

By: Representative Turner

To: Appropriations

HOUSE BILL NO. 679
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 21-27-207, 41-3-15, 41-3-18,
2 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17,
3 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12,
4 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9,
5 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9,
6 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59,
7 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71,
8 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27,
9 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21,
10 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11,
11 75-29-805, 75-31-65 AND 75-74-11, MISSISSIPPI CODE OF 1972, WHICH
12 REQUIRE INCREASES IN FEES CHARGED BY THE STATE BOARD OF HEALTH OR
13 THE STATE DEPARTMENT OF HEALTH TO BE IN ACCORDANCE WITH CERTAIN
14 STATUTORY REQUIREMENTS; TO AMEND REENACTED SECTION 41-58-3,
15 MISSISSIPPI CODE OF 1972, TO INFORM THE CODE PUBLISHER OF CERTAIN
16 NONSUBSTANTIVE LANGUAGE THAT SHOULD BE REVISED; TO CREATE NEW
17 SECTION 41-3-67, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND
18 THE DATE OF THE REPEALER ON THE PRECEDING SECTIONS; TO REPEAL
19 SECTION 65, CHAPTER 510, LAWS OF 2016, WHICH PROVIDES FOR THE
20 REPEAL OF THOSE STATUTES REENACTED BY THIS ACT AND WHICH IS NOT
21 CODIFIED; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 21-27-207, Mississippi Code of 1972, is
24 reenacted as follows:

25 21-27-207. Both the board and commission may adopt, modify,
26 repeal and promulgate, after due notice and hearing, and may make
27 exceptions to and grant exemptions and variances from and may



28 enforce those rules, regulations and procedures as are necessary
29 or appropriate to effectuate the duties and responsibilities of
30 these agencies arising under Sections 21-27-201 through 21-27-221.
31 The rules, regulations and procedures shall include, but not be
32 limited to, the following: criteria for classifying municipal and
33 domestic community water systems, nontransient, noncommunity water
34 systems and wastewater facilities; qualifications for operators of
35 community water systems, nontransient, noncommunity water systems
36 and wastewater facilities; certification of operators of
37 commercial Class I rubbish sites; procedures for examining or
38 testing applicants for operator certificates; procedures and fees
39 for issuing, reissuing, modifying, revoking or terminating
40 operator certificates; and reciprocal certification of operators
41 certified in other states having certification requirements not
42 less stringent than those established by the board and commission.
43 Any increase in the fees charged by the board under this section
44 shall be in accordance with the provisions of Section 41-3-65.

45 **SECTION 2.** Section 41-3-15, Mississippi Code of 1972, is
46 reenacted as follows:

47 41-3-15. (1) (a) There shall be a State Department of
48 Health.

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



51 (i) To formulate the policy of the State
52 Department of Health regarding public health matters within the
53 jurisdiction of the department;

54 (ii) To adopt, modify, repeal and promulgate,
55 after due notice and hearing, and enforce rules and regulations
56 implementing or effectuating the powers and duties of the
57 department under any and all statutes within the department's
58 jurisdiction, and as the board may deem necessary;

59 (iii) To apply for, receive, accept and expend any
60 federal or state funds or contributions, gifts, trusts, devises,
61 bequests, grants, endowments or funds from any other source or
62 transfers of property of any kind;

63 (iv) To enter into, and to authorize the executive
64 officer to execute contracts, grants and cooperative agreements
65 with any federal or state agency or subdivision thereof, or any
66 public or private institution located inside or outside the State
67 of Mississippi, or any person, corporation or association in
68 connection with carrying out the provisions of this chapter, if it
69 finds those actions to be in the public interest and the contracts
70 or agreements do not have a financial cost that exceeds the
71 amounts appropriated for those purposes by the Legislature;

72 (v) To appoint, upon recommendation of the
73 Executive Officer of the State Department of Health, a Director of
74 Internal Audit who shall be either a Certified Public Accountant
75 or Certified Internal Auditor, and whose employment shall be



76 continued at the discretion of the board, and who shall report
77 directly to the board, or its designee; and

78 (vi) To discharge such other duties,
79 responsibilities and powers as are necessary to implement the
80 provisions of this chapter.

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

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

85 (ii) To supervise and direct all administrative
86 and technical activities of the department, except that the
87 department's internal auditor shall be subject to the sole
88 supervision and direction of the board;

89 (iii) To organize the administrative units of the
90 department in accordance with the plan adopted by the board and,
91 with board approval, alter the organizational plan and reassign
92 responsibilities as he or she may deem necessary to carry out the
93 policies of the board;

94 (iv) To coordinate the activities of the various
95 offices of the department;

96 (v) To employ, subject to regulations of the State
97 Personnel Board, qualified professional personnel in the subject
98 matter or fields of each office, and such other technical and
99 clerical staff as may be required for the operation of the
100 department. The executive officer shall be the appointing



101 authority for the department, and shall have the power to delegate
102 the authority to appoint or dismiss employees to appropriate
103 subordinates, subject to the rules and regulations of the State
104 Personnel Board;

105 (vi) To recommend to the board such studies and
106 investigations as he or she may deem appropriate, and to carry out
107 the approved recommendations in conjunction with the various
108 offices;

109 (vii) To prepare and deliver to the Legislature
110 and the Governor on or before January 1 of each year, and at such
111 other times as may be required by the Legislature or Governor, a
112 full report of the work of the department and the offices thereof,
113 including a detailed statement of expenditures of the department
114 and any recommendations the board may have;

115 (viii) To prepare and deliver to the Chairmen of
116 the Public Health and Welfare/Human Services Committees of the
117 Senate and House on or before January 1 of each year, a plan for
118 monitoring infant mortality in Mississippi and a full report of
119 the work of the department on reducing Mississippi's infant
120 mortality and morbidity rates and improving the status of maternal
121 and infant health; and

122 (ix) To enter into contracts, grants and
123 cooperative agreements with any federal or state agency or
124 subdivision thereof, or any public or private institution located
125 inside or outside the State of Mississippi, or any person,



126 corporation or association in connection with carrying out the
127 provisions of this chapter, if he or she finds those actions to be
128 in the public interest and the contracts or agreements do not have
129 a financial cost that exceeds the amounts appropriated for those
130 purposes by the Legislature. Each contract or agreement entered
131 into by the executive officer shall be submitted to the board
132 before its next meeting.

