

By: Representative Frierson

To: Appropriations

HOUSE BILL NO. 289

1 AN ACT TO PROVIDE THAT WHEN A PROVISION OF LAW AUTHORIZES OR
 2 DIRECTS THE STATE BOARD OF HEALTH OR THE STATE DEPARTMENT OF
 3 HEALTH TO CHARGE A FEE FOR PROVIDING A SERVICE, AND THE PROVISION
 4 OF LAW DOES SPECIFY AN AMOUNT FOR THE FEE OR SPECIFY A MAXIMUM
 5 AMOUNT FOR THE FEE, THE BOARD OR DEPARTMENT MAY CHARGE AN AMOUNT
 6 FOR THE FEE THAT IS BASED ON THE COST OF PROVIDING THE SERVICE, AS
 7 DETERMINED BY THE DEPARTMENT OF AUDIT; TO AMEND SECTIONS
 8 21-27-207, 41-3-15, 41-3-18, 41-7-188, 41-9-9, 41-26-23,
 9 41-26-101, 41-58-3, 41-59-11, 41-59-17, 41-59-23, 41-59-33,
 10 41-59-35, 41-59-65, 41-59-79, 41-67-12, 41-67-25, 41-67-37,
 11 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9, 41-77-9, 41-77-25,
 12 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9, 43-11-13, 43-16-25,
 13 43-20-8, 43-20-11, 43-20-13, 43-20-59, 45-14-31, 45-23-23,
 14 45-23-41, 45-23-45, 45-23-53, 73-7-71, 73-10-9, 73-10-11,
 15 73-10-21, 73-14-17, 73-14-19, 73-14-27, 73-14-31, 73-24-29,
 16 73-38-31, 73-55-13, 73-57-19, 73-57-21, 73-57-27, 73-57-29,
 17 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11, 75-29-805, 75-31-65
 18 AND 75-74-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
 19 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** When a provision of law authorizes or directs the
 22 State Board of Health or the State Department of Health to charge
 23 a fee for providing a service, including the issuance and renewal
 24 of licenses and registrations, and the provision of law does
 25 specify an amount for the fee or specify a maximum amount for the
 26 fee, the board or department may charge an amount for the fee that



27 is based on the cost of providing the service, as determined by
28 the Department of Audit.

29 **SECTION 2.** Section 21-27-207, Mississippi Code of 1972, is
30 amended as follows:

31 21-27-207. Both the board and commission may adopt, modify,
32 repeal and promulgate, after due notice and hearing, and may make
33 exceptions to and grant exemptions and variances from and may
34 enforce those rules, regulations and procedures as are necessary
35 or appropriate to effectuate the duties and responsibilities of
36 these agencies arising under Sections 21-27-201 through 21-27-221.
37 The rules, regulations and procedures shall include, but not be
38 limited to, the following: criteria for classifying municipal and
39 domestic community water systems, nontransient, noncommunity water
40 systems and wastewater facilities; qualifications for operators of
41 community water systems, nontransient, noncommunity water systems
42 and wastewater facilities; certification of operators of
43 commercial Class I rubbish sites; procedures for examining or
44 testing applicants for operator certificates; procedures and fees
45 for issuing, reissuing, modifying, revoking or terminating
46 operator certificates; and reciprocal certification of operators
47 certified in other states having certification requirements not
48 less stringent than those established by the board and commission.
49 Fees charged by the board under this section shall be set in
50 accordance with the provisions of Section 1 of this act.



51 **SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is
52 amended as follows:

53 41-3-15. (1) (a) There shall be a State Department of
54 Health.

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

57 (i) To formulate the policy of the State
58 Department of Health regarding public health matters within the
59 jurisdiction of the department;

60 (ii) To adopt, modify, repeal and promulgate,
61 after due notice and hearing, and enforce rules and regulations
62 implementing or effectuating the powers and duties of the
63 department under any and all statutes within the department's
64 jurisdiction, and as the board may deem necessary;

65 (iii) To apply for, receive, accept and expend any
66 federal or state funds or contributions, gifts, trusts, devises,
67 bequests, grants, endowments or funds from any other source or
68 transfers of property of any kind;

69 (iv) To enter into, and to authorize the executive
70 officer to execute contracts, grants and cooperative agreements
71 with any federal or state agency or subdivision thereof, or any
72 public or private institution located inside or outside the State
73 of Mississippi, or any person, corporation or association in
74 connection with carrying out the provisions of this chapter, if it
75 finds those actions to be in the public interest and the contracts



76 or agreements do not have a financial cost that exceeds the
77 amounts appropriated for those purposes by the Legislature;

78 (v) To appoint, upon recommendation of the
79 Executive Officer of the State Department of Health, a Director of
80 Internal Audit who shall be either a Certified Public Accountant
81 or Certified Internal Auditor, and whose employment shall be
82 continued at the discretion of the board, and who shall report
83 directly to the board, or its designee; and

84 (vi) To discharge such other duties,
85 responsibilities and powers as are necessary to implement the
86 provisions of this chapter.

87 (c) The Executive Officer of the State Department of
88 Health shall have the following powers and duties:

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

91 (ii) To supervise and direct all administrative
92 and technical activities of the department, except that the
93 department's internal auditor shall be subject to the sole
94 supervision and direction of the board;

95 (iii) To organize the administrative units of the
96 department in accordance with the plan adopted by the board and,
97 with board approval, alter the organizational plan and reassign
98 responsibilities as he or she may deem necessary to carry out the
99 policies of the board;



100 (iv) To coordinate the activities of the various
101 offices of the department;

102 (v) To employ, subject to regulations of the State
103 Personnel Board, qualified professional personnel in the subject
104 matter or fields of each office, and such other technical and
105 clerical staff as may be required for the operation of the
106 department. The executive officer shall be the appointing
107 authority for the department, and shall have the power to delegate
108 the authority to appoint or dismiss employees to appropriate
109 subordinates, subject to the rules and regulations of the State
110 Personnel Board;

111 (vi) To recommend to the board such studies and
112 investigations as he or she may deem appropriate, and to carry out
113 the approved recommendations in conjunction with the various
114 offices;

115 (vii) To prepare and deliver to the Legislature
116 and the Governor on or before January 1 of each year, and at such
117 other times as may be required by the Legislature or Governor, a
118 full report of the work of the department and the offices thereof,
119 including a detailed statement of expenditures of the department
120 and any recommendations the board may have;

121 (viii) To prepare and deliver to the Chairmen of
122 the Public Health and Welfare/Human Services Committees of the
123 Senate and House on or before January 1 of each year, a plan for
124 monitoring infant mortality in Mississippi and a full report of



125 the work of the department on reducing Mississippi's infant
126 mortality and morbidity rates and improving the status of maternal
127 and infant health; and

128 (ix) To enter into contracts, grants and
129 cooperative agreements with any federal or state agency or
130 subdivision thereof, or any public or private institution located
131 inside or outside the State of Mississippi, or any person,
132 corporation or association in connection with carrying out the
133 provisions of this chapter, if he or she finds those actions to be
134 in the public interest and the contracts or agreements do not have
135 a financial cost that exceeds the amounts appropriated for those
136 purposes by the Legislature. Each contract or agreement entered
137 into by the executive officer shall be submitted to the board
138 before its next meeting.

139 (2) The State Board of Health shall have the authority to
140 establish an Office of Rural Health within the department. The
141 duties and responsibilities of this office shall include the
142 following:

143 (a) To collect and evaluate data on rural health
144 conditions and needs;

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

147 (c) To develop and implement plans and provide
148 technical assistance to enable community health systems to respond
149 to various changes in their circumstances;



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

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

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

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

159 (a) To make investigations and inquiries with respect
160 to the causes of disease and death, and to investigate the effect
161 of environment, including conditions of employment and other
162 conditions that may affect health, and to make such other
163 investigations as it may deem necessary for the preservation and
164 improvement of health.

165 (b) To make such sanitary investigations as it may,
166 from time to time, deem necessary for the protection and
167 improvement of health and to investigate nuisance questions that
168 affect the security of life and health within the state.

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

172 (d) To obtain, collect and preserve such information
173 relative to mortality, morbidity, disease and health as may be



174 useful in the discharge of its duties or may contribute to the
175 prevention of disease or the promotion of health in this state.

176 (e) To charge and collect reasonable fees for health
177 services, including immunizations, inspections and related
178 activities, in accordance with the provisions of Section 1 of this
179 act, and the board shall charge fees for those services; * * *
180 however, if it is determined that a person receiving services is
181 unable to pay the total fee, the board shall collect any amount
182 that the person is able to pay.

183 (f) (i) To establish standards for, issue permits and
184 exercise control over, any cafes, restaurants, food or drink
185 stands, sandwich manufacturing establishments, and all other
186 establishments, other than churches, church-related and private
187 schools, and other nonprofit or charitable organizations, where
188 food or drink is regularly prepared, handled and served for pay;
189 and

190 (ii) To require that a permit be obtained from the
191 Department of Health before those persons begin operation. If any
192 such person fails to obtain the permit required in this
193 subparagraph (ii), the State Board of Health, after due notice and
194 opportunity for a hearing, may impose a monetary penalty not to
195 exceed One Thousand Dollars (\$1,000.00) for each violation.
196 However, the department is not authorized to impose a monetary
197 penalty against any person whose gross annual prepared food sales
198 are less than Five Thousand Dollars (\$5,000.00). Money collected



199 by the board under this subparagraph (ii) shall be deposited to
200 the credit of the State General Fund of the State Treasury.

201 (g) To promulgate rules and regulations and exercise
202 control over the production and sale of milk pursuant to the
203 provisions of Sections 75-31-41 through 75-31-49.

204 (h) On presentation of proper authority, to enter into
205 and inspect any public place or building where the State Health
206 Officer or his representative deems it necessary and proper to
207 enter for the discovery and suppression of disease and for the
208 enforcement of any health or sanitary laws and regulations in the
209 state.

210 (i) To conduct investigations, inquiries and hearings,
211 and to issue subpoenas for the attendance of witnesses and the
212 production of books and records at any hearing when authorized and
213 required by statute to be conducted by the State Health Officer or
214 the State Board of Health.

215 (j) To promulgate rules and regulations, and to collect
216 data and information, on (i) the delivery of services through the
217 practice of telemedicine; and (ii) the use of electronic records
218 for the delivery of telemedicine services.

219 (k) To enforce and regulate domestic and imported fish
220 as authorized under Section 69-7-601 et seq.

221 (5) (a) The State Board of Health shall have the authority,
222 in its discretion, to establish programs to promote the public
223 health, to be administered by the State Department of Health.



224 Specifically, those programs may include, but shall not be limited
225 to, programs in the following areas:

226 (i) Maternal and child health;

227 (ii) Family planning;

228 (iii) Pediatric services;

229 (iv) Services to crippled and disabled children;

230 (v) Control of communicable and noncommunicable
231 disease;

232 (vi) Chronic disease;

233 (vii) Accidental deaths and injuries;

234 (viii) Child care licensure;

235 (ix) Radiological health;

236 (x) Dental health;

237 (xi) Milk sanitation;

238 (xii) Occupational safety and health;

239 (xiii) Food, vector control and general
240 sanitation;

241 (xiv) Protection of drinking water;

242 (xv) Sanitation in food handling establishments
243 open to the public;

244 (xvi) Registration of births and deaths and other
245 vital events;

246 (xvii) Such public health programs and services as
247 may be assigned to the State Board of Health by the Legislature or
248 by executive order; and



249 (xviii) Regulation of domestic and imported fish
250 for human consumption.

251 (b) The State Board of Health and State Department of
252 Health shall not be authorized to sell, transfer, alienate or
253 otherwise dispose of any of the home health agencies owned and
254 operated by the department on January 1, 1995, and shall not be
255 authorized to sell, transfer, assign, alienate or otherwise
256 dispose of the license of any of those home health agencies,
257 except upon the specific authorization of the Legislature by an
258 amendment to this section. However, this paragraph (b) shall not
259 prevent the board or the department from closing or terminating
260 the operation of any home health agency owned and operated by the
261 department, or closing or terminating any office, branch office or
262 clinic of any such home health agency, or otherwise discontinuing
263 the providing of home health services through any such home health
264 agency, office, branch office or clinic, if the board first
265 demonstrates that there are other providers of home health
266 services in the area being served by the department's home health
267 agency, office, branch office or clinic that will be able to
268 provide adequate home health services to the residents of the area
269 if the department's home health agency, office, branch office or
270 clinic is closed or otherwise discontinues the providing of home
271 health services. This demonstration by the board that there are
272 other providers of adequate home health services in the area shall
273 be spread at length upon the minutes of the board at a regular or



274 special meeting of the board at least thirty (30) days before a
275 home health agency, office, branch office or clinic is proposed to
276 be closed or otherwise discontinue the providing of home health
277 services.

278 (c) The State Department of Health may undertake such
279 technical programs and activities as may be required for the
280 support and operation of those programs, including maintaining
281 physical, chemical, bacteriological and radiological laboratories,
282 and may make such diagnostic tests for diseases and tests for the
283 evaluation of health hazards as may be deemed necessary for the
284 protection of the people of the state.

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

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

289 (i) To enter into capitalization grant agreements
290 with the United States Environmental Protection Agency, or any
291 successor agency thereto;

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

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

297 (iv) To establish and collect fees to defray the
298 reasonable costs of administering the revolving fund or emergency



299 fund if the State Board of Health determines that those costs will
300 exceed the limitations established in the federal Safe Drinking
301 Water Act, as amended. The administration fees may be included in
302 loan amounts to loan recipients for the purpose of facilitating
303 payment to the board; however, those fees may not exceed five
304 percent (5%) of the loan amount.

305 (7) Notwithstanding any other provision to the contrary, the
306 State Department of Health shall have the following specific
307 powers: The department shall issue a license to Alexander Milne
308 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
309 construction, conversion, expansion and operation of not more than
310 forty-five (45) beds for developmentally disabled adults who have
311 been displaced from New Orleans, Louisiana, with the beds to be
312 located in a certified ICF-MR facility in the City of Laurel,
313 Mississippi. There shall be no prohibition or restrictions on
314 participation in the Medicaid program for the person receiving the
315 license under this subsection (7). The license described in this
316 subsection shall expire five (5) years from the date of its issue.
317 The license authorized by this subsection shall be issued upon the
318 initial payment by the licensee of an application fee of
319 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
320 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
321 the license, to be paid as long as the licensee continues to
322 operate. The initial and monthly licensing fees shall be



323 deposited by the State Department of Health into the special fund
324 created under Section 41-7-188.

325 (8) Notwithstanding any other provision to the contrary, the
326 State Department of Health shall have the following specific
327 powers: The State Department of Health is authorized to issue a
328 license to an existing home health agency for the transfer of a
329 county from that agency to another existing home health agency,
330 and to charge a fee for reviewing and making a determination on
331 the application for such transfer not to exceed one-half (1/2) of
332 the authorized fee assessed for the original application for the
333 home health agency, with the revenue to be deposited by the State
334 Department of Health into the special fund created under Section
335 41-7-188.

336 (9) Notwithstanding any other provision to the contrary, the
337 State Department of Health shall have the following specific
338 powers: For the period beginning July 1, 2010, through July 1,
339 2017, the State Department of Health is authorized and empowered
340 to assess a fee in addition to the fee prescribed in Section
341 41-7-188 for reviewing applications for certificates of need in an
342 amount not to exceed twenty-five one-hundredths of one percent
343 (.25 of 1%) of the amount of a proposed capital expenditure, but
344 shall be not less than Two Hundred Fifty Dollars (\$250.00)
345 regardless of the amount of the proposed capital expenditure, and
346 the maximum additional fee permitted shall not exceed Fifty
347 Thousand Dollars (\$50,000.00). Provided that the total



348 assessments of fees for certificate of need applications under
349 Section 41-7-188 and this section shall not exceed the actual cost
350 of operating the certificate of need program.

351 (10) Notwithstanding any other provision to the contrary,
352 the State Department of Health shall have the following specific
353 powers: The State Department of Health is authorized to extend
354 and renew any certificate of need that has expired, and to charge
355 a fee for reviewing and making a determination on the application
356 for such action not to exceed one-half (1/2) of the authorized fee
357 assessed for the original application for the certificate of need,
358 with the revenue to be deposited by the State Department of Health
359 into the special fund created under Section 41-7-188.

