494 **SECTION 18.** Section 41-57-11, Mississippi Code of 1972, is  
1495 amended as follows:

1496           41-57-11. (1) Each local registrar shall be paid the sum of  
1497 One Dollar (\$1.00) for each birth and each death certificate and  
1498 each Certificate of Birth Resulting in Stillbirth properly made  
1499 out, and in the manner and on the form required by the State Board  
1500 of Health. Such sum shall be paid by the board of supervisors of  
1501 the county in which the births and deaths occurred, upon  
1502 certification made monthly to the board of supervisors by the  
1503 state registrar.

1504           However, any local registrar shall receive only Fifty Cents  
1505 (50¢) for each birth, each death certificate and each certificate  
1506 of stillbirth sent in to the Bureau of Vital Statistics improperly  
1507 completed or sent in at a later time than that fixed by the  
1508 regulations of the State Board of Health.

1509           (2) In addition to any fees established and collected by the  
1510 State Board of Health for the issuance of original and copies of  
1511 birth certificates and Certificates of Birth Resulting in  
1512 Stillbirth, there shall be charged a fee of One Dollar (\$1.00) for  
1513 each original and each copy of a birth certificate. This  
1514 additional fee shall be deposited into the Mississippi Children's  
1515 Trust Fund created by Section 93-21-305 and shall be used only as  
1516 set forth in Sections 93-21-301 through 93-21-311. This  
1517 additional fee shall not be added to birth certificates furnished  
1518 free as provided in Sections 35-3-9 and 41-57-25.

1519           **SECTION 19.** This act shall take effect and be in force from  
1520 and after June 30, 2007.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 41-3-20, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE SECTIONS CREATING THE STATE BOARD OF HEALTH AND  
3 THE POSITION OF THE EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF  
4 HEALTH SHALL REPEAL ON JULY 1, 2007, AND TO EXTEND THE AUTOMATIC  
5 REPEALER ON THOSE STATUTES WHICH CREATE AND EMPOWER THE STATE  
6 BOARD OF HEALTH AND THE STATE DEPARTMENT OF HEALTH AND ESTABLISH  
7 THE POSITION OF EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF  
8 HEALTH; TO CODIFY SECTION 41-3-1.1, MISSISSIPPI CODE OF 1972, TO  
9 RECONSTITUTE THE MEMBERSHIP OF THE STATE BOARD OF HEALTH, PROVIDE

10 FOR THE NUMBER, QUALIFICATIONS, APPOINTMENT AND TERMS OF NEW  
11 MEMBERS, TO PROHIBIT CERTAIN CONFLICTS OF INTEREST BY MEMBERS OF  
12 THE BOARD AND TO PROVIDE FOR NONVOTING LEGISLATIVE MEMBERS TO  
13 ATTEND BOARD MEETINGS; TO AMEND SECTION 41-3-4, MISSISSIPPI CODE  
14 OF 1972, TO CLARIFY THAT THE TERM OF OFFICE OF ANY MEMBER OF THE  
15 STATE BOARD OF HEALTH WHO MISSES THREE CONSECUTIVE MEETINGS SHALL  
16 BE TERMINATED; TO CODIFY SECTION 41-3-5.1, MISSISSIPPI CODE OF  
17 1972, TO PROVIDE FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF  
18 THE STATE DEPARTMENT OF HEALTH; TO AMEND SECTION 41-3-15,  
19 MISSISSIPPI CODE OF 1972, TO CLARIFY THE GENERAL AUTHORITY OF THE  
20 STATE BOARD OF HEALTH AND THE STATE HEALTH OFFICER, TO AUTHORIZE  
21 THE STATE DEPARTMENT OF HEALTH TO PROVIDE FOR AND IMPLEMENT A  
22 COMPREHENSIVE STATEWIDE TOBACCO EDUCATION, PREVENTION AND  
23 CESSATION PROGRAM THAT IS CONSISTENT WITH FEDERAL GUIDELINES, AND  
24 TO EXTEND THE AUTOMATIC REPEALER ON THE ADMINISTRATIVE PENALTY  
25 ASSESSED ON RESTAURANTS BY THE STATE DEPARTMENT OF HEALTH; TO  
26 REENACT CERTAIN SECTIONS OF THE MISSISSIPPI CODE OF 1972 WHICH  
27 CREATE AND EMPOWER THE STATE BOARD OF HEALTH AND THE STATE  
28 DEPARTMENT OF HEALTH; TO AMEND SECTION 41-59-61, MISSISSIPPI CODE  
29 OF 1972, TO CLARIFY THE AUTHORIZED ADMINISTRATIVE COSTS WHICH MAY  
30 BE PAID FROM THE EMERGENCY MEDICAL SERVICES OPERATING FUND; TO  
31 AMEND SECTION 41-79-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE  
32 COMPONENTS OF THE TOBACCO EDUCATION, PREVENTION AND CESSATION  
33 PROGRAM IMPLEMENTED BY THE STATE DEPARTMENT OF HEALTH; TO AMEND  
34 SECTIONS 41-7-197, 41-7-201 AND 41-7-205, MISSISSIPPI CODE OF  
35 1972, TO PROVIDE THAT THE STATE BOARD OF HEALTH SHALL HAVE THE  
36 POWER AND RESPONSIBILITY TO RENDER FINAL DECISIONS ON APPLICATIONS  
37 FOR CERTIFICATES OF NEED AND TO PROVIDE FOR INDEPENDENT HEARING  
38 OFFICERS AND TO CLARIFY THE STATUS OF CERTIFICATE OF NEED  
39 DECISIONS PENDING JUDICIAL APPEAL; TO CODIFY SECTION 41-57-8,  
40 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE BUREAU OF  
41 VITAL STATISTICS OF THE STATE DEPARTMENT OF HEALTH TO OFFER AND  
42 ISSUE CERTIFICATES OF BIRTH RESULTING IN STILLBIRTH TO A MOTHER  
43 AFTER THE OCCURRENCE OF ANY STILLBIRTH; TO DEFINE "STILLBIRTH" FOR  
44 PURPOSES OF THE ISSUANCE OF SUCH CERTIFICATES; TO PROVIDE THAT  
45 SUCH CERTIFICATES MAY BE ISSUED RETROACTIVELY; TO AMEND SECTION  
46 41-57-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT TO  
47 CHARGE FEES FOR THE ISSUANCE OF SUCH CERTIFICATES; AND FOR RELATED  
48 PURPOSES.