133 (2) The State Board of Health shall have the authority to
134 establish an Office of Rural Health within the department. The
135 duties and responsibilities of this office shall include the
136 following:

137 (a) To collect and evaluate data on rural health
138 conditions and needs;

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

141 (c) To develop and implement plans and provide
142 technical assistance to enable community health systems to respond
143 to various changes in their circumstances;

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

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

148 (3) The State Board of Health shall have general supervision
149 of the health interests of the people of the state and to exercise



150 the rights, powers and duties of those acts which it is authorized
151 by law to enforce.

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

153 (a) To make investigations and inquiries with respect
154 to the causes of disease and death, and to investigate the effect
155 of environment, including conditions of employment and other
156 conditions that may affect health, and to make such other
157 investigations as it may deem necessary for the preservation and
158 improvement of health.

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

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

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

170 (e) To charge and collect reasonable fees for health
171 services, including immunizations, inspections and related
172 activities, and the board shall charge fees for those services;
173 however, if it is determined that a person receiving services is
174 unable to pay the total fee, the board shall collect any amount



175 that the person is able to pay. Any increase in the fees charged
176 by the board under this paragraph shall be in accordance with the
177 provisions of Section 41-3-65.

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

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

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



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

205 (i) To conduct investigations, inquiries and hearings,
206 and to issue subpoenas for the attendance of witnesses and the
207 production of books and records at any hearing when authorized and
208 required by statute to be conducted by the State Health Officer or
209 the State Board of Health.

210 (j) To promulgate rules and regulations, and to collect
211 data and information, on (i) the delivery of services through the
212 practice of telemedicine; and (ii) the use of electronic records
213 for the delivery of telemedicine services.

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

216 (5) (a) The State Board of Health shall have the authority,
217 in its discretion, to establish programs to promote the public
218 health, to be administered by the State Department of Health.
219 Specifically, those programs may include, but shall not be limited
220 to, programs in the following areas:

- 221 (i) Maternal and child health;
- 222 (ii) Family planning;
- 223 (iii) Pediatric services;



224 (iv) Services to crippled and disabled children;
225 (v) Control of communicable and noncommunicable
226 disease;
227 (vi) Chronic disease;
228 (vii) Accidental deaths and injuries;
229 (viii) Child care licensure;
230 (ix) Radiological health;
231 (x) Dental health;
232 (xi) Milk sanitation;
233 (xii) Occupational safety and health;
234 (xiii) Food, vector control and general
235 sanitation;
236 (xiv) Protection of drinking water;
237 (xv) Sanitation in food handling establishments
238 open to the public;
239 (xvi) Registration of births and deaths and other
240 vital events;
241 (xvii) Such public health programs and services as
242 may be assigned to the State Board of Health by the Legislature or
243 by executive order; and
244 (xviii) Regulation of domestic and imported fish
245 for human consumption.
246 (b) The State Board of Health and State Department of
247 Health shall not be authorized to sell, transfer, alienate or
248 otherwise dispose of any of the home health agencies owned and



249 operated by the department on January 1, 1995, and shall not be
250 authorized to sell, transfer, assign, alienate or otherwise
251 dispose of the license of any of those home health agencies,
252 except upon the specific authorization of the Legislature by an
253 amendment to this section. However, this paragraph (b) shall not
254 prevent the board or the department from closing or terminating
255 the operation of any home health agency owned and operated by the
256 department, or closing or terminating any office, branch office or
257 clinic of any such home health agency, or otherwise discontinuing
258 the providing of home health services through any such home health
259 agency, office, branch office or clinic, if the board first
260 demonstrates that there are other providers of home health
261 services in the area being served by the department's home health
262 agency, office, branch office or clinic that will be able to
263 provide adequate home health services to the residents of the area
264 if the department's home health agency, office, branch office or
265 clinic is closed or otherwise discontinues the providing of home
266 health services. This demonstration by the board that there are
267 other providers of adequate home health services in the area shall
268 be spread at length upon the minutes of the board at a regular or
269 special meeting of the board at least thirty (30) days before a
270 home health agency, office, branch office or clinic is proposed to
271 be closed or otherwise discontinue the providing of home health
272 services.



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

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

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

284 (i) To enter into capitalization grant agreements
285 with the United States Environmental Protection Agency, or any
286 successor agency thereto;

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

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

292 (iv) To establish and collect fees to defray the
293 reasonable costs of administering the revolving fund or emergency
294 fund if the State Board of Health determines that those costs will
295 exceed the limitations established in the federal Safe Drinking
296 Water Act, as amended. The administration fees may be included in
297 loan amounts to loan recipients for the purpose of facilitating



298 payment to the board; however, those fees may not exceed five
299 percent (5%) of the loan amount.

300 (7) Notwithstanding any other provision to the contrary, the
301 State Department of Health shall have the following specific
302 powers: The department shall issue a license to Alexander Milne
303 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
304 construction, conversion, expansion and operation of not more than
305 forty-five (45) beds for developmentally disabled adults who have
306 been displaced from New Orleans, Louisiana, with the beds to be
307 located in a certified ICF-MR facility in the City of Laurel,
308 Mississippi. There shall be no prohibition or restrictions on
309 participation in the Medicaid program for the person receiving the
310 license under this subsection (7). The license described in this
311 subsection shall expire five (5) years from the date of its issue.
312 The license authorized by this subsection shall be issued upon the
313 initial payment by the licensee of an application fee of
314 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
315 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
316 the license, to be paid as long as the licensee continues to
317 operate. The initial and monthly licensing fees shall be
318 deposited by the State Department of Health into the special fund
319 created under Section 41-7-188.

320 (8) Notwithstanding any other provision to the contrary, the
321 State Department of Health shall have the following specific
322 powers: The State Department of Health is authorized to issue a



323 license to an existing home health agency for the transfer of a
324 county from that agency to another existing home health agency,
325 and to charge a fee for reviewing and making a determination on
326 the application for such transfer not to exceed one-half (1/2) of
327 the authorized fee assessed for the original application for the
328 home health agency, with the revenue to be deposited by the State
329 Department of Health into the special fund created under Section
330 41-7-188.