360 (11) Notwithstanding any other provision to the contrary,
361 the State Department of Health shall have the following specific
362 powers: The State Department of Health is authorized and
363 empowered, to revoke, immediately, the license and require closure
364 of any institution for the aged or infirm, including any other
365 remedy less than closure to protect the health and safety of the
366 residents of said institution or the health and safety of the
367 general public.

368 (12) Notwithstanding any other provision to the contrary,
369 the State Department of Health shall have the following specific
370 powers: The State Department of Health is authorized and
371 empowered, to require the temporary detainment of individuals for
372 disease control purposes based upon violation of any order of the



373 State Health Officer, as provided in Section 41-23-5. For the
374 purpose of enforcing such orders of the State Health Officer,
375 persons employed by the department as investigators shall have
376 general arrest powers. All law enforcement officers are
377 authorized and directed to assist in the enforcement of such
378 orders of the State Health Officer.

379 **SECTION 4.** Section 41-3-18, Mississippi Code of 1972, is
380 amended as follows:

381 41-3-18. (1) The board shall assess fees * * * in amounts
382 set by the board in accordance with the provisions of Section 1 of
383 this act for the following purposes:

384 (a) Food establishment annual permit fee, based on the
385 assessment factors of the establishment * * * .

386 * * *

387 (b) Private water supply approval fee * * * .

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

390 Assessment categories shall be based upon the factors to the
391 public health implications of the category and type of food
392 preparation being utilized by the food establishment, utilizing
393 the model Food Code of 1995, or as may be amended by the federal
394 Food and Drug Administration.

395 (2) The fee authorized under subsection (1) (a) of this
396 section shall not be assessed for:



397 (a) Food establishments operated by public schools,
398 public junior and community colleges, or state agencies or
399 institutions, including, without limitation, the state
400 institutions of higher learning and the State Penitentiary; and

401 (b) Persons who make infrequent casual sales of honey
402 and who pack or sell less than five hundred (500) gallons of honey
403 per year, and those persons shall not be inspected by the State
404 Department of Health unless requested by the producer.

405 (3) The fee authorized under subsection (1) (b) of this
406 section shall not be assessed for private water supplies used by
407 foster homes licensed by the Department of Human Services.

408 **SECTION 5.** Section 41-7-188, Mississippi Code of 1972, is
409 amended as follows:

410 41-7-188. (1) The State Department of Health is * * *
411 authorized and empowered to assess fees for reviewing applications
412 for certificates of need. The amount of the fees shall be set by
413 the State Department of Health in accordance with the provisions
414 of Section 1 of this act. The State Department of Health shall
415 promulgate such rules and regulations as are necessary to
416 effectuate the intent of this section in keeping with the
417 standards hereinbelow:

418 (a) The fees assessed shall be uniform to all
419 applicants.

420 (b) The fees assessed shall be nonrefundable.

421 * * *



422 (* * *c) No application shall be deemed complete for
423 the review process until such required fee is received by the
424 State Department of Health.

425 (* * *d) The required fee shall be paid to the State
426 Department of Health and may be paid by check, draft or money
427 order.

428 (* * *e) There shall be no filing fee requirement for
429 any application submitted by an agency, department, institution or
430 facility which is operated, owned by and/or controlled by the
431 State of Mississippi and which received operating and/or capital
432 expenditure funds solely by appropriations from the Legislature of
433 the state.

434 (* * *f) There shall be no filing fee requirement for
435 any health-care facility submitting an application for repairs or
436 renovations determined by the State Department of Health in
437 writing, to be necessary in order to avoid revocation of license
438 and/or loss of certification for participation in the Medicaid
439 and/or Medicare programs. Any proposed expenditure in excess of
440 the amount determined by the State Department of Health to be
441 necessary to accomplish the stated purposes shall be subject to
442 the fee requirements of this section.

443 (2) The revenue derived from the fees imposed in subsection
444 (1) of this section shall be deposited by the State Department of
445 Health in a special fund * * * that is created in the State
446 Treasury, which is earmarked for use by the State Department of



447 Health in conducting its health planning and certificate of need
448 review activities. It is the intent of the Legislature that the
449 health planning and certificate of need programs be continued for
450 the protection of the individuals within the state requiring
451 health care.

452 (3) The State Department of Health is authorized and
453 empowered to assess fees for reviewing applications for
454 certificates of authority for health maintenance organizations and
455 for the issuance and renewal of such certificates of authority.
456 The fees assessed shall be uniform to all applicants and to all
457 holders of certificates of authority, and shall be nonrefundable.
458 The amounts of the fees for applications, original certificates of
459 authority and renewals of certificates of authority shall * * * be
460 set by the State Department of Health in accordance with the
461 provisions of Section 1 of this act. The revenues derived from
462 the fees assessed under this subsection shall be deposited by the
463 department in a special fund * * * that is created in the State
464 Treasury, which is earmarked for the use of the department in its
465 regulation of the operation of health maintenance organizations.

466 **SECTION 6.** Section 41-9-9, Mississippi Code of 1972, is
467 amended as follows:

468 41-9-9. (1) An application for a license shall be made to
469 the licensing agency upon forms provided by it and shall contain
470 such information as the licensing agency reasonably requires,
471 which may include affirmative evidence of ability to comply with



472 such reasonable standards, rules and regulations as are lawfully
473 prescribed under Section 41-9-17. A license, unless suspended or
474 revoked, shall be renewable annually upon payment of a renewal fee
475 * * * in an amount set by the licensing agency in accordance with
476 the provisions of Section 1 of this act for each licensed bed in
477 the hospital, which shall be paid to the licensing agency, * * *
478 and upon filing by the licensee and approval by the licensing
479 agency of an annual report upon such uniform dates and containing
480 such information in such form as the licensing agency prescribes
481 by rule or regulation. Each license shall be issued only for the
482 premises and person or persons or other legal entity or entities
483 named in the application and shall not be transferable or
484 assignable except with the written approval of the licensing
485 agency. Licenses shall be posted in a conspicuous place on the
486 licensed premises.

487 (2) The appropriate licensure fee * * * shall be paid to the
488 licensing agency and may be paid by check, draft or money order.
489 A license shall not be issued to any hospital until such fee is
490 received by the licensing agency.

491 (3) A fee known as a "User Fee" shall be applicable and
492 shall be paid to the licensing agency * * * in the same manner as
493 specified in subsection (2) of this section. The amount of the
494 user fee shall be set by the licensing agency in accordance with
495 the provisions of Section 1 of this act. This user fee shall be
496 assessed for the purpose of the required reviewing and inspections



497 of the proposal of any hospital in which there are additions,
498 renovations, modernizations, expansion, alterations, conversions,
499 modifications or replacement of the entire facility involved in
500 such proposal. This fee includes the reviewing of architectural
501 plans in all steps required. * * *

502 **SECTION 7.** Section 41-26-23, Mississippi Code of 1972, is
503 amended as follows:

504 41-26-23. (1) There is created in the State Treasury a fund
505 to be designated as the "Drinking Water Quality Analysis Fund."
506 The fund shall be treated as a special trust fund. Interest
507 earned on the principal in the fund shall be credited by the
508 Treasurer to the fund. The fund may receive monies from any
509 available public or private source, including fees, proceeds and
510 grants. The department shall expend or utilize monies in the fund
511 to pay all reasonable direct and indirect costs of water quality
512 analysis and related activities as required by the federal Safe
513 Drinking Water Act, as amended. Monies in the fund at the end of
514 the fiscal year shall be retained in the fund for use in the
515 succeeding fiscal year. Except as provided in subsection (5) of
516 this section, if the annual fees collected exceed the cost of
517 administering the water quality analysis program in that fiscal
518 year, the excess shall be applied to the cost of administering the
519 program in the succeeding fiscal year. In the succeeding fiscal
520 year, the total to be collected from fees shall be reduced by the



521 excess retained in the fund and the assessment rates shall be
522 adjusted proportionately.

523 (2) The department annually shall assess and collect fees
524 for water quality analysis and related activities as required by
525 the federal Safe Drinking Water Act, as amended * * *. The
526 amounts of the fees shall be set by the department in accordance
527 with the provisions of Section 1 of this act. The department
528 annually shall adopt by rule, in accordance with the
529 Administrative Procedures Law and following a public hearing, a
530 fee schedule to cover all reasonable direct and indirect costs of
531 water quality analysis and related activities as required by the
532 federal Safe Drinking Water Act, as amended. In adopting a fee
533 schedule, the department shall consider the recommendations of the
534 advisory committee created in this section, if those
535 recommendations are made in a timely manner as provided.

536 (3) An advisory committee is created to study the program
537 needs and costs for the implementation of the water quality
538 analysis program and to conduct an annual review of the needs and
539 costs of administering that program. The annual review shall
540 include an independent recommendation on an equitable fee schedule
541 for the succeeding fiscal year. Each annual review report shall
542 be due to the department by May 1. The advisory committee shall
543 consist of one (1) member appointed by the Mississippi Rural Water
544 Association, one (1) member appointed by the Mississippi Municipal
545 Association, one (1) member appointed by the Mississippi



546 Association of Supervisors and one (1) member appointed by the
547 Mississippi Water and Pollution Control Operators Association,
548 Inc.

549 (4) All suppliers of water for which water quality analysis
550 and related activities as required by the federal Safe Drinking
551 Water Act, as amended, are performed by the State Department of
552 Health shall pay the water quality analysis fee within forty-five
553 (45) days following receipt of an invoice from the department. In
554 the discretion of the department, any supplier of water required
555 to pay the fee shall be liable for a penalty equal to a maximum of
556 two (2) times the amount of fees due and payable plus an amount
557 necessary to reimburse the costs of delinquent fee collection for
558 failure to pay the fee within ninety (90) days following the
559 receipt of the invoice. Any person making sales to customers of
560 water for residential, noncommercial or nonagricultural use and
561 who recovers the fee required by this section or any portion
562 thereof from any customer shall indicate on each statement
563 rendered to customers that these fees are for water quality
564 analyses required by the federal government under the Safe
565 Drinking Water Act, as amended.

566 (5) There is created within the Drinking Water Quality
567 Analysis Fund an equipment capital expenditure account,
568 hereinafter referred to as the "account." The department may
569 transfer any excess fees, not exceeding ten percent (10%) of the
570 total fees assessed under this section, to the account. The



571 balance in the account shall not exceed Five Hundred Thousand
572 Dollars (\$500,000.00). Funds in the account shall be used by the
573 department, as appropriated by the Legislature, to defray the
574 costs of purchasing new equipment or repairing existing equipment
575 for the analysis of drinking water.

576 **SECTION 8.** Section 41-26-101, Mississippi Code of 1972, is
577 amended as follows:

578 41-26-101. (1) Each member elected or reelected after June
579 30, 1998, to serve on a governing board of any community public
580 water system, except systems operated by municipalities with a
581 population greater than ten thousand (10,000), shall attend a
582 minimum of eight (8) hours of management training within two (2)
583 years following the election of that board member. Any member
584 failing to complete the management training within two (2) years
585 after his election shall be subject to removal from the board by
586 the remaining members. If a board member has undergone training
587 and is reelected to the board, that board member shall not be
588 required to attend training as provided by this subsection.

589 (2) The management training shall be organized by the State
590 Department of Health, in cooperation with the Mississippi Rural
591 Water Association and other organizations. The management
592 training shall include information on water system management and
593 financing, rate setting and structures, operations and
594 maintenance, applicable laws and regulations, ethics, the duties
595 and responsibilities of a board member and other information



596 deemed necessary by the department after consultation with the
597 association and other organizations. The department shall develop
598 and provide all training materials. The department may charge a
599 fee * * * in accordance with the provisions of Section 1 of this
600 act to defray the actual costs of providing the materials and
601 training. These costs shall be reimbursed to the board member as
602 an expense of the community public water system.

603 (3) To avoid board members having to interfere with their
604 jobs or employment, management training sessions may be divided
605 into segments and, to the greatest extent possible, shall be
606 scheduled for evening sessions. The department shall conduct
607 management training on a regional basis and shall use community
608 college or other public facilities for the convenience of board
609 members.

610 (4) The department may make exceptions to and grant
611 exemptions and variances to the requirements of this section for
612 good cause shown.

613 **SECTION 9.** Section 41-58-3, Mississippi Code of 1972, is
614 amended as follows:

615 41-58-3. (1) The department shall have full authority to
616 adopt such rules and regulations not inconsistent with the laws of
617 this state as may be necessary to effectuate the provisions of
618 this chapter, and may amend or repeal the same as may be necessary
619 for such purposes.



620 (2) There shall be established a Medical Radiation Advisory
621 Council to be appointed as provided in this section. The council
622 shall consist of nine (9) members as follows:

623 (a) One (1) radiologist who is an active practitioner
624 and member of the Mississippi Radiological Society;

625 (b) One (1) licensed family physician;

626 (c) One (1) licensed practitioner;

627 (d) Two (2) registered radiologic technologists;

628 (e) One (1) nuclear medicine technologist;

629 (f) One (1) radiation therapist;

630 (g) One (1) radiation physicist;

631 (h) One (1) hospital administrator; and

632 (i) The State Health Officer, or his designee, who
633 shall serve as ex officio chairman with no voting authority.

634 (3) The department shall, following the recommendations from
635 the appropriate professional state societies and organizations,
636 including the Mississippi Radiological Society, the Mississippi
637 Society of Radiologic Technologists, and the Mississippi State
638 Nuclear Medicine Society, and other nominations that may be
639 received from whatever source, appoint the members of the council
640 as soon as possible after the effective date of * * * subsection
641 (2) * * * of this section and this subsection (3). Any person
642 serving on the council who is a practitioner of a profession or
643 occupation required to be licensed, credentialed or certified in
644 the state shall be a holder of an appropriate license, credential



645 or certificate issued by the state. All members of the council
646 shall be residents of the State of Mississippi. The council shall
647 promulgate such rules and regulations by which it shall conduct
648 its business. Members of the council shall receive no salary for
649 services performed on the council but may be reimbursed for their
650 reasonable and necessary actual expenses incurred in the
651 performance of the same, from funds provided for such purpose.
652 The council shall assist and advise the department in the
653 development of regulations and standards to effectuate the
654 provisions of this chapter.

655 (4) A radiologic technologist, nuclear medicine technologist
656 or radiation therapist shall not apply ionizing or x-radiation or
657 administer radiopharmaceuticals to a human being or otherwise
658 engage in the practice of medical radiation technology unless the
659 person possesses a valid registration issued by the department
660 under the provisions of this chapter.

661 (5) The department may issue a temporary registration to
662 practice a specialty of medical radiation technology to any
663 applicant who has completed an approved program, who has complied
664 with the provisions of this chapter, and is awaiting examination
665 for that specialty. This registration shall convey the same
666 rights as the registration for which the applicant is awaiting
667 examination and shall be valid for one (1) six-month period.

668 (6) The department may charge a registration fee * * * in an
669 amount set by the department in accordance with the provisions of



670 Section 1 of this act to each person to whom it issues a
671 registration under the provisions of this chapter.

672 (7) Registration with the department is not required for:

673 (a) A student enrolled in and participating in an
674 accredited course of study approved by the department for
675 diagnostic radiologic technology, nuclear medicine technology or
676 radiation therapy, who as a part of his clinical course of study
677 applies ionizing radiation to a human being while under the
678 supervision of a licensed practitioner, registered radiologic
679 technologist, registered nuclear medicine technologist or
680 registered radiation therapist;

681 (b) Laboratory personnel who use radiopharmaceuticals
682 for in vitro studies;

683 (c) A dental hygienist or a dental assistant who is not
684 a radiologic technologist, nuclear medicine technologist or
685 radiation therapist, who possesses a radiology permit issued by
686 the Board of Dental Examiners and applies ionizing radiation under
687 the specific direction of a licensed dentist;

688 (d) A chiropractic assistant who is not a radiologic
689 technologist, nuclear medicine technologist or radiation
690 therapist, who possesses a radiology permit issued by the Board of
691 Chiropractic Examiners and applies ionizing radiation under the
692 specific direction of a licensed chiropractor;

693 (e) An individual who is permitted as a limited x-ray
694 machine operator by the State Board of Medical Licensure and



695 applies ionizing radiation in a physician's office, radiology
696 clinic or a licensed hospital in Mississippi under the specific
697 direction of a licensed practitioner; and

698 (f) A student enrolled in and participating in an
699 accredited course of study for diagnostic radiologic technology,
700 nuclear medicine technology or radiation therapy and is employed
701 by a physician's office, radiology clinic or a licensed hospital
702 in Mississippi and applies ionizing radiation under the specific
703 direction of a licensed practitioner.