331 (9) Notwithstanding any other provision to the contrary, the
332 State Department of Health shall have the following specific
333 powers: For the period beginning July 1, 2010, through July 1,
334 2017, the State Department of Health is authorized and empowered
335 to assess a fee in addition to the fee prescribed in Section
336 41-7-188 for reviewing applications for certificates of need in an
337 amount not to exceed twenty-five one-hundredths of one percent
338 (.25 of 1%) of the amount of a proposed capital expenditure, but
339 shall be not less than Two Hundred Fifty Dollars (\$250.00)
340 regardless of the amount of the proposed capital expenditure, and
341 the maximum additional fee permitted shall not exceed Fifty
342 Thousand Dollars (\$50,000.00). Provided that the total
343 assessments of fees for certificate of need applications under
344 Section 41-7-188 and this section shall not exceed the actual cost
345 of operating the certificate of need program.

346 (10) Notwithstanding any other provision to the contrary,
347 the State Department of Health shall have the following specific



348 powers: The State Department of Health is authorized to extend
349 and renew any certificate of need that has expired, and to charge
350 a fee for reviewing and making a determination on the application
351 for such action not to exceed one-half (1/2) of the authorized fee
352 assessed for the original application for the certificate of need,
353 with the revenue to be deposited by the State Department of Health
354 into the special fund created under Section 41-7-188.

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

363 (12) Notwithstanding any other provision to the contrary,
364 the State Department of Health shall have the following specific
365 powers: The State Department of Health is authorized and
366 empowered, to require the temporary detainment of individuals for
367 disease control purposes based upon violation of any order of the
368 State Health Officer, as provided in Section 41-23-5. For the
369 purpose of enforcing such orders of the State Health Officer,
370 persons employed by the department as investigators shall have
371 general arrest powers. All law enforcement officers are



372 authorized and directed to assist in the enforcement of such
373 orders of the State Health Officer.

374 **SECTION 3.** Section 41-3-18, Mississippi Code of 1972, is
375 reenacted as follows:

376 41-3-18. (1) The board shall assess fees in the following
377 amounts and for the following purposes:

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

380	Assessment Category 1.....	\$ 30.00
381	Assessment Category 2.....	100.00
382	Assessment Category 3.....	150.00
383	Assessment Category 4.....	200.00

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

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

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

392 Any increase in the fees charged by the board under this
393 subsection shall be in accordance with the provisions of Section
394 41-3-65.

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 4.** Section 41-3-65, Mississippi Code of 1972, is
409 reenacted as follows:

410 41-3-65. Except as otherwise provided by law, the State
411 Board of Health or the State Department of Health may increase the
412 amount of any fee charged by the board or the department for
413 providing a service, including the issuance and renewal of
414 licenses and registrations, not more than two (2) times during the
415 period from July 1, 2016, through June 30, 2020, with the
416 percentage of each increase being not more than fifteen percent
417 (15%) of the amount of the fee in effect at the time of the
418 increase.

419 **SECTION 5.** Section 41-9-9, Mississippi Code of 1972, is
420 reenacted as follows:



421 41-9-9. (1) An application for a license shall be made to
422 the licensing agency upon forms provided by it and shall contain
423 such information as the licensing agency reasonably requires,
424 which may include affirmative evidence of ability to comply with
425 such reasonable standards, rules and regulations as are lawfully
426 prescribed under Section 41-9-17. A license, unless suspended or
427 revoked, shall be renewable annually upon payment of a renewal fee
428 of Twenty Dollars (\$20.00) for each licensed bed in the hospital,
429 which shall be paid to the licensing agency, with a minimum fee of
430 Five Hundred Dollars (\$500.00) per hospital and a maximum fee of
431 Five Thousand Dollars (\$5,000.00), and upon filing by the licensee
432 and approval by the licensing agency of an annual report upon such
433 uniform dates and containing such information in such form as the
434 licensing agency prescribes by rule or regulation. Any increase
435 in the fee charged by the licensing agency under this subsection
436 shall be in accordance with the provisions of Section 41-3-65.
437 Each license shall be issued only for the premises and person or
438 persons or other legal entity or entities named in the application
439 and shall not be transferable or assignable except with the
440 written approval of the licensing agency. Licenses shall be
441 posted in a conspicuous place on the licensed premises.

442 (2) The appropriate licensure fee, according to the schedule
443 herein, shall be paid to the licensing agency and may be paid by
444 check, draft or money order. A license shall not be issued to any
445 hospital until such fee is received by the licensing agency.



446 (3) A fee known as a "User Fee" shall be applicable and
447 shall be paid to the licensing agency as set out in subsection (2)
448 of this section. Any increase in the fee charged by the licensing
449 agency under this subsection shall be in accordance with the
450 provisions of Section 41-3-65. This user fee shall be assessed
451 for the purpose of the required reviewing and inspections of the
452 proposal of any hospital in which there are additions,
453 renovations, modernizations, expansion, alterations, conversions,
454 modifications or replacement of the entire facility involved in
455 such proposal. This fee includes the reviewing of architectural
456 plans in all steps required. There shall be a minimum user fee of
457 Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand
458 Dollars (\$5,000.00).

459 **SECTION 6.** Section 41-26-23, Mississippi Code of 1972, is
460 reenacted as follows:

461 41-26-23. (1) There is created in the State Treasury a fund
462 to be designated as the "Drinking Water Quality Analysis Fund."
463 The fund shall be treated as a special trust fund. Interest
464 earned on the principal in the fund shall be credited by the
465 Treasurer to the fund. The fund may receive monies from any
466 available public or private source, including fees, proceeds and
467 grants. The department shall expend or utilize monies in the fund
468 to pay all reasonable direct and indirect costs of water quality
469 analysis and related activities as required by the federal Safe
470 Drinking Water Act, as amended. Monies in the fund at the end of



471 the fiscal year shall be retained in the fund for use in the
472 succeeding fiscal year. Except as provided in subsection (5) of
473 this section, if the annual fees collected exceed the cost of
474 administering the water quality analysis program in that fiscal
475 year, the excess shall be applied to the cost of administering the
476 program in the succeeding fiscal year. In the succeeding fiscal
477 year, the total to be collected from fees shall be reduced by the
478 excess retained in the fund and the assessment rates shall be
479 adjusted proportionately.