704 (8) Nothing in this chapter is intended to limit, preclude,
705 or otherwise interfere with the practices of a licensed
706 practitioner who is duly licensed or registered by the appropriate
707 agency of the State of Mississippi, provided that the agency
708 specifically recognizes that the procedures covered by this
709 chapter are within the scope of practice of the licensee or
710 registrant.

711 (9) (a) If any radiologic technologist, nuclear medicine
712 technologist or radiation therapist violates any provision of this
713 chapter or the regulations adopted by the department, the
714 department shall suspend or revoke the registration and practice
715 privileges of the person or issue other disciplinary actions in
716 accordance with statutory procedures and rules and regulations of
717 the department.

718 (b) If any person violates any provision of this
719 chapter, the department shall issue a written warning to the



720 licensed practitioner or medical institution that employs the
721 person; and if that person violates any provision of this chapter
722 again within three (3) years after the first violation, the
723 department may suspend or revoke the permit or registration for
724 the x-radiation and ionizing equipment of the licensed
725 practitioner or medical institution that employs the person, in
726 accordance with statutory procedures and rules and regulations of
727 the department regarding suspension and revocation of those
728 permits or registrations.

729 (10) This section shall stand repealed on July 1, 2018.

730 **SECTION 10.** Section 41-59-11, Mississippi Code of 1972, is
731 amended as follows:

732 41-59-11. Application for license shall be made to the board
733 by private firms or nonfederal governmental agencies. The
734 application shall be made upon forms in accordance with procedures
735 established by the board and shall contain the following:

736 (a) The name and address of the owner of the ambulance
737 service or proposed ambulance service;

738 (b) The name in which the applicant is doing business
739 or proposes to do business;

740 (c) A description of each ambulance including the make,
741 model, year of manufacture, motor and chassis numbers, color
742 scheme, insignia, name, monogram or other distinguishing
743 characteristics to be used to designate applicant's ambulance;



744 (d) The location and description of the place or places
745 from which the ambulance service is intended to operate; and

746 (e) Such other information as the board shall deem
747 necessary.

748 Each application for a license shall be accompanied by a
749 license fee to be fixed by the board in accordance with the
750 provisions of Section 1 of this act, which shall be paid to the
751 board.

752 **SECTION 11.** Section 41-59-17, Mississippi Code of 1972, is
753 amended as follows:

754 41-59-17. (1) The board is * * * authorized to suspend or
755 revoke a license whenever it determines that the holder no longer
756 meets the requirements prescribed for operating an ambulance
757 service.

758 (2) A license issued under this chapter may be renewed upon
759 payment of a renewal fee to be fixed by the board in accordance
760 with the provisions of Section 1 of this act, which shall be paid
761 to the board. Renewal of any license issued under the provisions
762 of this chapter shall require conformance with all the
763 requirements of this chapter as upon original licensing.

764 **SECTION 12.** Section 41-59-23, Mississippi Code of 1972, is
765 amended as follows:

766 41-59-23. (1) Before a vehicle can be operated as an
767 ambulance, its licensed owner must apply for and receive an
768 ambulance permit issued by the board for such vehicle. Application



769 shall be made upon forms and according to procedures established
770 by the board. Each application for an ambulance permit shall be
771 accompanied by a permit fee to be fixed by the board in accordance
772 with the provisions of Section 1 of this act, which shall be paid
773 to the board. Prior to issuing an original or renewal permit for
774 an ambulance, the vehicle for which the permit is issued shall be
775 inspected and a determination made that the vehicle meets all
776 requirements as to vehicle design, sanitation, construction,
777 medical equipment and supplies set forth in this chapter and
778 regulations promulgated by the board. Permits issued for
779 ambulance shall be valid for a period not to exceed one (1) year.

780 (2) The board is * * * authorized to suspend or revoke an
781 ambulance permit any time it determines that the vehicle and/or
782 its equipment no longer meets the requirements specified by this
783 chapter and regulations promulgated by the board.

784 (3) The board may issue temporary permits valid for a period
785 not to exceed ninety (90) days for ambulances not meeting required
786 standards when it determines the public interest will thereby be
787 served.

788 (4) When a permit has been issued for an ambulance as
789 specified herein, the ambulance records relating to maintenance
790 and operation of such ambulance shall be open to inspection by a
791 duly authorized representative of the board during normal working
792 hours.



793 (5) An ambulance permit issued under this chapter may be
794 renewed upon payment of a renewal fee to be fixed by the board in
795 accordance with the provisions of Section 1 of this act, which
796 shall be paid to the board. Renewal of any ambulance permit
797 issued under the provisions of this chapter shall require
798 conformance with all requirements of this chapter.

799 **SECTION 13.** Section 41-59-33, Mississippi Code of 1972, is
800 amended as follows:

801 41-59-33. Any person desiring certification as an emergency
802 medical technician shall apply to the board using forms prescribed
803 by the board. Each application for an emergency medical
804 technician certificate shall be accompanied by a certificate fee
805 to be fixed by the board in accordance with the provisions of
806 Section 1 of this act, which shall be paid to the board. Upon the
807 successful completion of the board's approved emergency medical
808 technical training program, the board shall make a determination
809 of the applicant's qualifications as an emergency medical
810 technician as set forth in the regulations promulgated by the
811 board, and shall issue an emergency medical technician certificate
812 to the applicant.

813 **SECTION 14.** Section 41-59-35, Mississippi Code of 1972, is
814 amended as follows:

815 41-59-35. (1) An emergency medical technician certificate
816 so issued shall be valid for a period not exceeding two (2) years
817 from the date of issuance and may be renewed upon payment of a



818 renewal fee to be fixed by the board in accordance with the
819 provisions of Section 1 of this act, which shall be paid to the
820 board, provided that the holder meets the qualifications set forth
821 in this Chapter 59 and Chapter 60 and rules and regulations
822 promulgated by the board.

823 (2) The board is authorized to suspend or revoke a
824 certificate so issued at any time it is determined that the holder
825 no longer meets the prescribed qualifications.

826 (3) It shall be unlawful for any person, corporation or
827 association to, in any manner, represent himself or itself as an
828 Emergency Medical Technician-Basic, Emergency Medical
829 Technician-Intermediate, Emergency Medical Technician-Paramedic,
830 Emergency Medical Technician-Paramedic Critical Care, or Emergency
831 Medical Services Driver, or use in connection with his or its name
832 the words or letters of EMT, emt, paramedic, critical care
833 paramedic, or any other letters, words, abbreviations or insignia
834 which would indicate or imply that he or it is an Emergency
835 Medical Technician-Basic, Emergency Medical
836 Technician-Intermediate, Emergency Medical Technician-Paramedic,
837 Emergency Medical Technician-Paramedic Critical Care, or Emergency
838 Medical Services Driver, unless certified in accordance with
839 Chapters 59 and 60 of this title and in accordance with the rules
840 and regulations promulgated by the board. It shall be unlawful to
841 employ an uncertified Emergency Medical Technician-Basic,
842 Emergency Medical Technician-Intermediate, Emergency Medical



843 Technician-Paramedic, or Emergency Medical Technician-Paramedic
844 Critical Care to provide basic or advanced life-support services.

845 (4) Any Emergency Medical Technician-Basic, Emergency
846 Medical Technician-Intermediate, Emergency Medical
847 Technician-Paramedic, Emergency Medical Technician-Paramedic
848 Critical Care, or Emergency Medical Services Driver who violates
849 or fails to comply with these statutes or the rules and
850 regulations promulgated by the board hereunder shall be subject,
851 after due notice and hearing, to an administrative fine not to
852 exceed One Thousand Dollars (\$1,000.00).

853 **SECTION 15.** Section 41-59-65, Mississippi Code of 1972, is
854 amended as follows:

855 41-59-65. Either a public or private ambulance service
856 licensed and regulated by the State Board of Health desiring to
857 offer such a membership subscription program shall make
858 application for permit to conduct and implement such program to
859 the State Board of Health. The application shall be made upon
860 forms in accordance with procedures established by the board and
861 shall contain the following:

862 (a) The name and address of the owner of the ambulance
863 service;

864 (b) The name in which the applicant is doing business;

865 (c) The location and description of the place or places
866 from which the ambulance service operates;



867 (d) The places or areas in which the ambulance service
868 intends to conduct and operate a membership subscription program;
869 and

870 (e) Such other information as the board shall deem
871 necessary.

872 Each application for a permit shall be accompanied by a
873 permit fee * * * in an amount set by the board in accordance with
874 the provisions of Section 1 of this act, which shall be paid to
875 the board. The permit shall be issued to expire the next ensuing
876 December 31. The permit issued under this section may be renewed
877 upon payment of a renewal fee * * * in an amount set by the board
878 in accordance with the provisions of Section 1 of this act, which
879 shall be paid to the board. Renewal of any permit issued under
880 this section shall require conformance with all requirements of
881 this chapter.

882 **SECTION 16.** Section 41-59-79, Mississippi Code of 1972, is
883 amended as follows:

884 41-59-79. Any person desiring certification as a medical
885 first responder shall apply to the board using forms prescribed by
886 the board. Each application for a medical first responder
887 certificate shall be accompanied by a certificate fee to be fixed
888 by the board in accordance with the provisions of Section 1 of
889 this act, which shall be paid to the board. Upon the successful
890 completion of the board's approved medical first responder
891 training program, the board shall make a determination of the



892 applicant's qualifications as a medical first responder as set
893 forth in the regulations promulgated by the board, and shall issue
894 a medical first responder certificate to the applicant.

895 **SECTION 17.** Section 41-67-12, Mississippi Code of 1972, is
896 amended as follows:

897 41-67-12. (1) The department shall assess fees in the
898 following amounts for the following purposes:

899 (a) A fee * * * in an amount set by the department in
900 accordance with the provisions of Section 1 of this act shall be
901 levied for soil and site evaluation and recommendation of
902 individual on-site wastewater disposal systems.

903 (b) A fee * * * in an amount set by the department in
904 accordance with the provisions of Section 1 of this act shall be
905 levied annually for the certification of installers and pumpers.

906 (c) A fee * * * in an amount set by the department in
907 accordance with the provisions of Section 1 of this act shall be
908 levied annually for the registration of manufacturers.

909 (2) In the discretion of the board, a person shall be liable
910 for a penalty equal to one and one-half (1-1/2) times the amount
911 of the fee due and payable for failure to pay the fee on or before
912 the date due, plus any amount necessary to reimburse the cost of
913 collection.

914 (3) No fee authorized under this section shall be assessed
915 by the department for state agencies or institutions, including,



916 without limitation, foster homes licensed by the Mississippi
917 Department of Human Services.

918 **SECTION 18.** Section 41-67-25, Mississippi Code of 1972, is
919 amended as follows:

920 41-67-25. (1) A person may not operate as an installer of
921 individual on-site wastewater disposal systems unless that person
922 is currently certified by the department. A person who installs
923 an individual on-site wastewater disposal system on his own
924 property for his primary residence is not considered an installer
925 for purposes of this subsection.

926 (2) An installer of advanced treatment systems or products
927 must be a factory-trained and authorized representative. The
928 manufacturer must furnish documentation to the department
929 certifying the satisfactory completion of factory training and the
930 establishment of the installer as an authorized manufacturer's
931 representative.

932 (3) The department shall issue a certification to an
933 installer if the installer:

934 (a) Completes an application form that complies with
935 this chapter and rules and regulations adopted by the board;

936 (b) Satisfactorily completes the training program for
937 installation and maintenance provided by the department;

938 (c) Pays the annual certification fee, which shall be
939 an amount * * * set by the department in accordance with the
940 provisions of Section 1 of this act; and



941 (d) Provides proof of having a valid general business
942 liability insurance policy in effect with liability limits of at
943 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
944 least One Hundred Thousand Dollars (\$100,000.00) in total
945 aggregate amount.

946 (4) Each installer shall furnish proof of certification to a
947 property owner, lessee, the owner's representative or occupant of
948 the property on which an individual on-site wastewater disposal
949 system is to be designed, constructed, repaired or installed by
950 that installer and to the department or its authorized
951 representative, if requested.

952 (5) The department shall provide for annual renewal of
953 certifications.

954 (6) (a) An installer's certification may be suspended or
955 revoked by the department after notice and hearing if the
956 installer violates this chapter or any rule or regulation adopted
957 under this chapter.

958 (b) The installer may appeal a suspension or revocation
959 under this section as provided by law.

960 (7) The department shall disseminate to the public an
961 official list of certified installers.

962 (8) If any person is operating in the state as an installer
963 without certification by the board, the board, after due notice
964 and opportunity for a hearing, may impose a monetary penalty not
965 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.



966 (9) The department shall provide for annual renewal of
967 installer certifications to be applied for at the local department
968 offices.

969 **SECTION 19.** Section 41-67-37, Mississippi Code of 1972, is
970 amended as follows:

971 41-67-37. (1) A person may not operate as a certified
972 professional evaluator in this state unless that person is
973 currently certified by the department or is a licensed
974 professional engineer.

975 (2) A person must meet one (1) of the following
976 requirements, in addition to the additional requirements set forth
977 in other sections of this chapter and rules and regulations of the
978 board, in order to be eligible to become a certified professional
979 evaluator:

980 (a) Be a professional geologist registered in the State
981 of Mississippi;

982 (b) Be a professional soil classifier licensed in the
983 State of Mississippi; or

984 (c) Be a person who possesses a demonstrable, adequate
985 and appropriate record of professional experience and/or training
986 as determined by the department.

987 (3) The department shall issue a certification to a
988 certified professional evaluator if the certified professional
989 evaluator:



990 (a) Completes an application form that complies with
991 this chapter and rules adopted under this chapter;

992 (b) Satisfactorily completes the certified professional
993 evaluator training program provided by the department;

994 (c) Pays the annual certification fee, which shall be
995 an amount set by the department in accordance with the provisions
996 of Section 1 of this act; and

997 (d) Provides proof of having an errors and omissions
998 policy or surety in effect with liability limits of at least Fifty
999 Thousand Dollars (\$50,000.00) per occurrence and at least One
1000 Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

1001 (4) Each certified professional evaluator shall furnish
1002 proof of certification to a property owner or the owner's
1003 representative of the property before performing a site evaluation
1004 of the property on which an individual on-site wastewater disposal
1005 system is to be designed, constructed, repaired or installed by
1006 the certified professional evaluator and to the department or its
1007 authorized representative, if requested.

1008 (5) The department shall provide for annual renewal of
1009 certifications.

1010 (6) The department shall disseminate to the public an
1011 official list of certified professional evaluators.

1012 (7) If any person who is not a licensed professional
1013 engineer operates in the state as a certified professional
1014 evaluator without certification by the department, the department,



1015 after due notice and opportunity for a hearing, may impose a
1016 monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00)
1017 for each violation.

1018 **SECTION 20.** Section 41-67-39, Mississippi Code of 1972, is
1019 amended as follows:

1020 41-67-39. (1) A person may not be engaged in the business
1021 of removing and disposing of the sludge and liquid waste (septage)
1022 from individual on-site wastewater disposal systems in this state
1023 unless that person has a valid certificate issued by the
1024 department.

1025 (2) The department shall issue a certificate to a pumper if
1026 the pumper:

1027 (a) Completes an application form that complies with
1028 this chapter and rules adopted under this chapter;

1029 (b) Satisfactorily completes the certified pumper
1030 training program provided by the department;

1031 (c) Satisfactorily complies with the requirements of
1032 his/her pumping and hauling equipment;

1033 (d) Provides documentation of a disposal site approved
1034 by the Department of Environmental Quality, Office of Pollution
1035 Control;

1036 (e) Pays the annual license fee, which shall be an
1037 amount set by the department in accordance with the provisions of
1038 Section 1 of this act; and



1039 (f) Provides proof of having a valid general business
1040 liability insurance policy in effect with liability limits of at
1041 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
1042 least One Hundred Thousand Dollars (\$100,000.00) in total
1043 aggregate amount.

1044 (3) Each pumper or designated agent thereof, upon request,
1045 shall furnish proof of certification to an individual before
1046 entering a contract with that individual for the removing and
1047 disposing of the sludge and liquid waste (septage) from an
1048 individual on-site wastewater disposal system.

1049 (4) The department shall disseminate to the public an
1050 official list of certified pumpers.

1051 (5) If any person operates in the state as a certified
1052 pumper without a license by the board, the board, after due notice
1053 and opportunity for a hearing, may impose a monetary penalty not
1054 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

1055 (6) The department may suspend or revoke a pumper
1056 certification if the pumper disposes of septage or other liquid
1057 waste in an unpermitted or unapproved site and/or violates this
1058 chapter or rules and regulations under this chapter.

1059 (7) A municipal wastewater treatment facility may make a
1060 site available for certified pumpers to dispose of septic or other
1061 liquid waste.

1062 (8) The department shall provide for annual renewal of
1063 certifications.



1064 (9) The department must provide for renewal pumper
1065 certifications to be applied for at the local department offices.

1066 **SECTION 21.** Section 41-71-5, Mississippi Code of 1972, is
1067 amended as follows:

1068 41-71-5. An application for a license shall be made to the
1069 licensing agency upon forms provided by the agency and shall
1070 contain such information as the agency shall require, which may
1071 include affirmative evidence of ability to comply with such
1072 reasonable standards, rules and regulations as are lawfully
1073 prescribed under this chapter. A license fee * * * in an amount
1074 set by the licensing agency in accordance with the provisions of
1075 Section 1 of this act, payable to the licensing agency, shall be
1076 submitted with each application.

1077 **SECTION 22.** Section 41-71-7, Mississippi Code of 1972, is
1078 amended as follows:

1079 41-71-7. Upon receipt of an application for a license and
1080 the license fee, and a determination by the licensing agency that
1081 the application is in compliance with Section 41-7-173 et seq. and
1082 in compliance with the provisions of this chapter, such license
1083 shall be issued. A license, unless suspended or revoked, shall be
1084 renewable annually upon payment by the licensee of a renewal fee
1085 * * * in an amount set by the licensing agency in accordance with
1086 the provisions of Section 1 of this act and upon approval by the
1087 licensing agency of an annual report, required to be submitted by
1088 the licensee, containing such information in such form and at such



1089 time as the licensing agency prescribes by rule or regulation.
1090 Each license shall be issued only for the home health agency and
1091 person or persons or other legal entity or entities named in the
1092 application and shall not be transferable or assignable except
1093 with the written approval of the licensing agency. Licenses shall
1094 be posted in a conspicuous place in the designated business office
1095 of the licensee. Each licensee shall designate, in writing, one
1096 (1) individual person as the responsible party for the conducting
1097 of the business of the home health agency with the licensing
1098 agency.

1099 **SECTION 23.** Section 41-75-7, Mississippi Code of 1972, is
1100 amended as follows:

1101 41-75-7. An application for a license shall be made to the
1102 licensing agency upon forms provided by it and shall contain such
1103 information as the licensing agency reasonably requires, which may
1104 include affirmative evidence of ability to comply with such
1105 reasonable standards, rules and regulations as are lawfully
1106 prescribed hereunder. Each application for a license shall be
1107 accompanied by a license fee * * * in an amount set by the
1108 licensing agency in accordance with the provisions of Section 1 of
1109 this act, which shall be paid to the licensing agency.

1110 **SECTION 24.** Section 41-75-9, Mississippi Code of 1972, is
1111 amended as follows:

1112 41-75-9. Upon receipt of an application for license and the
1113 license fee, the licensing agency shall issue a license if the



1114 applicant and the institutional facilities meet the requirements
1115 established under this chapter and the requirements of Section
1116 41-7-173 et seq. where determined by the licensing agency to be
1117 applicable. A license, unless suspended or revoked, shall be
1118 renewable annually upon payment of a renewal fee * * * in an
1119 amount set by the licensing agency in accordance with the
1120 provisions of Section 1 of this act, which shall be paid to the
1121 licensing agency, and upon filing by the licensee and approval by
1122 the licensing agency of an annual report upon such uniform dates
1123 and containing such information in such form as the licensing
1124 agency requires. Each license shall be issued only for the
1125 premises and person or persons named in the application and shall
1126 not be transferable or assignable. Licenses shall be posted in a
1127 conspicuous place on the licensed premises.

1128 **SECTION 25.** Section 41-77-9, Mississippi Code of 1972, is
1129 amended as follows:

1130 41-77-9. An application for a license shall be made to the
1131 licensing agency upon forms provided by it and shall contain such
1132 information as the licensing agency reasonably requires, which may
1133 include affirmative evidence of ability to comply with such
1134 reasonable standards, rules and regulations as are lawfully
1135 prescribed hereunder. Each application for a license shall be
1136 accompanied by a license fee * * * in an amount set by the
1137 licensing agency in accordance with the provisions of Section 1 of
1138 this act, which shall be paid to the licensing agency.



1139 **SECTION 26.** Section 41-77-25, Mississippi Code of 1972, is
1140 amended as follows:

1141 41-77-25. Upon receipt of an application for license and the
1142 license fee, the licensing agency shall issue a license if the
1143 applicant and the institutional facilities meet the requirements
1144 established under this chapter and the requirements of Section
1145 41-7-173 * * * et seq., where determined by the licensing agency
1146 to be applicable. A license, unless suspended or revoked, shall
1147 be renewable annually upon payment of a renewal fee * * * in an
1148 amount set by the licensing agency in accordance with the
1149 provisions of Section 1 of this act, which shall be paid to the
1150 licensing agency, and upon filing by the licensee and approval by
1151 the licensing agency of an annual report upon such uniform dates
1152 and containing such information in such form as the licensing
1153 agency requires. Each license shall be issued only for the
1154 premises and person or persons named in the application and shall
1155 not be transferable or assignable. Licenses shall be posted in a
1156 conspicuous place on the licensed premises.

1157 **SECTION 27.** Section 41-85-7, Mississippi Code of 1972, is
1158 amended as follows:

1159 41-85-7. (1) The administration of this chapter is vested
1160 in the Mississippi Department of Health, which shall:

1161 (a) Prepare and furnish all forms necessary under the
1162 provisions of this chapter in relation to applications for
1163 licensure or renewals thereof;



1164 (b) Collect in advance at the time of filing an
1165 application for a license or at the time of renewal of a license a
1166 fee * * * in an amount set by the department in accordance with
1167 the provisions of Section 1 of this act for each site or location
1168 of the licensee;

1169 (c) Levy a fee * * * per bed in an amount set by the
1170 department in accordance with the provisions of Section 1 of this
1171 act for the review of inpatient hospice care;

1172 (d) Conduct annual licensure inspections of all
1173 licensees which may be the same inspection as the annual Medicare
1174 certification inspection; and

1175 (e) Promulgate applicable rules and standards in
1176 furtherance of the purpose of this chapter and may amend such
1177 rules as may be necessary. The rules shall include, but not be
1178 limited to, the following:

1179 (i) The qualifications of professional and
1180 ancillary personnel in order to adequately furnish hospice care;

1181 (ii) Standards for the organization and quality of
1182 patient care;

1183 (iii) Procedures for maintaining records; and

1184 (iv) Provision for the inpatient component of
1185 hospice care and for other professional and ancillary hospice
1186 services.

1187 (2) All fees collected by the department under this section
1188 shall be used by the department exclusively for the purposes of



1189 licensure, regulation, inspection, investigations and discipline
1190 of hospices under this chapter.

1191 (3) The State Department of Health shall not process any new
1192 applications for hospice licensure or issue any new hospice
1193 licenses, except renewals, unless the application for a new
1194 hospice license was pending with the department on March 1, 2013.
1195 This subsection (3) shall stand repealed on July 1, 2018.

1196 **SECTION 28.** Section 41-125-7, Mississippi Code of 1972, is
1197 amended as follows:

1198 41-125-7. (1) Separate licenses are required for PPEC
1199 centers maintained on separate premises, even though they are
1200 operated under the same management. Separate licenses are not
1201 required for separate buildings on the same grounds.

1202 (2) An applicant or licensee shall pay a fee for each
1203 license application and annual license renewal under this chapter
1204 and applicable rules. The amount of the fee shall be * * * an
1205 amount set by the licensing agency in accordance with the
1206 provisions of Section 1 of this act for each licensed bed in the
1207 PPEC * * *.

1208 (3) County-operated or municipally operated PPEC centers
1209 applying for licensure under this chapter are exempt from the
1210 payment of license fees.

1211 **SECTION 29.** Section 43-11-7, Mississippi Code of 1972, is
1212 amended as follows:

1213 43-11-7. Any person, as defined in Section 43-11-1, may



1214 apply for a license as provided in this section. An application
1215 for a license shall be made to the licensing agency upon forms
1216 provided by it and shall contain such information as the licensing
1217 agency reasonably requires, which may include affirmative evidence
1218 of ability to comply with such reasonable standards, rules and
1219 regulations as are lawfully prescribed under this chapter. Each
1220 application for a license for an institution for the aged or
1221 infirm, except for personal care homes, shall be accompanied by a
1222 license fee * * * in an amount set by the licensing agency in
1223 accordance with the provisions of Section 1 of this act for each
1224 bed in the institution, * * * which shall be paid to the licensing
1225 agency. Each application for a license for a personal care home
1226 shall be accompanied by a license fee * * * in an amount set by
1227 the licensing agency in accordance with the provisions of Section
1228 1 of this act for each bed in the institution, * * * which shall
1229 be paid to the licensing agency.

1230 No governmental entity or agency shall be required to pay the
1231 fee or fees set forth in this section.

1232 **SECTION 30.** Section 43-11-8, Mississippi Code of 1972, is
1233 amended as follows:

1234 43-11-8. (1) An application for a license for an adult
1235 foster care facility shall be made to the licensing agency upon
1236 forms provided by it and shall contain such information as the
1237 licensing agency reasonably requires, which may include
1238 affirmative evidence of ability to comply with such reasonable



1239 standards, rules and regulations as are lawfully prescribed
1240 hereunder. Each application for a license for an adult foster
1241 care facility shall be accompanied by a license fee * * * in an
1242 amount set by the licensing agency in accordance with the
1243 provisions of Section 1 of this act for each person or bed of
1244 licensed capacity, * * * which shall be paid to the licensing
1245 agency.

1246 (2) A license, unless suspended or revoked, shall be
1247 renewable annually upon payment by the licensee of an adult foster
1248 care facility, except for personal care homes, of a renewal fee
1249 * * * in an amount set by the licensing agency in accordance with
1250 the provisions of Section 1 of this act for each person or bed of
1251 licensed capacity in the institution, * * * which shall be paid to
1252 the licensing agency, and upon filing by the licensee and approval
1253 by the licensing agency of an annual report upon such uniform
1254 dates and containing such information in such form as the
1255 licensing agency prescribes by regulation. Each license shall be
1256 issued only for the premises and person or persons or other legal
1257 entity or entities named in the application and shall not be
1258 transferable or assignable except with the written approval of the
1259 licensing agency. Licenses shall be posted in a conspicuous place
1260 on the licensed premises.

1261 **SECTION 31.** Section 43-11-9, Mississippi Code of 1972, is
1262 amended as follows:



1263 43-11-9. (1) Upon receipt of an application for license and
1264 the license fee, the licensing agency shall issue a license if the
1265 applicant and the institutional facilities meet the requirements
1266 established under this chapter and the requirements of Section
1267 41-7-173 et seq., where determined by the licensing agency to be
1268 applicable. A license, unless suspended or revoked, shall be
1269 renewable annually upon payment by (a) the licensee of an
1270 institution for the aged or infirm, except for personal care
1271 homes, of a renewal fee * * * in an amount set by the licensing
1272 agency in accordance with the provisions of Section 1 of this act
1273 for each bed in the institution, * * * or (b) the licensee of a
1274 personal care home of a renewal fee * * * in an amount set by the
1275 licensing agency in accordance with the provisions of Section 1 of
1276 this act for each bed in the institution, * * * which shall be
1277 paid to the licensing agency, and upon filing by the licensee and
1278 approval by the licensing agency of an annual report upon such
1279 uniform dates and containing such information in such form as the
1280 licensing agency prescribes by regulation. Each license shall be
1281 issued only for the premises and person or persons or other legal
1282 entity or entities named in the application and shall not be
1283 transferable or assignable except with the written approval of the
1284 licensing agency. Licenses shall be posted in a conspicuous place
1285 on the licensed premises.

1286 (2) A fee known as a "User Fee" shall be applicable and
1287 shall be paid to the licensing agency * * * in the same manner as



1288 specified in subsection (1) * * * of this section. The amount of
1289 the user fee shall be set by the licensing agency in accordance
1290 with the provisions of Section 1 of this act. This user fee shall
1291 be assessed for the purpose of the required reviewing and
1292 inspections of the proposal of any institution in which there are
1293 additions, renovations, modernizations, expansion, alterations,
1294 conversions, modifications or replacement of the entire facility
1295 involved in such proposal. This fee includes the reviewing of
1296 architectural plans in all steps required. * * *

1297 (3) No governmental entity or agency shall be required to
1298 pay the fee or fees set forth in this section.

1299 **SECTION 32.** Section 43-11-13, Mississippi Code of 1972, is
1300 amended as follows:

1301 43-11-13. (1) The licensing agency shall adopt, amend,
1302 promulgate and enforce such rules, regulations and standards,
1303 including classifications, with respect to all institutions for
1304 the aged or infirm to be licensed under this chapter as may be
1305 designed to further the accomplishment of the purpose of this
1306 chapter in promoting adequate care of individuals in those
1307 institutions in the interest of public health, safety and welfare.
1308 Those rules, regulations and standards shall be adopted and
1309 promulgated by the licensing agency and shall be recorded and
1310 indexed in a book to be maintained by the licensing agency in its
1311 main office in the State of Mississippi, entitled "Rules,
1312 Regulations and Minimum Standards for Institutions for the Aged or



1313 Infirm" and the book shall be open and available to all
1314 institutions for the aged or infirm and the public generally at
1315 all reasonable times. Upon the adoption of those rules,
1316 regulations and standards, the licensing agency shall mail copies
1317 thereof to all those institutions in the state that have filed
1318 with the agency their names and addresses for this purpose, but
1319 the failure to mail the same or the failure of the institutions to
1320 receive the same shall in no way affect the validity thereof. The
1321 rules, regulations and standards may be amended by the licensing
1322 agency, from time to time, as necessary to promote the health,
1323 safety and welfare of persons living in those institutions.

1324 (2) The licensee shall keep posted in a conspicuous place on
1325 the licensed premises all current rules, regulations and minimum
1326 standards applicable to fire protection measures as adopted by the
1327 licensing agency. The licensee shall furnish to the licensing
1328 agency at least once each six (6) months a certificate of approval
1329 and inspection by state or local fire authorities. Failure to
1330 comply with state laws and/or municipal ordinances and current
1331 rules, regulations and minimum standards as adopted by the
1332 licensing agency, relative to fire prevention measures, shall be
1333 prima facie evidence for revocation of license.

1334 (3) The State Board of Health shall promulgate rules and
1335 regulations restricting the storage, quantity and classes of drugs
1336 allowed in personal care homes and adult foster care facilities.
1337 Residents requiring administration of Schedule II Narcotics as



1338 defined in the Uniform Controlled Substances Law may be admitted
1339 to a personal care home. Schedule drugs may only be allowed in a
1340 personal care home if they are administered or stored utilizing
1341 proper procedures under the direct supervision of a licensed
1342 physician or nurse.

1343 (4) (a) Notwithstanding any determination by the licensing
1344 agency that skilled nursing services would be appropriate for a
1345 resident of a personal care home, that resident, the resident's
1346 guardian or the legally recognized responsible party for the
1347 resident may consent in writing for the resident to continue to
1348 reside in the personal care home, if approved in writing by a
1349 licensed physician. However, no personal care home shall allow
1350 more than two (2) residents, or ten percent (10%) of the total
1351 number of residents in the facility, whichever is greater, to
1352 remain in the personal care home under the provisions of this
1353 subsection (4). This consent shall be deemed to be appropriately
1354 informed consent as described in the regulations promulgated by
1355 the licensing agency. After that written consent has been
1356 obtained, the resident shall have the right to continue to reside
1357 in the personal care home for as long as the resident meets the
1358 other conditions for residing in the personal care home. A copy
1359 of the written consent and the physician's approval shall be
1360 forwarded by the personal care home to the licensing agency.