480 (2) The department annually shall assess and collect fees
481 for water quality analysis and related activities as required by
482 the federal Safe Drinking Water Act, as amended, which shall not
483 exceed Three Dollars (\$3.00) per connection or Forty Thousand
484 Dollars (\$40,000.00) per system, whichever is less. Any increase
485 in the fees charged by the department under this subsection shall
486 be in accordance with the provisions of Section 41-3-65. The
487 department annually shall adopt by rule, in accordance with the
488 Administrative Procedures Law and following a public hearing, a
489 fee schedule to cover all reasonable direct and indirect costs of
490 water quality analysis and related activities as required by the
491 federal Safe Drinking Water Act, as amended. In adopting a fee
492 schedule, the department shall consider the recommendations of the
493 advisory committee created in this section, if those
494 recommendations are made in a timely manner as provided.



495 (3) An advisory committee is created to study the program
496 needs and costs for the implementation of the water quality
497 analysis program and to conduct an annual review of the needs and
498 costs of administering that program. The annual review shall
499 include an independent recommendation on an equitable fee schedule
500 for the succeeding fiscal year. Each annual review report shall
501 be due to the department by May 1. The advisory committee shall
502 consist of one (1) member appointed by the Mississippi Rural Water
503 Association, one (1) member appointed by the Mississippi Municipal
504 Association, one (1) member appointed by the Mississippi
505 Association of Supervisors and one (1) member appointed by the
506 Mississippi Water and Pollution Control Operators Association,
507 Inc.

508 (4) All suppliers of water for which water quality analysis
509 and related activities as required by the federal Safe Drinking
510 Water Act, as amended, are performed by the State Department of
511 Health shall pay the water quality analysis fee within forty-five
512 (45) days following receipt of an invoice from the department. In
513 the discretion of the department, any supplier of water required
514 to pay the fee shall be liable for a penalty equal to a maximum of
515 two (2) times the amount of fees due and payable plus an amount
516 necessary to reimburse the costs of delinquent fee collection for
517 failure to pay the fee within ninety (90) days following the
518 receipt of the invoice. Any person making sales to customers of
519 water for residential, noncommercial or nonagricultural use and



520 who recovers the fee required by this section or any portion
521 thereof from any customer shall indicate on each statement
522 rendered to customers that these fees are for water quality
523 analyses required by the federal government under the Safe
524 Drinking Water Act, as amended.

525 (5) There is created within the Drinking Water Quality
526 Analysis Fund an equipment capital expenditure account,
527 hereinafter referred to as the "account." The department may
528 transfer any excess fees, not exceeding ten percent (10%) of the
529 total fees assessed under this section, to the account. The
530 balance in the account shall not exceed Five Hundred Thousand
531 Dollars (\$500,000.00). Funds in the account shall be used by the
532 department, as appropriated by the Legislature, to defray the
533 costs of purchasing new equipment or repairing existing equipment
534 for the analysis of drinking water.

535 **SECTION 7.** Section 41-26-101, Mississippi Code of 1972, is
536 reenacted as follows:

537 41-26-101. (1) Each member elected or reelected after June
538 30, 1998, to serve on a governing board of any community public
539 water system, except systems operated by municipalities with a
540 population greater than ten thousand (10,000), shall attend a
541 minimum of eight (8) hours of management training within two (2)
542 years following the election of that board member. Any member
543 failing to complete the management training within two (2) years
544 after his election shall be subject to removal from the board by



545 the remaining members. If a board member has undergone training
546 and is reelected to the board, that board member shall not be
547 required to attend training as provided by this subsection.

548 (2) The management training shall be organized by the State
549 Department of Health, in cooperation with the Mississippi Rural
550 Water Association and other organizations. The management
551 training shall include information on water system management and
552 financing, rate setting and structures, operations and
553 maintenance, applicable laws and regulations, ethics, the duties
554 and responsibilities of a board member and other information
555 deemed necessary by the department after consultation with the
556 association and other organizations. The department shall develop
557 and provide all training materials. The department may charge a
558 fee not to exceed Seventy-five Dollars (\$75.00) per member to
559 defray the actual costs of providing the materials and training.
560 These costs shall be reimbursed to the board member as an expense
561 of the community public water system. Any increase in the fee
562 charged by the department under this subsection shall be in
563 accordance with the provisions of Section 41-3-65.

564 (3) To avoid board members having to interfere with their
565 jobs or employment, management training sessions may be divided
566 into segments and, to the greatest extent possible, shall be
567 scheduled for evening sessions. The department shall conduct
568 management training on a regional basis and shall use community



569 college or other public facilities for the convenience of board
570 members.

571 (4) The department may make exceptions to and grant
572 exemptions and variances to the requirements of this section for
573 good cause shown.

574 **SECTION 8.** Section 41-58-3, Mississippi Code of 1972, is
575 reenacted and amended as follows:

576 41-58-3. (1) The department shall have full authority to
577 adopt such rules and regulations not inconsistent with the laws of
578 this state as may be necessary to effectuate the provisions of
579 this chapter, and may amend or repeal the same as may be necessary
580 for such purposes.

581 (2) There shall be established a Medical Radiation Advisory
582 Council to be appointed as provided in this section. The council
583 shall consist of * * * ten (10) members as follows:

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

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

587 (c) One (1) licensed practitioner;

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

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

590 (f) One (1) radiation therapist;

591 (g) One (1) radiation physicist;

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



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

595 (3) The department shall, following the recommendations from
596 the appropriate professional state societies and organizations,
597 including the Mississippi Radiological Society, the Mississippi
598 Society of Radiologic Technologists, and the Mississippi State
599 Nuclear Medicine Society, and other nominations that may be
600 received from whatever source, appoint the members of the council
601 as soon as possible after * * * April 13, 1996. Any person
602 serving on the council who is a practitioner of a profession or
603 occupation required to be licensed, credentialed or certified in
604 the state shall be a holder of an appropriate license, credential
605 or certificate issued by the state. All members of the council
606 shall be residents of the State of Mississippi. The council shall
607 promulgate such rules and regulations by which it shall conduct
608 its business. Members of the council shall receive no salary for
609 services performed on the council but may be reimbursed for their
610 reasonable and necessary actual expenses incurred in the
611 performance of the same, from funds provided for such purpose.
612 The council shall assist and advise the department in the
613 development of regulations and standards to effectuate the
614 provisions of this chapter.

615 (4) A radiologic technologist, nuclear medicine technologist
616 or radiation therapist shall not apply ionizing or x-radiation or
617 administer radiopharmaceuticals to a human being or otherwise



618 engage in the practice of medical radiation technology unless the
619 person possesses a valid registration issued by the department
620 under the provisions of this chapter.