1361 (b) The State Board of Health shall promulgate rules
1362 and regulations restricting the handling of a resident's personal



1363 deposits by the director of a personal care home. Any funds given
1364 or provided for the purpose of supplying extra comforts,
1365 conveniences or services to any resident in any personal care
1366 home, and any funds otherwise received and held from, for or on
1367 behalf of any such resident, shall be deposited by the director or
1368 other proper officer of the personal care home to the credit of
1369 that resident in an account that shall be known as the Resident's
1370 Personal Deposit Fund. No more than one (1) month's charge for
1371 the care, support, maintenance and medical attention of the
1372 resident shall be applied from the account at any one time. After
1373 the death, discharge or transfer of any resident for whose benefit
1374 any such fund has been provided, any unexpended balance remaining
1375 in his personal deposit fund shall be applied for the payment of
1376 care, cost of support, maintenance and medical attention that is
1377 accrued. If any unexpended balance remains in that resident's
1378 personal deposit fund after complete reimbursement has been made
1379 for payment of care, support, maintenance and medical attention,
1380 and the director or other proper officer of the personal care home
1381 has been or shall be unable to locate the person or persons
1382 entitled to the unexpended balance, the director or other proper
1383 officer may, after the lapse of one (1) year from the date of that
1384 death, discharge or transfer, deposit the unexpended balance to
1385 the credit of the personal care home's operating fund.

1386 (c) The State Board of Health shall promulgate rules
1387 and regulations requiring personal care homes to maintain records



1388 relating to health condition, medicine dispensed and administered,
1389 and any reaction to that medicine. The director of the personal
1390 care home shall be responsible for explaining the availability of
1391 those records to the family of the resident at any time upon
1392 reasonable request.

1393 (d) This subsection (4) shall stand repealed on July 1,
1394 2017.

1395 (5) (a) For the purposes of this subsection (5):

1396 (i) "Licensed entity" means a hospital, nursing
1397 home, personal care home, home health agency, hospice or adult
1398 foster care facility;

1399 (ii) "Covered entity" means a licensed entity or a
1400 health care professional staffing agency;

1401 (iii) "Employee" means any individual employed by
1402 a covered entity, and also includes any individual who by contract
1403 provides to the patients, residents or clients being served by the
1404 covered entity direct, hands-on, medical patient care in a
1405 patient's, resident's or client's room or in treatment or recovery
1406 rooms. The term "employee" does not include health care
1407 professional/vocational technical students, as defined in Section
1408 37-29-232, performing clinical training in a licensed entity under
1409 contracts between their schools and the licensed entity, and does
1410 not include students at high schools located in Mississippi who
1411 observe the treatment and care of patients in a licensed entity as



1412 part of the requirements of an allied-health course taught in the
1413 high school, if:

1414 1. The student is under the supervision of a
1415 licensed health care provider; and

1416 2. The student has signed an affidavit that
1417 is on file at the student's school stating that he or she has not
1418 been convicted of or pleaded guilty or nolo contendere to a felony
1419 listed in paragraph (d) of this subsection (5), or that any such
1420 conviction or plea was reversed on appeal or a pardon was granted
1421 for the conviction or plea. Before any student may sign such an
1422 affidavit, the student's school shall provide information to the
1423 student explaining what a felony is and the nature of the felonies
1424 listed in paragraph (d) of this subsection (5).

1425 However, the health care professional/vocational technical
1426 academic program in which the student is enrolled may require the
1427 student to obtain criminal history record checks under the
1428 provisions of Section 37-29-232.

1429 (b) Under regulations promulgated by the State Board of
1430 Health, the licensing agency shall require to be performed a
1431 criminal history record check on (i) every new employee of a
1432 covered entity who provides direct patient care or services and
1433 who is employed on or after July 1, 2003, and (ii) every employee
1434 of a covered entity employed before July 1, 2003, who has a
1435 documented disciplinary action by his or her present employer. In
1436 addition, the licensing agency shall require the covered entity to



1437 perform a disciplinary check with the professional licensing
1438 agency of each employee, if any, to determine if any disciplinary
1439 action has been taken against the employee by that agency.

1440 Except as otherwise provided in paragraph (c) of this
1441 subsection (5), no such employee hired on or after July 1, 2003,
1442 shall be permitted to provide direct patient care until the
1443 results of the criminal history record check have revealed no
1444 disqualifying record or the employee has been granted a waiver.
1445 In order to determine the employee applicant's suitability for
1446 employment, the applicant shall be fingerprinted. Fingerprints
1447 shall be submitted to the licensing agency from scanning, with the
1448 results processed through the Department of Public Safety's
1449 Criminal Information Center. If no disqualifying record is
1450 identified at the state level, the fingerprints shall be forwarded
1451 by the Department of Public Safety to the Federal Bureau of
1452 Investigation for a national criminal history record check. The
1453 licensing agency shall notify the covered entity of the results of
1454 an employee applicant's criminal history record check. If the
1455 criminal history record check discloses a felony conviction,
1456 guilty plea or plea of nolo contendere to a felony of possession
1457 or sale of drugs, murder, manslaughter, armed robbery, rape,
1458 sexual battery, sex offense listed in Section 45-33-23(h), child
1459 abuse, arson, grand larceny, burglary, gratification of lust or
1460 aggravated assault, or felonious abuse and/or battery of a
1461 vulnerable adult that has not been reversed on appeal or for which



1462 a pardon has not been granted, the employee applicant shall not be
1463 eligible to be employed by the covered entity.

1464 (c) Any such new employee applicant may, however, be
1465 employed on a temporary basis pending the results of the criminal
1466 history record check, but any employment contract with the new
1467 employee shall be voidable if the new employee receives a
1468 disqualifying criminal history record check and no waiver is
1469 granted as provided in this subsection (5).

1470 (d) Under regulations promulgated by the State Board of
1471 Health, the licensing agency shall require every employee of a
1472 covered entity employed before July 1, 2003, to sign an affidavit
1473 stating that he or she has not been convicted of or pleaded guilty
1474 or nolo contendere to a felony of possession or sale of drugs,
1475 murder, manslaughter, armed robbery, rape, sexual battery, any sex
1476 offense listed in Section 45-33-23(h), child abuse, arson, grand
1477 larceny, burglary, gratification of lust, aggravated assault, or
1478 felonious abuse and/or battery of a vulnerable adult, or that any
1479 such conviction or plea was reversed on appeal or a pardon was
1480 granted for the conviction or plea. No such employee of a covered
1481 entity hired before July 1, 2003, shall be permitted to provide
1482 direct patient care until the employee has signed the affidavit
1483 required by this paragraph (d). All such existing employees of
1484 covered entities must sign the affidavit required by this
1485 paragraph (d) within six (6) months of the final adoption of the
1486 regulations promulgated by the State Board of Health. If a person



1487 signs the affidavit required by this paragraph (d), and it is
1488 later determined that the person actually had been convicted of or
1489 pleaded guilty or nolo contendere to any of the offenses listed in
1490 this paragraph (d) and the conviction or plea has not been
1491 reversed on appeal or a pardon has not been granted for the
1492 conviction or plea, the person is guilty of perjury. If the
1493 offense that the person was convicted of or pleaded guilty or nolo
1494 contendere to was a violent offense, the person, upon a conviction
1495 of perjury under this paragraph, shall be punished as provided in
1496 Section 97-9-61. If the offense that the person was convicted of
1497 or pleaded guilty or nolo contendere to was a nonviolent offense,
1498 the person, upon a conviction of perjury under this paragraph,
1499 shall be punished by a fine of not more than Five Hundred Dollars
1500 (\$500.00), or by imprisonment in the county jail for not more than
1501 six (6) months, or by both such fine and imprisonment.

1502 (e) The covered entity may, in its discretion, allow
1503 any employee who is unable to sign the affidavit required by
1504 paragraph (d) of this subsection (5) or any employee applicant
1505 aggrieved by an employment decision under this subsection (5) to
1506 appear before the covered entity's hiring officer, or his or her
1507 designee, to show mitigating circumstances that may exist and
1508 allow the employee or employee applicant to be employed by the
1509 covered entity. The covered entity, upon report and
1510 recommendation of the hiring officer, may grant waivers for those
1511 mitigating circumstances, which shall include, but not be limited



1512 to: (i) age at which the crime was committed; (ii) circumstances
1513 surrounding the crime; (iii) length of time since the conviction
1514 and criminal history since the conviction; (iv) work history; (v)
1515 current employment and character references; and (vi) other
1516 evidence demonstrating the ability of the individual to perform
1517 the employment responsibilities competently and that the
1518 individual does not pose a threat to the health or safety of the
1519 patients of the covered entity.

1520 (f) The licensing agency may charge the covered entity
1521 submitting the fingerprints a fee * * * in an amount set by the
1522 licensing agency in accordance with the provisions of Section 1 of
1523 this act, which covered entity may, in its discretion, charge the
1524 same fee, or a portion thereof, to the employee applicant. Any
1525 costs incurred by a covered entity implementing this subsection
1526 (5) shall be reimbursed as an allowable cost under Section
1527 43-13-116.

1528 (g) If the results of an employee applicant's criminal
1529 history record check reveals no disqualifying event, then the
1530 covered entity shall, within two (2) weeks of the notification of
1531 no disqualifying event, provide the employee applicant with a
1532 notarized letter signed by the chief executive officer of the
1533 covered entity, or his or her authorized designee, confirming the
1534 employee applicant's suitability for employment based on his or
1535 her criminal history record check. An employee applicant may use
1536 that letter for a period of two (2) years from the date of the



1537 letter to seek employment with any covered entity without the
1538 necessity of an additional criminal history record check. Any
1539 covered entity presented with the letter may rely on the letter
1540 with respect to an employee applicant's criminal background and is
1541 not required for a period of two (2) years from the date of the
1542 letter to conduct or have conducted a criminal history record
1543 check as required in this subsection (5).

1544 (h) The licensing agency, the covered entity, and their
1545 agents, officers, employees, attorneys and representatives, shall
1546 be presumed to be acting in good faith for any employment decision
1547 or action taken under this subsection (5). The presumption of
1548 good faith may be overcome by a preponderance of the evidence in
1549 any civil action. No licensing agency, covered entity, nor their
1550 agents, officers, employees, attorneys and representatives shall
1551 be held liable in any employment decision or action based in whole
1552 or in part on compliance with or attempts to comply with the
1553 requirements of this subsection (5).

1554 (i) The licensing agency shall promulgate regulations
1555 to implement this subsection (5).

1556 (j) The provisions of this subsection (5) shall not
1557 apply to:

1558 (i) Applicants and employees of the University of
1559 Mississippi Medical Center for whom criminal history record checks
1560 and fingerprinting are obtained in accordance with Section
1561 37-115-41; or



1562 (ii) Health care professional/vocational technical
1563 students for whom criminal history record checks and
1564 fingerprinting are obtained in accordance with Section 37-29-232.

1565 (6) The State Board of Health shall promulgate rules,
1566 regulations and standards regarding the operation of adult foster
1567 care facilities.

1568 **SECTION 33.** Section 43-16-25, Mississippi Code of 1972, is
1569 amended as follows:

1570 43-16-25. A license issued under the provisions of this
1571 chapter shall be renewed annually upon payment of a renewal fee
1572 * * * in an amount set by the board in accordance with the
1573 provisions of Section 1 of this act, and upon filing by the
1574 licensee of an annual report upon such uniform dates and upon
1575 forms provided by the licensing agency, accompanied by a current
1576 certificate of inspection and approval by the fire department and
1577 the county health department specified in Section 43-16-11.

1578 No governmental entity or agency shall be required to pay the
1579 fee or fees set forth in this section.

1580 **SECTION 34.** Section 43-20-8, Mississippi Code of 1972, is
1581 amended as follows:

1582 43-20-8. (1) The licensing agency shall have powers and
1583 duties as set forth below, in addition to other duties prescribed
1584 under this chapter:



1585 (a) Promulgate rules and regulations concerning the
1586 licensing and regulation of child care facilities as defined in
1587 Section 43-20-5;

1588 (b) Have the authority to issue, deny, suspend, revoke,
1589 restrict or otherwise take disciplinary action against licensees
1590 as provided for in this chapter;

1591 (c) Set and collect fees and penalties as provided for
1592 in this chapter, which fees shall be set in accordance with the
1593 provisions of Section 1 of this act; and

1594 (d) Have such other powers as may be required to carry
1595 out the provisions of this chapter.

1596 (2) Child care facilities shall assure that parents have
1597 welcome access to the child care facility at all times and shall
1598 comply with the provisions of Chapter 520, Laws of 2006.

1599 (3) Each child care facility shall develop and maintain a
1600 current list of contact persons for each child provided care by
1601 that facility. An agreement may be made between the child care
1602 facility and the child's parent, guardian or contact person at the
1603 time of registration to inform the parent, guardian or contact
1604 person if the child does not arrive at the facility within a
1605 reasonable time.

1606 (4) Child care facilities shall require that, for any
1607 current or prospective caregiver, all criminal records, background
1608 and sex offender registry checks and current child abuse registry
1609 checks are obtained. In order to determine the applicant's



1610 suitability for employment, the applicant shall be fingerprinted.
1611 If no disqualifying record is identified at the state level, the
1612 fingerprints shall be forwarded by the Department of Public Safety
1613 to the FBI for a national criminal history record check.

1614 (5) The licensing agency shall require to be performed a
1615 criminal records background check and a child abuse registry check
1616 for all operators of a child care facility and any person living
1617 in a residence used for child care. The Department of Human
1618 Services shall have the authority to disclose to the State
1619 Department of Health any potential applicant whose name is listed
1620 on the Child Abuse Central Registry or has a pending
1621 administrative review. That information shall remain confidential
1622 by all parties. In order to determine the applicant's suitability
1623 for employment, the applicant shall be fingerprinted. If no
1624 disqualifying record is identified at the state level, the
1625 fingerprints shall be forwarded by the Department of Public Safety
1626 to the FBI for a national criminal history record check.

1627 (6) The licensing agency shall have the authority to exclude
1628 a particular crime or crimes or a substantiated finding of child
1629 abuse and/or neglect as disqualifying individuals or entities for
1630 prospective or current employment or licensure.

1631 (7) The licensing agency and its agents, officers,
1632 employees, attorneys and representatives shall not be held civilly
1633 liable for any findings, recommendations or actions taken under
1634 this section.



1635 (8) All fees incurred in compliance with this section shall
1636 be borne by the child care facility. The licensing agency is
1637 authorized to charge a fee that includes the amount required by
1638 the Federal Bureau of Investigation for the national criminal
1639 history record check in compliance with the Child Protection Act
1640 of 1993, as amended, and any necessary costs incurred by the
1641 licensing agency for the handling and administration of the
1642 criminal history background checks.

1643 (9) From and after January 1, 2008, the State Board of
1644 Health shall develop regulations to ensure that all children
1645 enrolled or enrolling in a state licensed child care center
1646 receive age-appropriate immunization against invasive pneumococcal
1647 disease as recommended by the Advisory Committee on immunization
1648 practices of the Centers for Disease Control and Prevention. The
1649 State Board of Health shall include, within its regulations,
1650 protocols for children under the age of twenty-four (24) months to
1651 catch up on missed doses. If the State Board of Health has
1652 adopted regulations before January 1, 2008, that would otherwise
1653 meet the requirements of this subsection, then this subsection
1654 shall stand repealed on January 1, 2008.

1655 **SECTION 35.** Section 43-20-11, Mississippi Code of 1972, is
1656 amended as follows:

1657 43-20-11. An application for a license under this chapter
1658 shall be made to the licensing agency upon forms provided by it,
1659 and shall contain such information as the licensing agency may



1660 reasonably require. Each application for a license shall be
1661 accompanied by a license fee * * * in an amount set by the
1662 licensing agency in accordance with the provisions of Section 1 of
1663 this act, which shall be paid to the licensing agency. Licenses
1664 shall be granted to applicants upon the filing of properly
1665 completed application forms, accompanied by payment of the * * *
1666 license fee, and a certificate of inspection and approval by the
1667 fire department of the municipality or other political subdivision
1668 in which the facility is located, and by a certificate of
1669 inspection and approval by the health department of the county in
1670 which the facility is located, and approval by the licensing
1671 agency; except that if no fire department exists where the
1672 facility is located, the State Fire Marshal shall certify as to
1673 the inspection for safety from fire hazards. * * * The fire,
1674 county health department and licensing agency inspections and
1675 approvals shall be based upon regulations promulgated by the
1676 licensing agency as approved by the State Board of Health.

1677 Each license shall be issued only for the premises and person
1678 or persons named in the application and shall not be transferable
1679 or assignable except with the written approval of the licensing
1680 agency. Licenses shall be posted in a conspicuous place on the
1681 licensed premises.

1682 No governmental entity or agency shall be required to pay the
1683 fee or fees set forth in this section.



1684 **SECTION 36.** Section 43-20-13, Mississippi Code of 1972, is
1685 amended as follows:

1686 43-20-13. A license issued under the provisions of this
1687 chapter shall be renewed upon payment of a renewal fee * * * in an
1688 amount set by the licensing agency in accordance with the
1689 provisions of Section 1 of this act per year, and upon filing by
1690 the licensee of a report upon such uniform dates and upon forms
1691 provided by the licensing agency, accompanied by a current
1692 certificate of inspection and approval by the fire department and
1693 the county health department specified in Section 43-20-11.

1694 No governmental entity or agency shall be required to pay the
1695 fee or fees set forth in this section.

1696 **SECTION 37.** Section 43-20-59, Mississippi Code of 1972, is
1697 amended as follows:

1698 43-20-59. (1) Any person maintaining a family child care
1699 home may register such home with the State Department of Health on
1700 forms provided by the department.

1701 (2) A certificate of registration shall be issued to the
1702 applicant for registration who (a) attests to the safety of the
1703 home for the care of children, (b) submits a fee * * * in an
1704 amount set by the department in accordance with the provisions of
1705 Section 1 of this act, payable to the department, and (c)
1706 certifies that no person described in * * * paragraph (a), (b),
1707 (c), (d) or (e) of Section 43-20-57(1) resides, works or
1708 volunteers in the family child care home.



1709 (3) The department shall furnish each applicant for
1710 registration a family child care home safety evaluation form to be
1711 completed by the applicant and submitted with the registration
1712 application.

1713 (4) The certificate of registration shall be renewed
1714 annually in the same manner provided for in this section.

1715 (5) A certificate of registration shall be in force for one
1716 (1) year after the date of issuance unless revoked pursuant to
1717 Sections 43-20-51 through 43-20-65. The certificate shall specify
1718 that the registrant may operate a family child care home for five
1719 (5) or fewer children. This section shall not be construed to
1720 limit the right of the department to enter a registered family
1721 child care home for the purpose of assessing compliance with
1722 Sections 43-20-51 through 43-20-65 after receiving a complaint
1723 against the registrant of such home or in conducting a periodic
1724 routine inspection.

1725 (6) The department shall adopt rules and regulations to
1726 implement the registration provisions.

1727 **SECTION 38.** Section 45-14-31, Mississippi Code of 1972, is
1728 amended as follows:

1729 45-14-31. All initial application and registration fees and
1730 annual fees due under this section shall be paid directly to the
1731 agency for deposit into the Radiological Health Operations Fund in
1732 the State Treasury. The Mississippi State Board of Health shall
1733 submit its separate budget for carrying out the provisions of this



1734 chapter. The budget shall be subject to and shall comply with the
1735 requirements of the state budget law. In order to supplement
1736 state radiological health budget allocations authorized to carry
1737 out and enforce the provisions of this chapter, the agency is
1738 authorized to charge and collect fees in accordance with * * *
1739 schedules * * * adopted by the agency in accordance with the
1740 provisions of Section 1 of this act for radioactive material
1741 licenses; general licenses; x-ray tube registrations; industrial
1742 radiography x-ray registrations; radiation machine assembly,
1743 installation and services registrations; accelerator
1744 registrations; neutron generator registrations; nuclear reactors;
1745 out-of-state licenses, registrants and permittees; and tanning
1746 equipment registrations.

1747 * * *

1748 **SECTION 39.** Section 45-23-23, Mississippi Code of 1972, is
1749 amended as follows:

1750 45-23-23. (1) The examination for chief, deputy or special
1751 inspector shall be in writing and shall be by the merit system of
1752 the board under the rules of procedure during the examination.
1753 Application for examination shall be in writing on forms provided
1754 by the board and shall be accompanied by a fee * * * in an amount
1755 set by the board in accordance with the provisions of Section 1 of
1756 this act. Such examination shall be confined to questions, the
1757 answers to which will aid in determining the fitness and
1758 competency of the applicant for the intended service.



1759 (2) In case an applicant for an inspector's license fails to
1760 pass the examination, he may appeal to the merit system of the
1761 board for another examination which shall be given by the board
1762 within ninety (90) days.

1763 (3) The record of an applicant's examination shall be
1764 accessible to * * * the applicant and his employer.

1765 **SECTION 40.** Section 45-23-41, Mississippi Code of 1972, is
1766 amended as follows:

1767 45-23-41. Each company employing special inspectors, except
1768 a company operating boilers and/or pressure vessels covered by
1769 owner or user inspection service meeting the requirements of
1770 Section 45-23-21(b) shall, within thirty (30) days following each
1771 certificate inspection made by such inspectors, file a report of
1772 such inspection with the chief inspector upon appropriate forms as
1773 promulgated by the board. If such report shows that a boiler or
1774 pressure vessel is found to comply with the rules and regulations
1775 of the board, the owner or user thereof shall pay directly to the
1776 board * * * a fee in an amount set by the board in accordance with
1777 the provisions of Section 1 of this act for a biennial
1778 certificate, and the chief inspector or his duly authorized
1779 representative shall issue to such owner or user an inspection
1780 certificate bearing the date of inspection and specifying the
1781 maximum pressure under which the boiler or pressure vessel may be
1782 operated.



1783 Such inspection certificate shall be valid for not more than
1784 fourteen (14) months from its date in the case of power boilers
1785 and high pressure, high temperature water boilers, and for not
1786 more than twenty-six (26) months in the case of heating boilers
1787 and pressure vessels.

1788 In the case of those boilers and pressure vessels covered by
1789 Section 45-23-33(a), (b), (c) and (d) for which the board has
1790 established or extended the operating period between required
1791 inspections, pursuant to the provisions of Section 45-23-33(g) or
1792 (h), the certificate shall be valid for a period not more than two
1793 (2) months beyond the period set by the board.

1794 Certificates shall be posted under glass in the room
1795 containing the boiler or pressure vessel inspected. If the boiler
1796 or pressure vessel is not located within the building, the
1797 certificate shall be posted in a location convenient to the boiler
1798 or pressure vessel inspected, or in any place where it will be
1799 accessible to interested parties.

1800 Air tanks used to inflate automobile tires shall be exempt
1801 from the inspection requirements of this section.

1802 **SECTION 41.** Section 45-23-45, Mississippi Code of 1972, is
1803 amended as follows:

1804 45-23-45. Each such company shall, in addition, file
1805 annually with the board a statement, signed by the engineer having
1806 supervision over the inspections made during the period covered
1807 thereby, stating the number of vessels covered by this chapter



1808 inspected during the year and certifying that each such inspection
1809 was conducted pursuant to the inspection requirements provided for
1810 by this chapter. Such annual statement shall be accompanied by a
1811 filing fee in accordance with * * * a schedule * * * adopted by
1812 the board in accordance with the provisions of Section 1 of this
1813 act.

1814 * * *

1815 **SECTION 42.** Section 45-23-53, Mississippi Code of 1972, is
1816 amended as follows:

1817 45-23-53. The owner or user of a boiler or pressure vessel
1818 required by this chapter to be inspected by the chief inspector,
1819 of his deputy inspector, shall pay directly to the board, upon
1820 completion of inspection, fees as specified by the board in the
1821 rules and regulations.

1822 (a) Fee schedules set by the board shall be reasonable
1823 and practical and in accordance with the provisions of Section 1
1824 of this act, but shall be set at a level which, in conjunction
1825 with the fees collected under Sections 45-23-41 through 45-23-45,
1826 will make this activity reasonably self-supporting.

1827 (b) A group of pressure vessels, such as the rolls of a
1828 paper machine or dryer operating as a single machine or unit,
1829 shall be considered as one (1) pressure vessel.

1830 (c) Not more than one (1) fee shall be charged or
1831 collected for any and all inspections of any pressure vessel in
1832 any required inspection period.



1833 (d) When it is necessary to make a special trip to
1834 witness the application of a hydrostatic test, an additional fee
1835 based on the scale of fees applicable to a certificate inspection
1836 of the boiler or pressure vessel shall be charged.

1837 **SECTION 43.** Section 73-7-71, Mississippi Code of 1972, is
1838 amended as follows:

1839 73-7-71. (1) For the purpose of this section, the term
1840 "hair braiding" means the use of techniques that result in tension
1841 on hair strands or roots by twisting, wrapping, weaving,
1842 extending, locking or braiding of the hair by hand or mechanical
1843 device, but does not include the application of dyes, reactive
1844 chemicals, or other preparations to alter the color of the hair or
1845 to straighten, curl or alter the structure of the hair.

1846 (2) No person shall engage in hair braiding for compensation
1847 in the State of Mississippi without first registering with the
1848 State Department of Health. The department may charge each
1849 registrant a fee * * * in an amount set by the board in accordance
1850 with the provisions of Section 1 of this act to cover the
1851 department's costs in registering the person and providing the
1852 person with the brochure prepared under subsection (3) of this
1853 section, which fee shall be uniform for all registrants. The
1854 purpose of this registration is only to maintain a listing of
1855 those persons who engage in hair braiding for compensation in the
1856 state, and does not authorize the department to license or



1857 regulate the practice of hair braiding in the state, except as
1858 provided in subsection (4) of this section.

1859 (3) The State Department of Health shall develop and prepare
1860 a brochure containing information about infection control
1861 techniques that are appropriate for hair braiding in or outside of
1862 a salon setting. The brochure shall be made available through the
1863 department's website or by mail, upon request, for a fee to cover
1864 the department's mailing costs. The brochure shall contain a
1865 self-test with questions on the information contained in the
1866 brochure. For a person engaged in hair braiding to be exempt from
1867 the cosmetology licensure law, Section 73-7-1 et seq., the person
1868 shall complete the self-test part of the brochure and keep the
1869 brochure and completed self-test available at the location at
1870 which the person is engaged in hair braiding.

1871 (4) Representatives of the department may visit any facility
1872 or premises in which hair braiding is performed at any time during
1873 business hours to determine if the brochure and completed
1874 self-test are available at the facility or premises.

1875 (5) This section does not apply to cosmetologists, or
1876 barbers licensed to practice in Mississippi in their respective
1877 fields.

1878 **SECTION 44.** Section 73-10-9, Mississippi Code of 1972, is
1879 amended as follows:

1880 73-10-9. (1) An applicant for a license as a dietitian
1881 shall file a written application on forms provided by the board,



1882 showing to the satisfaction of the board that he or she meets the
1883 following requirement.

1884 (2) Applicants shall provide evidence of current
1885 registration as a registered dietitian by the Commission on
1886 Dietetic Registration.

1887 (3) Applicants shall pay a fee as established by the board
1888 in accordance with the provisions of Section 1 of this act.

1889 (4) Each application or filing made under this section shall
1890 include the social security number(s) of the applicant in
1891 accordance with Section 93-11-64 * * *.

1892 **SECTION 45.** Section 73-10-11, Mississippi Code of 1972, is
1893 amended as follows:

1894 73-10-11. (1) The board may issue a provisional license to
1895 any resident dietitian who presents evidence to the advisory
1896 council of the successful completion of the education and
1897 experience requirements of subsections (2) and (3) of this section
1898 for licensure. Such a provisional license may be issued to such a
1899 person before he or she has taken the examination to become a
1900 registered dietitian as given by the Commission on Dietetic
1901 Registration (CDR). A provisional license may be issued for a
1902 period not exceeding one (1) year and may be renewed from year to
1903 year not to exceed five (5) years.

1904 (2) An applicant for provisional licensure as a dietitian
1905 shall present evidence satisfactory to the board of having
1906 received a baccalaureate or post-baccalaureate degree from a



1907 college or university accredited through the United States
1908 Department of Education, Office of Postsecondary Education, with a
1909 major in dietetics or an equivalent major course of study as
1910 approved by the board.

1911 (3) An applicant for licensure as a dietitian shall submit
1912 to the board evidence of having successfully completed a board
1913 approved planned program of dietetics experience under the
1914 supervision of a licensed or registered dietician.

1915 (4) A provisional license shall permit the holder to
1916 practice only under the direct technical supervision of a
1917 dietitian.

1918 (5) A fee for a provisional license and for each renewal
1919 shall be established by the board in accordance with the
1920 provisions of Section 1 of this act.

1921 **SECTION 46.** Section 73-10-21, Mississippi Code of 1972, is
1922 amended as follows:

1923 73-10-21. (1) Rules, regulations and standards.

1924 (a) The board is * * * empowered, authorized and
1925 directed to adopt, amend, promulgate and enforce such rules,
1926 regulations and standards governing dietitians as may be necessary
1927 to further the accomplishment of the purpose of the governing law,
1928 and in so doing shall utilize as the basis thereof the
1929 corresponding recommendations of the advisory council. The rules,
1930 regulations and minimum standards for licensing of dietitians may
1931 be amended by the board as deemed necessary. In so doing, the



1932 board shall utilize as the basis thereof the corresponding
1933 recommendations of the advisory council.

1934 (b) The board shall publish and disseminate to all
1935 licensees, in appropriate manner, the licensure standards
1936 prescribed by this chapter, any amendments thereto, and such rules
1937 and regulations as the board may adopt under the authority vested
1938 by Section 73-38-13, within sixty (60) days of their adoption.

1939 (2) The board shall adopt a code of ethics for dietitians
1940 using as the basis thereof the ADA "Code of Ethics for the
1941 Profession of Dietetics."

1942 (3) Issuance and renewal of licenses.

1943 (a) The board shall issue a license to any person who
1944 meets the requirements of this chapter upon payment of the license
1945 fee prescribed.

1946 (b) Except as provided in Section 33-1-39, licenses
1947 under this chapter shall be valid for two (2) calendar years and
1948 shall be subject to renewal and shall expire unless renewed in the
1949 manner prescribed by the rules and regulations of the board, upon
1950 the payment of a biennial renewal fee to be set * * * by the board
1951 in accordance with the provisions of Section 1 of this act, * * *
1952 and the presentation of evidence satisfactory to the board that
1953 the licensee has met such continuing education requirements as the
1954 board may require. An applicant for license renewal shall
1955 demonstrate to the board evidence of satisfactory completion of
1956 the continuing education requirements established by the American



1957 Dietetic Association and/or other continuing education
1958 requirements as may be required by the board.

1959 (c) The board may provide for the late renewal of a
1960 license upon the payment of a late fee set by the board in
1961 accordance with its rules and regulations and in accordance with
1962 the provisions of Section 1 of this act, but no such late renewal
1963 of a license may be granted more than one (1) year after its
1964 expiration.

1965 (d) A suspended license shall be subject to expiration
1966 and may be renewed as provided in this section, but such renewal
1967 shall not entitle the licensee, while the license remains
1968 suspended and until it is reinstated, to engage in the licensed
1969 activity, or in any other conduct or activity in violation of the
1970 order of judgment by which the license was suspended. If a
1971 license revoked on disciplinary grounds is reinstated, the
1972 licensee, as a condition of reinstatement, shall pay the renewal
1973 fee and any late fee that may be applicable.

1974 (4) Denial or revocation of license.