621 (5) The department may issue a temporary registration to
622 practice a specialty of medical radiation technology to any
623 applicant who has completed an approved program, who has complied
624 with the provisions of this chapter, and is awaiting examination
625 for that specialty. This registration shall convey the same
626 rights as the registration for which the applicant is awaiting
627 examination and shall be valid for one (1) six-month period.

628 (6) The department may charge a registration fee of not more
629 than Fifty Dollars (\$50.00) biennially to each person to whom it
630 issues a registration under the provisions of this chapter. Any
631 increase in the fee charged by the department under this
632 subsection shall be in accordance with the provisions of Section
633 41-3-65.

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

635 (a) A student enrolled in and participating in an
636 accredited course of study approved by the department for
637 diagnostic radiologic technology, nuclear medicine technology or
638 radiation therapy, who as a part of his clinical course of study
639 applies ionizing radiation to a human being while under the
640 supervision of a licensed practitioner, registered radiologic
641 technologist, registered nuclear medicine technologist or
642 registered radiation therapist;



643 (b) Laboratory personnel who use radiopharmaceuticals
644 for in vitro studies;

645 (c) A dental hygienist or a dental assistant who is not
646 a radiologic technologist, nuclear medicine technologist or
647 radiation therapist, who possesses a radiology permit issued by
648 the Board of Dental Examiners and applies ionizing radiation under
649 the specific direction of a licensed dentist;

650 (d) A chiropractic assistant who is not a radiologic
651 technologist, nuclear medicine technologist or radiation
652 therapist, who possesses a radiology permit issued by the Board of
653 Chiropractic Examiners and applies ionizing radiation under the
654 specific direction of a licensed chiropractor;

655 (e) An individual who is permitted as a limited x-ray
656 machine operator by the State Board of Medical Licensure and
657 applies ionizing radiation in a physician's office, radiology
658 clinic or a licensed hospital in Mississippi under the specific
659 direction of a licensed practitioner; and

660 (f) A student enrolled in and participating in an
661 accredited course of study for diagnostic radiologic technology,
662 nuclear medicine technology or radiation therapy and is employed
663 by a physician's office, radiology clinic or a licensed hospital
664 in Mississippi and applies ionizing radiation under the specific
665 direction of a licensed practitioner.

666 (8) Nothing in this chapter is intended to limit, preclude,
667 or otherwise interfere with the practices of a licensed



668 practitioner who is duly licensed or registered by the appropriate
669 agency of the State of Mississippi, provided that the agency
670 specifically recognizes that the procedures covered by this
671 chapter are within the scope of practice of the licensee or
672 registrant.

673 (9) (a) If any radiologic technologist, nuclear medicine
674 technologist or radiation therapist violates any provision of this
675 chapter or the regulations adopted by the department, the
676 department shall suspend or revoke the registration and practice
677 privileges of the person or issue other disciplinary actions in
678 accordance with statutory procedures and rules and regulations of
679 the department.

680 (b) If any person violates any provision of this
681 chapter, the department shall issue a written warning to the
682 licensed practitioner or medical institution that employs the
683 person; and if that person violates any provision of this chapter
684 again within three (3) years after the first violation, the
685 department may suspend or revoke the permit or registration for
686 the x-radiation and ionizing equipment of the licensed
687 practitioner or medical institution that employs the person, in
688 accordance with statutory procedures and rules and regulations of
689 the department regarding suspension and revocation of those
690 permits or registrations.

691 (10) This section shall stand repealed on July 1, 2023.



692 **SECTION 9.** Section 41-59-11, Mississippi Code of 1972, is
693 reenacted as follows:

694 41-59-11. Application for license shall be made to the board
695 by private firms or nonfederal governmental agencies. The
696 application shall be made upon forms in accordance with procedures
697 established by the board and shall contain the following:

698 (a) The name and address of the owner of the ambulance
699 service or proposed ambulance service;

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

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

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

708 (e) Such other information as the board shall deem
709 necessary.

710 Each application for a license shall be accompanied by a
711 license fee to be fixed by the board, which shall be paid to the
712 board. Any increase in the fee charged by the board under this
713 section shall be in accordance with the provisions of Section
714 41-3-65.

715 **SECTION 10.** Section 41-59-17, Mississippi Code of 1972, is
716 reenacted as follows:



717 41-59-17. (1) The board is authorized to suspend or revoke
718 a license whenever it determines that the holder no longer meets
719 the requirements prescribed for operating an ambulance service.

720 (2) A license issued under this chapter may be renewed upon
721 payment of a renewal fee to be fixed by the board, which shall be
722 paid to the board. Any increase in the fee charged by the board
723 under this subsection shall be in accordance with the provisions
724 of Section 41-3-65. Renewal of any license issued under the
725 provisions of this chapter shall require conformance with all the
726 requirements of this chapter as upon original licensing.

727 **SECTION 11.** Section 41-59-23, Mississippi Code of 1972, is
728 reenacted as follows:

729 41-59-23. (1) Before a vehicle can be operated as an
730 ambulance, its licensed owner must apply for and receive an
731 ambulance permit issued by the board for such vehicle.
732 Application shall be made upon forms and according to procedures
733 established by the board. Each application for an ambulance
734 permit shall be accompanied by a permit fee to be fixed by the
735 board, which shall be paid to the board. Any increase in the fee
736 charged by the board under this subsection shall be in accordance
737 with the provisions of Section 41-3-65. Prior to issuing an
738 original or renewal permit for an ambulance, the vehicle for which
739 the permit is issued shall be inspected and a determination made
740 that the vehicle meets all requirements as to vehicle design,
741 sanitation, construction, medical equipment and supplies set forth



742 in this chapter and regulations promulgated by the board. Permits
743 issued for ambulance shall be valid for a period not to exceed one
744 (1) year.

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

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

753 (4) When a permit has been issued for an ambulance as
754 specified herein, the ambulance records relating to maintenance
755 and operation of such ambulance shall be open to inspection by a
756 duly authorized representative of the board during normal working
757 hours.

758 (5) An ambulance permit issued under this chapter may be
759 renewed upon payment of a renewal fee to be fixed by the board,
760 which shall be paid to the board. Any increase in the fee charged
761 by the board under this subsection shall be in accordance with the
762 provisions of Section 41-3-65. Renewal of any ambulance permit
763 issued under the provisions of this chapter shall require
764 conformance with all requirements of this chapter.