1975 (a) The board may deny or refuse to renew a license, or
1976 suspend or revoke a license, or issue orders to cease or desist
1977 from certain conduct, or issue warnings or reprimands where the
1978 licensee or applicant for license has been convicted of unlawful
1979 conduct or has demonstrated unprofessional conduct which has
1980 endangered or is likely to endanger the health, welfare or safety
1981 of the public. Such conduct includes:



1982 (i) Obtaining a license by means of fraud,
1983 misrepresentation or concealment of material facts;
1984 (ii) Being guilty of unprofessional conduct as
1985 defined by the rules and established by the board or violating the
1986 Code of Ethics of the American Dietetic Association;
1987 (iii) Being convicted of a crime in any court
1988 other than a misdemeanor;
1989 (iv) Violating any lawful order, rule or
1990 regulation rendered or adopted by the board; or
1991 (v) Violating any provision of this chapter.
1992 (b) Such denial, refusal to renew, suspension,
1993 revocation, order to cease and desist from designated conduct, or
1994 warning or reprimand may be ordered by the board in a decision
1995 made after a hearing in the manner provided by the rules and
1996 regulations adopted by the board. One (1) year from the date of
1997 the revocation of a license, application may be made to the board
1998 for reinstatement. The board shall have discretion to accept or
1999 reject an application for reinstatement and may, but shall not be
2000 required to, hold a hearing to consider such reinstatement.
2001 (c) In addition to the reasons specified in paragraph
2002 (a) of this subsection (4), the board shall be authorized to
2003 suspend the license of any licensee for being out of compliance
2004 with an order for support, as defined in Section 93-11-153. The
2005 procedure for suspension of a license for being out of compliance
2006 with an order for support, and the procedure for the reissuance or



2007 reinstatement of a license suspended for that purpose, and the
2008 payment of any fees for the reissuance or reinstatement of a
2009 license suspended for that purpose, shall be governed by Section
2010 93-11-157 or 93-11-163, as the case may be. If there is any
2011 conflict between any provision of Section 93-11-157 or 93-11-163
2012 and any provision of this chapter, the provisions of Section
2013 93-11-157 or 93-11-163, as the case may be, shall control.

2014 (5) Establish fees.

2015 (a) A person licensed under this chapter shall pay to
2016 the board a fee * * * to be set by the board in accordance with
2017 the provisions of Section 1 of this act for the issuance of a
2018 license.

2019 (b) Such fees shall be set in such an amount as to
2020 reimburse the state to the extent feasible for the cost of the
2021 services rendered.

2022 (6) Collect funds.

2023 (a) The administration of the provisions of this
2024 chapter shall be financed from income accruing from fees, licenses
2025 and other charges assessed and collected by the board in
2026 administering this chapter.

2027 (b) The board shall receive and account for all funds
2028 received and shall keep such funds in a separate fund.

2029 (c) Funds collected under the provisions of this
2030 chapter shall be used solely for the expenses of the advisory
2031 council and the board to administer the provisions of this



2032 chapter. Such funds shall be subject to audit by the State
2033 Auditor.

2034 (d) Members of the advisory council shall receive no
2035 compensation for services performed on the council, but may be
2036 reimbursed for necessary and actual expenses incurred in
2037 connection with attendance at meetings of the council or for
2038 authorized business of the council from funds made available for
2039 such purpose, as provided in Section 25-3-41.

2040 (7) Receive and process complaints.

2041 (a) The board shall have full authority to investigate
2042 and evaluate each and every applicant applying for a license to
2043 practice dietetics, with the advice of the advisory council.

2044 (b) The board shall have the authority to issue
2045 subpoenas, examine witnesses and administer oaths, and shall, at
2046 its discretion, investigate allegations or practices violating the
2047 provisions of this chapter, and in so doing shall have power to
2048 seek injunctive relief to prohibit any person from providing
2049 professional dietetic services as defined in Section 73-10-3(1)(j)
2050 without being licensed as provided herein.

2051 (8) A license certificate issued by the board is the
2052 property of the board and must be surrendered on demand.

2053 **SECTION 47.** Section 73-14-17, Mississippi Code of 1972, is
2054 amended as follows:

2055 73-14-17. An applicant for a license shall pay a fee * * *
2056 in an amount set by the board in accordance with the provisions of



2057 Section 1 of this act and shall show to the satisfaction of the
2058 board that he:

2059 (a) Is twenty-one (21) years of age or older.

2060 (b) Has an education equivalent to a four-year course
2061 in an accredited high school.

2062 No governmental entity or agency shall be required to pay the
2063 fee or fees set forth in this section.

2064 Each application or filing made under this section shall
2065 include the social security number(s) of the applicant in
2066 accordance with Section 93-11-64 * * *.

2067 **SECTION 48.** Section 73-14-19, Mississippi Code of 1972, is
2068 amended as follows:

2069 73-14-19. An applicant for a license who is notified by the
2070 board that he has fulfilled the requirements of Section 73-14-17
2071 and upon paying a testing fee determined by the department as
2072 necessary to cover the expense of the administration of the
2073 examination * * * and in accordance with the provisions of Section
2074 1 of this act, shall appear at a time, place and before such
2075 persons as the board may designate, to be examined by written and
2076 practical test in order to demonstrate that he is qualified to
2077 practice the fitting, dispensing and selling of hearing aids.

2078 **SECTION 49.** Section 73-14-27, Mississippi Code of 1972, is
2079 amended as follows:

2080 73-14-27. (1) An applicant who fulfills the requirements of
2081 Section 73-14-17 and who has not previously applied to take the



2082 examination provided under Section 73-14-19 may apply to the board
2083 for a temporary license.

2084 (2) Upon receiving an application provided under subsection
2085 (1) of this section, the board shall issue a temporary license
2086 which shall entitle the applicant to practice the fitting and
2087 dispensing of hearing aids for a period ending thirty (30) days
2088 after the conclusion of the next examination given after the date
2089 of issue.

2090 (3) No temporary license shall be issued by the board under
2091 this section unless the applicant shows to the satisfaction of the
2092 board that he is or will be supervised and trained by a person
2093 who:

2094 (a) Holds a current and valid document of being
2095 National Board Certified in Hearing Instrument Sciences by the
2096 International Hearing Society (IHS) or its successor; or

2097 (b) Holds a current and valid Certificate of Clinical
2098 Competence in Audiology from the American Speech-Language-Hearing
2099 Association (ASHA); or

2100 (c) Has had a minimum of three (3) years' experience in
2101 the testing of hearing, fitting of hearing aids and dispensing of
2102 hearing aids.

2103 (4) If a person who holds a temporary license issued under
2104 this section does not take the next examination given after the
2105 date of issue, the temporary license shall not be renewed, except
2106 for good cause shown to the satisfaction of the board.



2107 (5) If a person who holds a temporary license issued under
2108 this section takes and fails to pass the next examination given
2109 after the date of issue, the board may renew the temporary license
2110 for a period ending thirty (30) days after the date of renewal is
2111 announced. In no event shall more than one (1) renewal be
2112 permitted. The fee for renewal shall be * * * an amount set by
2113 the board in accordance with the provisions of Section 1 of this
2114 act.

2115 **SECTION 50.** Section 73-14-31, Mississippi Code of 1972, is
2116 amended as follows:

2117 73-14-31. Except as provided in Section 33-1-39, a person
2118 who practices the fitting and dispensing of hearing aids shall
2119 biennially pay to the board a fee * * * in an amount set by the
2120 board in accordance with the provisions of Section 1 of this act
2121 for a renewal of his license. A grace period of thirty (30) days
2122 shall be allowed after the expiration of a license, during which
2123 the same may be renewed on payment of a fee * * * to the board in
2124 an amount set by the board in accordance with the provisions of
2125 Section 1 of this act. The license of any person who fails to
2126 have his license renewed by the expiration of the grace period of
2127 thirty (30) days shall be considered to have lapsed. After the
2128 expiration of the grace period, the board may reinstate a license
2129 upon payment of a fee * * * to the board in an amount set by the
2130 board in accordance with the provisions of Section 1 of this act.
2131 No person who applies for reinstatement, whose license was



2132 suspended for the sole reason of failure to renew, shall be
2133 required to submit to any examination as a condition of
2134 reinstatement, provided such person applies for reinstatement
2135 within one (1) year from the date of lapse of the license.

2136 The board shall require the applicant for license renewal to
2137 present evidence of the satisfactory completion of continuing
2138 education requirements as determined by the board.

2139 In the event that any licensee shall fail to meet the annual
2140 educational requirement, his license shall not be renewed by the
2141 board, but the board may renew the license upon the presentation
2142 of satisfactory evidence of educational study of a standard
2143 approved by the board and upon the payment of all fees due. No
2144 governmental entity or agency shall be required to pay the fee or
2145 fees set forth in this section.

2146 **SECTION 51.** Section 73-24-29, Mississippi Code of 1972, is
2147 amended as follows:

2148 73-24-29. (1) The board is empowered to prescribe and
2149 publish reasonable fees for the following purposes:

- 2150 (a) Application fee which is nonrefundable;
- 2151 (b) Initial license fee;
- 2152 (c) Renewal of license fee;
- 2153 (d) Late renewal fee;
- 2154 (e) Limited permit fee;
- 2155 (f) Reinstatement of license fee;
- 2156 (g) Inactive license fee.



2157 (2) Such fees shall be set in accordance with the provisions
2158 of Section 1 of this act and shall be commensurate to the extent
2159 feasible with the cost of fulfilling the duties of the board and
2160 council as defined by this chapter * * *.

2161 **SECTION 52.** Section 73-38-31, Mississippi Code of 1972, is
2162 amended as follows:

2163 73-38-31. (1) The board shall assess fees for the following
2164 purposes:

- 2165 (a) Initial licensing;
- 2166 (b) Renewal of licensure;
- 2167 (c) License issued after expiration date;
- 2168 (d) Late renewal payment penalty;
- 2169 (e) Temporary license;
- 2170 (f) Renewal of temporary license; and
- 2171 (g) Registration of aides.

2172 (2) Every person to whom a license is issued pursuant to
2173 this chapter shall, as a condition precedent to its issuance, and
2174 in addition to any application, examination or other fee, pay the
2175 prescribed initial license fee.

2176 (3) Fees prescribed in subsection (1) of this section shall
2177 be exclusive and no municipality shall have the right to require
2178 any person licensed under this chapter to furnish any bond, pass
2179 any examination, or pay any license fee or occupational tax.

2180 (4) Fees listed in subsection (1) of this section shall be
2181 set in accordance with the provisions of Section 1 of this act and



2182 shall be commensurate to the extent feasible with the cost of
2183 fulfilling the duties of the board and council as defined by this
2184 chapter * * *.

2185 **SECTION 53.** Section 73-55-13, Mississippi Code of 1972, is
2186 amended as follows:

2187 73-55-13. (1) Except as provided in Section 33-1-39, a
2188 person licensed as an athletic trainer under this chapter shall
2189 pay to the board a fee * * * in an amount set by the board in
2190 accordance with the provisions of Section 1 of this act for every
2191 three-year period for a renewal of his license.

2192 (2) Continuing education requirements for license renewal
2193 shall be fulfilled during three-year periods running concurrently
2194 with the requirement to maintain certification through the BOC,
2195 Inc. Proof of the completion of continuing education as required
2196 by this section shall be turned in to the board at the time of
2197 renewal of license.

2198 **SECTION 54.** Section 73-57-19, Mississippi Code of 1972, is
2199 amended as follows:

2200 73-57-19. (1) Examinations for the licensure in respiratory
2201 care will be conducted not less than two (2) times a year and at
2202 such places as may be determined by the board.

2203 (2) An applicant applying for license to practice
2204 respiratory care shall pay an administrative fee to the board. A
2205 fee shall be required for each examination or reexamination. If
2206 an applicant fails to complete the requirements for licensing



2207 within two (2) years from the date of filing, the application is
2208 deemed to be abandoned.

2209 (3) A fee shall be required for each re-registration.

2210 (4) All fees required under this section shall be in an
2211 amount set by the board in accordance with the provisions of
2212 Section 1 of this act.

2213 **SECTION 55.** Section 73-57-21, Mississippi Code of 1972, is
2214 amended as follows:

2215 73-57-21. Upon payment of a fee in an amount set by the
2216 board in accordance with the provisions of Section 1 of this act,
2217 the board may issue a temporary permit to practice respiratory
2218 care for a period of six (6) months to an applicant for licensing
2219 who is a student in an approved respiratory care education program
2220 who expects to graduate within the next thirty (30) calendar days
2221 and who is eligible to sit for the CRT, RRT, or their successor
2222 examination.

2223 **SECTION 56.** Section 73-57-27, Mississippi Code of 1972, is
2224 amended as follows:

2225 73-57-27. (1) A license shall be renewed biennially
2226 beginning with the first renewal term after the issuance of the
2227 license, except as herein provided. The board shall provide
2228 notice of renewal at least thirty (30) calendar days prior to
2229 expiration for renewal of license to every person to whom a
2230 license was issued or renewed during the preceding renewal period.
2231 The notice of renewal shall indicate the renewal process and



2232 required fees required to be completed before the date of
2233 expiration.

2234 (2) Upon receipt of the notice of renewal and the renewal
2235 fee, which shall be set by the board in accordance with the
2236 provisions of Section 1 of this act, the board shall verify its
2237 contents and shall issue the licensee a license for the current
2238 renewal period, which shall be valid for the period stated
2239 thereon. The board, with the advice of the council, shall
2240 establish continuing education requirements for biennial renewal
2241 of the license, which shall include proof of completion of at
2242 least fifteen (15) clock hours approved by the board for
2243 continuing education credit.

2244 (3) A licensee who allows his license to lapse by failing to
2245 renew it may be reinstated by the board upon payment of the
2246 renewal fee and the reinstatement fee, which shall be set by the
2247 board in accordance with the provisions of Section 1 of this act,
2248 provided that such request for reinstatement is made within two
2249 (2) years of the end of the renewal period.

2250 (4) A respiratory care practitioner who does not engage in
2251 the practice of respiratory care during the succeeding renewal
2252 period is not required to pay the renewal fee as long as he
2253 remains inactive. If he desires to resume the practice of
2254 respiratory care, he shall notify the board of his intent and
2255 shall satisfy the current requirements of the board in addition to



2256 remitting the renewal fee for the current renewal period and the
2257 reinstatement fee.

2258 (5) The board is authorized to establish fees for
2259 replacement and duplicate licenses in accordance with the
2260 provisions of Section 1 of this act.

2261 **SECTION 57.** Section 73-57-29, Mississippi Code of 1972, is
2262 amended as follows:

2263 73-57-29. All fees established by the board under this
2264 chapter shall be set in accordance with the provisions of Section
2265 1 of this act and in such an amount as is necessary to reimburse
2266 the state for the cost of services rendered * * *. Fees received
2267 by the board and monies collected under this chapter shall be
2268 deposited in the State Treasury to the credit of the Respiratory
2269 Care Fund. Expenses incurred in the performance of this chapter
2270 shall be paid in accordance with the accounting laws of the state.

2271 **SECTION 58.** Section 73-61-1, Mississippi Code of 1972, is
2272 amended as follows:

2273 73-61-1. (1) No person shall place a tattoo upon the body
2274 of a human for compensation within the State of Mississippi
2275 without first registering with the State Department of Health.
2276 The facility or premises in which tattooing is to be performed
2277 shall be specified in the registration, and the registered person
2278 shall be authorized to perform tattooing only in the specified
2279 facility or premises. For the purposes of this section,
2280 "tattooing" means to make indelible marks or designs on or visible



2281 through the skin of a human by puncturing or pricking the skin
2282 with a needle or other instrument and inserting ink or other
2283 pigments, and "tattoo" means the indelible mark or design so
2284 produced. Registrations shall be valid for one (1) year, and each
2285 person registered under this section shall pay an annual
2286 registration fee to the department in an amount set by the
2287 department * * * in accordance with the provisions of Section 1 of
2288 this act, which fee shall be uniform for all registered persons.

2289 (2) The State Board of Health shall promulgate rules and
2290 regulations relating to:

2291 (a) Health, cleanliness and general sanitation of the
2292 facilities or premises in which tattooing is performed or to be
2293 performed;

2294 (b) Sterilization of tattooing apparatus and safe
2295 disposal of tattooing apparatus;

2296 (c) Procedures to prevent the transmission of disease
2297 or infection during or relating to tattooing procedures,
2298 specifically including, but not limited to, transmission of
2299 Hepatitis B and the human immunodeficiency virus (HIV); and

2300 (d) Such other administrative provisions as may be
2301 necessary to protect public health or properly administer the
2302 requirements of this section.