765 **SECTION 12.** Section 41-59-33, Mississippi Code of 1972, is
766 reenacted as follows:



767 41-59-33. (1) Any person desiring certification as an
768 emergency medical technician shall apply to the board using forms
769 prescribed by the board. Each application for an emergency
770 medical technician certificate shall be accompanied by a
771 certificate fee to be fixed by the board, which shall be paid to
772 the board. Any increase in the fee charged by the board under
773 this section shall be in accordance with the provisions of Section
774 41-3-65. Upon the successful completion of the board's approved
775 emergency medical technical training program, the board shall make
776 a determination of the applicant's qualifications as an emergency
777 medical technician as set forth in the regulations promulgated by
778 the board, and shall issue an emergency medical technician
779 certificate to the applicant.

780 (2) Any person who desires to exercise the privilege to
781 practice under the Emergency Medical Services Personnel Licensure
782 Interstate Compact must complete the terms and provisions of the
783 Compact as prescribed in Section 41-59-101.

784 **SECTION 13.** Section 41-59-35, Mississippi Code of 1972, is
785 reenacted as follows:

786 41-59-35. (1) An emergency medical technician certificate
787 so issued shall be valid for a period not exceeding two (2) years
788 from the date of issuance and may be renewed upon payment of a
789 renewal fee to be fixed by the board, which shall be paid to the
790 board, provided that the holder meets the qualifications set forth
791 in this Chapter 59 and Chapter 60 and rules and regulations



792 promulgated by the board. Any increase in the fee charged by the
793 board under this subsection shall be in accordance with the
794 provisions of Section 41-3-65.

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

798 (3) It shall be unlawful for any person, corporation or
799 association to, in any manner, represent himself, herself or
800 itself as an Emergency Medical Technician-Basic, Emergency Medical
801 Technician-Advanced, Emergency Medical Technician-Paramedic,
802 Emergency Medical Technician-Paramedic Critical Care, or Emergency
803 Medical Services Driver, or use in connection with his or its name
804 the words or letters of EMT, emt, paramedic, critical care
805 paramedic, or any other letters, words, abbreviations or insignia
806 which would indicate or imply that he, she or it is an Emergency
807 Medical Technician-Basic, Emergency Medical Technician-Advanced,
808 Emergency Medical Technician-Paramedic, Emergency Medical
809 Technician-Paramedic Critical Care, or Emergency Medical Services
810 Driver, unless certified in accordance with Chapters 59 and 60 of
811 this title and in accordance with the rules and regulations
812 promulgated by the board; or a person who has a privilege to
813 practice under the Emergency Medical Services Personnel Licensure
814 Interstate Compact. It shall be unlawful to employ an uncertified
815 Emergency Medical Technician-Basic, Emergency Medical
816 Technician-Advanced, Emergency Medical Technician-Paramedic, or



817 Emergency Medical Technician-Paramedic Critical Care to provide
818 basic or advanced life-support services.

819 (4) An EMT, EMT-A, EMR, or Paramedic may transport a police
820 dog injured in the line of duty to a veterinary clinic, hospital
821 emergency department or similar facility if there are no persons
822 requiring medical attention or transport at that time. For the
823 purposes of this subsection, "police dog" means a dog owned or
824 used by a law enforcement department or agency in the course of
825 the department or agency's work, including a search and rescue
826 dog, service dog, accelerant detection canine, or other dog that
827 is in use by a county, municipal, or state law enforcement agency.

828 (5) Any Emergency Medical Technician-Basic, Emergency
829 Medical Technician-Advanced, Emergency Medical
830 Technician-Paramedic, Emergency Medical Technician-Paramedic
831 Critical Care, or Emergency Medical Services Driver who violates
832 or fails to comply with these statutes or the rules and
833 regulations promulgated by the board under these statutes shall be
834 subject, after due notice and hearing, to an administrative fine
835 not to exceed One Thousand Dollars (\$1,000.00).

836 **SECTION 14.** Section 41-59-65, Mississippi Code of 1972, is
837 reenacted as follows:

838 41-59-65. Either a public or private ambulance service
839 licensed and regulated by the State Board of Health desiring to
840 offer such a membership subscription program shall make
841 application for permit to conduct and implement such program to



842 the State Board of Health. The application shall be made upon
843 forms in accordance with procedures established by the board and
844 shall contain the following:

845 (a) The name and address of the owner of the ambulance
846 service;

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

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

850 (d) The places or areas in which the ambulance service
851 intends to conduct and operate a membership subscription program;
852 and

853 (e) Such other information as the board shall deem
854 necessary.

855 Each application for a permit shall be accompanied by a
856 permit fee of Five Hundred Dollars (\$500.00), which shall be paid
857 to the board. The permit shall be issued to expire the next
858 ensuing December 31. The permit issued under this section may be
859 renewed upon payment of a renewal fee of Five Hundred Dollars
860 (\$500.00), which shall be paid to the board. Renewal of any
861 permit issued under this section shall require conformance with
862 all requirements of this chapter. Any increase in the fee charged
863 by the board under this section shall be in accordance with the
864 provisions of Section 41-3-65.

865 **SECTION 15.** Section 41-59-79, Mississippi Code of 1972, is
866 reenacted as follows:



867 41-59-79. Any person desiring certification as a medical
868 first responder shall apply to the board using forms prescribed by
869 the board. Each application for a medical first responder
870 certificate shall be accompanied by a certificate fee to be fixed
871 by the board, which shall be paid to the board. Any increase in
872 the fee charged by the board under this section shall be in
873 accordance with the provisions of Section 41-3-65. Upon the
874 successful completion of the board's approved medical first
875 responder training program, the board shall make a determination
876 of the applicant's qualifications as a medical first responder as
877 set forth in the regulations promulgated by the board, and shall
878 issue a medical first responder certificate to the applicant.

879 **SECTION 16.** Section 41-67-12, Mississippi Code of 1972, is
880 reenacted as follows:

881 41-67-12. (1) The department shall assess fees in the
882 following amounts for the following purposes:

883 (a) A fee of One Hundred Dollars (\$100.00) shall be
884 levied for soil and site evaluation and recommendation of
885 individual on-site wastewater disposal systems. The department
886 may increase the amount of the fee authorized in this paragraph
887 (a) not more than two (2) times during the period from July 1,
888 2016, through June 30, 2020, with the percentage of each increase
889 being not more than five percent (5%) of the amount of the fee in
890 effect at the time of the increase.