2303 (3) Representatives of the department may visit any facility
2304 or premises in which tattooing is performed at any time during
2305 business hours to ensure compliance with the requirements of this



2306 section and the rules and regulations promulgated under this
2307 section. Representatives of the department shall visit each
2308 facility or premises in which tattooing is performed not less than
2309 once each year to inspect for such compliance. The department may
2310 suspend or revoke the registration of any person found to be
2311 violating any of the rules or regulations promulgated under this
2312 section.

2313 (4) It shall be unlawful for any person to place a tattoo
2314 upon the body of any person under the age of eighteen (18) years.

2315 (5) Any person who places a tattoo upon the body of a human
2316 for compensation without first registering with the department or
2317 after his registration has been suspended or revoked by the
2318 department, or any person who places a tattoo upon the body of any
2319 person in violation of subsection (4) of this section, is guilty
2320 of a misdemeanor and, upon conviction, shall be punished by a fine
2321 of not less than One Hundred Dollars (\$100.00) nor more than Five
2322 Hundred Dollars (\$500.00).

2323 (6) The department is authorized to bring an action for an
2324 injunction under the provisions of Sections 73-51-1 through
2325 73-51-5 to prohibit any person who is required to be registered
2326 under this section from performing tattooing without first
2327 registering with the department or after his registration has been
2328 suspended or revoked by the department.



2329 (7) This section shall not apply to physicians licensed to
2330 practice medicine in Mississippi in the performance of their
2331 professional duties.

2332 **SECTION 59.** Section 73-61-3, Mississippi Code of 1972, is
2333 amended as follows:

2334 73-61-3. (1) For the purposes of this section, the term
2335 "body piercing" means the creation of an opening in any part of
2336 the human body, other than the outer perimeter or lobe of the ear,
2337 for the purpose of inserting jewelry or other decorative object,
2338 or for some other nonmedical purpose.

2339 (2) No person shall perform body piercing upon any person
2340 for compensation within the State of Mississippi without first
2341 registering with the State Department of Health. The facility or
2342 premises in which body piercing is to be performed shall be
2343 specified in the registration, and the registered person shall be
2344 authorized to perform body piercing only in the specified facility
2345 or premises. Except as provided in Section 33-1-39, registrations
2346 shall be valid for one (1) year, and each person registered under
2347 this section shall pay an annual registration fee to the
2348 department in an amount set by the department, * * * in accordance
2349 with the provisions of Section 1 of this act, which fee shall be
2350 uniform for all registered persons.

2351 (3) The State Board of Health shall promulgate rules and
2352 regulations relating to:



2353 (a) Health, cleanliness and general sanitation of the
2354 facilities or premises in which body piercing is performed or to
2355 be performed;

2356 (b) Sterilization of body piercing apparatus and safe
2357 disposal of body piercing apparatus;

2358 (c) Procedures to prevent the transmission of disease
2359 or infection during or relating to body piercing procedures,
2360 specifically including, but not limited to, transmission of
2361 Hepatitis B and the human immunodeficiency virus (HIV); and

2362 (d) Such other administrative provisions as may be
2363 necessary to protect public health or properly administer the
2364 requirements of this section.

2365 (4) Representatives of the department may visit any facility
2366 or premises in which body piercing is performed at any time during
2367 business hours to ensure compliance with the requirements of this
2368 section and the rules and regulations promulgated under this
2369 section. Representatives of the department shall visit each
2370 facility or premises in which body piercing is performed not less
2371 than once each year to inspect for such compliance. The
2372 department may suspend or revoke the registration of any person
2373 found to be violating any of the rules or regulations promulgated
2374 under this section.

2375 (5) It shall be unlawful for any person to perform body
2376 piercing upon any person under the age of eighteen (18) years.



2377 (6) Any person who performs body piercing for compensation
2378 without first registering with the department or after his
2379 registration has been suspended or revoked by the department, or
2380 any person who performs body piercing upon any person in violation
2381 of subsection (5) of this section, is guilty of a misdemeanor and,
2382 upon conviction, shall be punished by a fine of not less than One
2383 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
2384 (\$500.00).

2385 (7) The department is authorized to bring an action for an
2386 injunction under the provisions of Sections 73-51-1 through
2387 73-51-5 to prohibit any person who is required to be registered
2388 under this section from performing body piercing without first
2389 registering with the department or after his registration has been
2390 suspended or revoked by the department.

2391 (8) This section shall not apply to physicians licensed to
2392 practice medicine in Mississippi in the performance of their
2393 professional duties.

2394 **SECTION 60.** Section 73-65-5, Mississippi Code of 1972, is
2395 amended as follows:

2396 73-65-5. The board shall:

2397 (a) Promulgate regulations necessary to carry out the
2398 provisions of this chapter;

2399 (b) Require that all applicants register for, take and
2400 pass the Art Therapy Credentials Board Examination as administered
2401 by the Art Therapy Credentials Board, Inc.;



2402 (c) Establish the application deadline for and score
2403 required to pass the examination;

2404 (d) Process applications and review the required
2405 examinations;

2406 (e) Issue licenses to applicants who meet the
2407 requirements of Section 73-65-7 or 73-65-9;

2408 (f) Deny, suspend or revoke a license to practice art
2409 therapy;

2410 (g) Censure, reprimand, or place a license holder or
2411 applicant on probation for a period not to exceed one (1) year;

2412 (h) Maintain a current register of license holders as a
2413 matter of public record;

2414 (i) Establish criteria for continuing education;

2415 (j) Establish procedures for receiving, investigating
2416 and resolving complaints against license holders;

2417 (k) Approve the level of supervision and experience
2418 required for persons seeking licensure;

2419 (l) Assess fees for the issuance and renewal of
2420 licenses in accordance with the provisions of Section 1 of this
2421 act to cover expenses of the board in administering this chapter;

2422 (m) Implement an impaired professional art therapist
2423 treatment program; and

2424 (n) Adopt a code of ethics as established by the Art
2425 Therapy Credentials Board, Inc.



2426 **SECTION 61.** Section 73-65-9, Mississippi Code of 1972, is
2427 amended as follows:

2428 73-65-9. (1) Except as provided in Section 33-1-39, each
2429 license holder shall renew the license to practice art therapy
2430 biennially by submitting a renewal application on a form provided
2431 by the board, paying a license renewal fee, and producing evidence
2432 of completion of relevant professional continuing education
2433 experience satisfactory to the board, not to exceed forty (40)
2434 hours per renewal cycle.

2435 (2) A ninety-day grace period shall be allowed for each
2436 license holder after the licensure period, during which time the
2437 license may be renewed upon payment of the renewal fee, the late
2438 fee, and compliance with all renewal requirements.

2439 (3) Any license granted by the board shall be automatically
2440 suspended if the holder fails to apply for the license renewal
2441 pursuant to this section within a period of three (3) months after
2442 the renewal deadline; however, any suspended license may be
2443 restored by the board upon payment of a reinstatement fee * * * in
2444 an amount set by the board in accordance with the provisions of
2445 Section 1 of this act, in addition to any unpaid renewal or late
2446 fees. Failure to renew a license within three (3) months from the
2447 date of suspension as provided in this section shall cause the
2448 license to be automatically revoked. Reinstatement of a revoked
2449 license shall require the license holder to reapply and meet all
2450 current standards for licensure.



2451 (4) A person licensed under the provisions of Section
2452 73-65-7 who intends to retire as a licensed professional art
2453 therapist shall notify the board in writing before the expiration
2454 of his current licensure. If, within a period of five (5) years
2455 from the year of retirement, the license holder wishes to resume
2456 practice as a licensed professional art therapist, he shall notify
2457 the board in writing, and upon giving proof of completing the
2458 required continuing education and the payment of an amount
2459 equivalent to elapsed renewal fees, the license shall be restored
2460 in full effect.

2461 **SECTION 62.** Section 73-65-11, Mississippi Code of 1972, is
2462 amended as follows:

2463 73-65-11. The board shall set, in accordance with the
2464 provisions of Section 1 of this act, the amount of the fees
2465 required to be paid by applicants for licensure and license
2466 holders including, but not limited to, the following:

2467 (a) For an application for initial licensure, * * *
2468 which shall be nonrefundable * * *;

2469 (b) * * * For renewal * * * of a license;

2470 (c) For a duplicate or replacement license * * *;

2471 (d) For failure to renew a license within the allotted
2472 grace period pursuant to Section 73-65-9 * * *; and

2473 (e) Other reasonable fees for administrative services.

2474 **SECTION 63.** Section 75-29-805, Mississippi Code of 1972, is
2475 amended as follows:



2476 75-29-805. The board shall assess a fee in * * * an
2477 amount * * * set by the board in accordance with the provisions of
2478 Section 1 of this act for * * * annual bottled drinking water
2479 certification. * * *

2480 **SECTION 64.** Section 75-31-65, Mississippi Code of 1972, is
2481 amended as follows:

2482 75-31-65. (1) The State Board of Health shall:

2483 (a) Exercise general supervision over the production,
2484 processing and sale of milk and milk products and the processing
2485 and sale of frozen desserts.

2486 (b) Adopt, modify, repeal and promulgate rules and
2487 regulations, after due notice and hearing, and, where not
2488 otherwise prohibited by federal law or state law, make exceptions
2489 to, grant exemptions from and enforce rules and regulations
2490 implementing or effectuating the duties of the board under this
2491 section to protect the public health.

2492 (c) Use the most current edition of the Pasteurized
2493 Milk Ordinance, or its successor, as the basis for regulation of
2494 Grade "A" milk and milk products. Unless as otherwise provided by
2495 law, the board, in its discretion, may amend, modify or make
2496 additions to the Pasteurized Milk Ordinance if the board
2497 determines that such amendment, modification or addition is in the
2498 best interest of public health.

2499 (2) The board shall assess fees in * * * amounts * * * set
2500 by the board in accordance with the provisions of Section 1 of



2501 this act for * * * milk product processing plant annual
2502 permits * * * and for frozen dessert processing plant annual
2503 permits. * * *

2504 The fees authorized under this subsection shall not be
2505 assessed for milk or frozen dessert processing plants operated by
2506 public schools, by public junior colleges or by state agencies or
2507 institutions, including, without limitation, the state
2508 institutions of higher learning.

2509 (3) Incidental sales of raw goat milk shall be legal if:

2510 (a) The milk is sold directly to the consumer on the
2511 premises where the milk is produced;

2512 (b) No more than nine (9) producing goats are located
2513 on the premises where the milk is produced;

2514 (c) The person selling the milk does not advertise the
2515 milk for sale; and

2516 (d) The following conditions, which apply to the
2517 milking of goats involved in legal incidental sales of raw goat
2518 milk, are satisfied:

2519 (i) The milking takes place in a clean environment
2520 on a cement or comparable floor;

2521 (ii) The milking place is enclosed by a wall
2522 and/or a screen to prevent insects from entering the milking area;

2523 (iii) A fly strap is located in the milking area;
2524 and



2525 (iv) Sterile containers are used in the milking
2526 process and for storage.

2527 It shall not be unlawful to store raw goat milk in a separate
2528 sterile place from pasteurized goat milk. The Cooperative
2529 Extension Service at Alcorn State University shall publish and
2530 make available literature on the requirements of this subsection,
2531 and other related milk-goat maintenance, explaining the
2532 recommended care of milk goats and the process of goat milk
2533 production and other related subjects. For the purposes of this
2534 subsection, the term "incidental sales" means sales from a farm
2535 where not more than nine (9) goats are producing milk.

2536 (4) For purposes of this section, the term "person" includes
2537 an individual, firm, partnership, association or corporation,
2538 foreign or domestic.

2539 (5) All fees collected by the board under this section shall
2540 be paid into a special fund within the Department of Health to be
2541 used by the department to discharge its duties under this section.

2542 (6) Any person coming within the provisions of this section
2543 who fails to comply with or violates any of the provisions of this
2544 section or regulations promulgated thereunder, unless otherwise
2545 specifically provided in this section, is guilty of a misdemeanor
2546 and, upon conviction, shall be fined not more than One Hundred
2547 Dollars (\$100.00) or confined in jail for not more than sixty (60)
2548 days, or both.



2549 (7) Any person who sells or offers for sale adulterated milk
2550 or milk products or cream or frozen desserts or any milk or cream
2551 having therein any foreign substance or coloring matter or any
2552 chemicals or preservatives, whether for the purpose of increasing
2553 the quantity of milk or cream or for improving its appearance or
2554 for the purpose of preserving the condition of sweetness thereof,
2555 or for any other purpose whatsoever, or unpasteurized milk or milk
2556 products except as otherwise authorized by law, is guilty of a
2557 misdemeanor, and, upon conviction, shall be fined not more than
2558 Five Hundred Dollars (\$500.00) or confined in jail not more than
2559 sixty (60) days, or both; however, nothing in this subsection
2560 shall be construed to prevent the addition of vitamins to milk or
2561 milk products in accordance with the rules and regulations
2562 promulgated by the board or to prohibit the sale of pasteurized
2563 milk or cream or frozen desserts except unlawful cream or unlawful
2564 milk products or unlawful frozen desserts as defined in the rules
2565 and regulations promulgated by the board.

2566 (8) (a) Any person doing business in the State of
2567 Mississippi and engaged in the production, manufacture, sale or
2568 distribution of any dairy products that, for the purpose of
2569 destroying the business of a competitor in any locality or
2570 creating a monopoly, discriminates between different sections,
2571 localities, communities, cities or towns of the state by selling
2572 such commodity at a lower rate or price in one (1) section,
2573 locality, community, city or town than such commodity is sold by



2574 such person in any other section, locality, community, city or
2575 town, after making due allowance for the difference, if any, in
2576 the grade or quality and in the actual cost of the transportation
2577 from the point of production or purchase, if a raw product, to the
2578 place of sale, storage or distribution, is guilty of unfair
2579 discrimination, which is prohibited and declared unlawful;
2580 however, prices made to meet competition in such section,
2581 locality, community, city or town shall not be in violation of
2582 this subsection.

2583 (b) Any person doing business in the State of
2584 Mississippi and engaged in the business of purchasing for
2585 manufacture, storage, sale or distribution of any dairy product,
2586 that, for the purpose of destroying the business of a competitor
2587 or creating a monopoly, discriminates between different sections,
2588 localities, communities, cities or towns in the state by
2589 purchasing such commodity at a higher rate or price in one (1)
2590 section, locality, community, city or town than is paid for such
2591 commodity by such person in any other section, locality,
2592 community, city or town, after making due allowance for the
2593 difference, if any, in the grade or quality, and in the actual
2594 cost of transportation from the point of purchase to the point of
2595 manufacture, sale or distribution or storage, is guilty of unfair
2596 discrimination, which is prohibited and declared to be unlawful;
2597 however, prices made to meet competition in such locality,



2598 section, community, city or town shall not be a violation of this
2599 subsection.

2600 (c) Any person convicted of a violation of this
2601 subsection, shall be fined not less than Five Hundred Dollars
2602 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
2603 be imprisoned in jail not more than twelve (12) months, or both.

2604 (9) Nothing in this section shall be construed to apply to
2605 any person who does not sell his milk, cream, butter or other
2606 products mentioned herein to others.

2607 **SECTION 65.** Section 75-74-11, Mississippi Code of 1972, is
2608 amended as follows:

2609 75-74-11. No person or organization may operate or sponsor a
2610 youth camp in Mississippi without first holding a valid license
2611 under this chapter and without complying with the provisions of
2612 this chapter and with any rule, regulation or order of the State
2613 Board of Health.

2614 Each application for a license to operate or sponsor a youth
2615 camp shall be accompanied by a license fee * * * in an amount set
2616 by the board in accordance with the provisions of Section 1 of
2617 this act, which shall be paid to the board. A license issued
2618 under this chapter may be renewed upon payment of a renewal
2619 fee * * * in an amount set by the board in accordance with the
2620 provisions of Section 1 of this act, which shall be paid to the
2621 board.



2622 No governmental entity or agency shall be required to pay the
2623 fee or fees set forth in this section.

2624 **SECTION 66.** This act shall take effect and be in force from
2625 and after July 1, 2016.