891 (b) A fee of One Hundred Fifty Dollars (\$150.00) shall
892 be levied once every three (3) years for the certification of
893 installers and pumpers.

894 (c) A fee of Three Hundred Dollars (\$300.00) shall be
895 levied once every three (3) years for the registration of
896 manufacturers.

897 Any increase in the fee charged by the department under
898 paragraph (b) or (c) of this subsection shall be in accordance
899 with the provisions of Section 41-3-65.

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

905 (3) No fee authorized under this section shall be assessed
906 by the department for state agencies or institutions, including,
907 without limitation, foster homes licensed by the Mississippi
908 Department of Human Services.

909 **SECTION 17.** Section 41-67-25, Mississippi Code of 1972, is
910 reenacted as follows:

911 41-67-25. (1) A person may not operate as an installer of
912 individual on-site wastewater disposal systems unless that person
913 is currently certified by the department. A person who installs
914 an individual on-site wastewater disposal system on his own



915 property for his primary residence is not considered an installer
916 for purposes of this subsection.

917 (2) An installer of advanced treatment systems or products
918 must be a factory-trained and authorized representative. The
919 manufacturer must furnish documentation to the department
920 certifying the satisfactory completion of factory training and the
921 establishment of the installer as an authorized manufacturer's
922 representative.

923 (3) The department shall issue a certification to an
924 installer if the installer:

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

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

929 (c) Pays the certification fee once every three (3)
930 years, which shall be an amount not greater than One Hundred Fifty
931 Dollars (\$150.00); any increase in the fee charged by the
932 department under this paragraph shall be in accordance with the
933 provisions of Section 41-3-65; and

934 (d) Provides proof of having a valid general business
935 liability insurance policy in effect with liability limits of at
936 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
937 least One Hundred Thousand Dollars (\$100,000.00) in total
938 aggregate amount.



939 (4) Each installer shall furnish proof of certification to a
940 property owner, lessee, the owner's representative or occupant of
941 the property on which an individual on-site wastewater disposal
942 system is to be designed, constructed, repaired or installed by
943 that installer and to the department or its authorized
944 representative, if requested.

945 (5) The department shall provide for renewal of
946 certifications once every three (3) years.

947 (6) (a) An installer's certification may be suspended or
948 revoked by the department after notice and hearing if the
949 installer violates this chapter or any rule or regulation adopted
950 under this chapter.

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

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

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

959 (9) The department shall provide for renewal of installer
960 certifications to be applied for at the local department offices.

961 **SECTION 18.** Section 41-67-37, Mississippi Code of 1972, is
962 reenacted as follows:



963 41-67-37. (1) A person may not operate as a certified
964 professional evaluator in this state unless that person is
965 currently certified by the department or is a licensed
966 professional engineer.

967 (2) A person must meet one (1) of the following
968 requirements, in addition to the additional requirements set forth
969 in other sections of this chapter and rules and regulations of the
970 board, in order to be eligible to become a certified professional
971 evaluator:

972 (a) Be a professional geologist registered in the State
973 of Mississippi;

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

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

979 (3) The department shall issue a certification to a
980 certified professional evaluator if the certified professional
981 evaluator:

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

984 (b) Satisfactorily completes the certified professional
985 evaluator training program provided by the department;

986 (c) Pays the certification fee once every three (3)
987 years; any increase in the fee charged by the department under



988 this paragraph shall be in accordance with the provisions of
989 Section 41-3-65; and

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

994 (4) Each certified professional evaluator shall furnish
995 proof of certification to a property owner or the owner's
996 representative of the property before performing a site evaluation
997 of the property on which an individual on-site wastewater disposal
998 system is to be designed, constructed, repaired or installed by
999 the certified professional evaluator and to the department or its
1000 authorized representative, if requested.

1001 (5) The department shall provide for renewal of
1002 certifications once every three (3) years.

1003 (6) The department shall disseminate to the public an
1004 official list of certified professional evaluators.

1005 (7) If any person who is not a licensed professional
1006 engineer operates in the state as a certified professional
1007 evaluator without certification by the department, the department,
1008 after due notice and opportunity for a hearing, may impose a
1009 monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00)
1010 for each violation.

1011 **SECTION 19.** Section 41-67-39, Mississippi Code of 1972, is
1012 reenacted as follows:



1013 41-67-39. (1) A person may not be engaged in the business
1014 of removing and disposing of the sludge and liquid waste (septage)
1015 from individual on-site wastewater disposal systems in this state
1016 unless that person has a valid certificate issued by the
1017 department.

1018 (2) The department shall issue a certificate to a pumper if
1019 the pumper:

1020 (a) Completes an application form that complies with
1021 this chapter and rules adopted under this chapter;

1022 (b) Satisfactorily completes the certified pumper
1023 training program provided by the department;

1024 (c) Satisfactorily complies with the requirements of
1025 his/her pumping and hauling equipment;

1026 (d) Provides documentation of a disposal site approved
1027 by the Department of Environmental Quality, Office of Pollution
1028 Control;

1029 (e) Pays the license fee once every three (3) years;
1030 any increase in the fee charged by the department under this
1031 paragraph shall be in accordance with the provisions of Section
1032 41-3-65; and

1033 (f) Provides proof of having a valid general business
1034 liability insurance policy in effect with liability limits of at
1035 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
1036 least One Hundred Thousand Dollars (\$100,000.00) in total
1037 aggregate amount.



1038 (3) Each pumper or designated agent thereof, upon request,
1039 shall furnish proof of certification to an individual before
1040 entering a contract with that individual for the removing and
1041 disposing of the sludge and liquid waste (septage) from an
1042 individual on-site wastewater disposal system.

1043 (4) The department shall disseminate to the public an
1044 official list of certified pumpers.

1045 (5) If any person operates in the state as a certified
1046 pumper without a license by the board, the board, after due notice
1047 and opportunity for a hearing, may impose a monetary penalty not
1048 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

1049 (6) The department may suspend or revoke a pumper
1050 certification if the pumper disposes of septage or other liquid
1051 waste in an unpermitted or unapproved site and/or violates this
1052 chapter or rules and regulations under this chapter.

1053 (7) A municipal wastewater treatment facility may make a
1054 site available for certified pumpers to dispose of septic or other
1055 liquid waste.

1056 (8) The department shall provide for renewal of
1057 certifications once every three (3) years.

1058 (9) The department must provide for renewal pumper
1059 certifications to be applied for at the local department offices.

1060 **SECTION 20.** Section 41-71-5, Mississippi Code of 1972, is
1061 reenacted as follows:



1062 41-71-5. An application for a license shall be made to the
1063 licensing agency upon forms provided by the agency and shall
1064 contain such information as the agency shall require, which may
1065 include affirmative evidence of ability to comply with such
1066 reasonable standards, rules and regulations as are lawfully
1067 prescribed under this chapter. A license fee of One Thousand
1068 Dollars (\$1,000.00), payable to the licensing agency, shall be
1069 submitted with each application. Any increase in the fee charged
1070 by the licensing agency under this section shall be in accordance
1071 with the provisions of Section 41-3-65.

1072 **SECTION 21.** Section 41-71-7, Mississippi Code of 1972, is
1073 reenacted as follows:

1074 41-71-7. Upon receipt of an application for a license and
1075 the license fee, and a determination by the licensing agency that
1076 the application is in compliance with Section 41-7-173 et seq. and
1077 in compliance with the provisions of this chapter, such license
1078 shall be issued. A license, unless suspended or revoked, shall be
1079 renewable annually upon payment by the licensee of a renewal fee
1080 of One Thousand Dollars (\$1,000.00) and upon approval by the
1081 licensing agency of an annual report, required to be submitted by
1082 the licensee, containing such information in such form and at such
1083 time as the licensing agency prescribes by rule or regulation.
1084 Any increase in the fee charged by the licensing agency under this
1085 section shall be in accordance with the provisions of Section
1086 41-3-65. Each license shall be issued only for the home health



1087 agency and person or persons or other legal entity or entities
1088 named in the application and shall not be transferable or
1089 assignable except with the written approval of the licensing
1090 agency. Licenses shall be posted in a conspicuous place in the
1091 designated business office of the licensee. Each licensee shall
1092 designate, in writing, one (1) individual person as the
1093 responsible party for the conducting of the business of the home
1094 health agency with the licensing agency.

1095 **SECTION 22.** Section 41-75-7, Mississippi Code of 1972, is
1096 reenacted as follows:

1097 41-75-7. An application for a license shall be made to the
1098 licensing agency upon forms provided by it and shall contain such
1099 information as the licensing agency reasonably requires, which may
1100 include affirmative evidence of ability to comply with such
1101 reasonable standards, rules and regulations as are lawfully
1102 prescribed hereunder. Each application for a license shall be
1103 accompanied by a license fee of Three Thousand Dollars
1104 (\$3,000.00), which shall be paid to the licensing agency. Any
1105 increase in the fee charged by the licensing agency under this
1106 section shall be in accordance with the provisions of Section
1107 41-3-65.

1108 **SECTION 23.** Section 41-75-9, Mississippi Code of 1972, is
1109 reenacted as follows:

1110 41-75-9. Upon receipt of an application for license and the
1111 license fee, the licensing agency shall issue a license if the



1112 applicant and the institutional facilities meet the requirements
1113 established under this chapter and the requirements of Section
1114 41-7-173 et seq. where determined by the licensing agency to be
1115 applicable. A license, unless suspended or revoked, shall be
1116 renewable annually upon payment of a renewal fee of Three Thousand
1117 Dollars (\$3,000.00), which shall be paid to the licensing agency,
1118 and upon filing by the licensee and approval by the licensing
1119 agency of an annual report upon such uniform dates and containing
1120 such information in such form as the licensing agency requires.
1121 Any increase in the fee charged by the licensing agency under this
1122 section shall be in accordance with the provisions of Section
1123 41-3-65. Each license shall be issued only for the premises and
1124 person or persons named in the application and shall not be
1125 transferable or assignable. Licenses shall be posted in a
1126 conspicuous place on the licensed premises.

1127 **SECTION 24.** Section 41-77-9, Mississippi Code of 1972, is
1128 reenacted as follows:

1129 41-77-9. An application for a license shall be made to the
1130 licensing agency upon forms provided by it and shall contain such
1131 information as the licensing agency reasonably requires, which may
1132 include affirmative evidence of ability to comply with such
1133 reasonable standards, rules and regulations as are lawfully
1134 prescribed hereunder. Each application for a license shall be
1135 accompanied by a license fee of One Thousand Dollars (\$1,000.00),
1136 which shall be paid to the licensing agency. Any increase in the



1137 fee charged by the licensing agency under this section shall be in
1138 accordance with the provisions of Section 41-3-65.

1139 **SECTION 25.** Section 41-77-25, Mississippi Code of 1972, is
1140 reenacted 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 to be
1146 applicable. A license, unless suspended or revoked, shall be
1147 renewable annually upon payment of a renewal fee of Three Hundred
1148 Dollars (\$300.00), which shall be paid to the licensing agency,
1149 and upon filing by the licensee and approval by the licensing
1150 agency of an annual report upon such uniform dates and containing
1151 such information in such form as the licensing agency requires.
1152 Any increase in the fee charged by the licensing agency under this
1153 section shall be in accordance with the provisions of Section
1154 41-3-65. Each license shall be issued only for the premises and
1155 person or persons named in the application and shall not be
1156 transferable or assignable. Licenses shall be posted in a
1157 conspicuous place on the licensed premises.

1158 **SECTION 26.** Section 41-85-7, Mississippi Code of 1972, is
1159 reenacted as follows:

1160 41-85-7. (1) The administration of this chapter is vested
1161 in the Mississippi Department of Health, which shall:



1162 (a) Prepare and furnish all forms necessary under the
1163 provisions of this chapter in relation to applications for
1164 licensure or renewals thereof;

1165 (b) Collect in advance at the time of filing an
1166 application for a license or at the time of renewal of a license a
1167 fee of One Thousand Dollars (\$1,000.00) for each site or location
1168 of the licensee; any increase in the fee charged by the department
1169 under this paragraph shall be in accordance with the provisions of
1170 Section 41-3-65;

1171 (c) Levy a fee of Eighteen Dollars (\$18.00) per bed for
1172 the review of inpatient hospice care; any increase in the fee
1173 charged by the department under this paragraph shall be in
1174 accordance with the provisions of Section 41-3-65;

1175 (d) Conduct annual licensure inspections of all
1176 licensees which may be the same inspection as the annual Medicare
1177 certification inspection; and

1178 (e) Promulgate applicable rules and standards in
1179 furtherance of the purpose of this chapter and may amend such
1180 rules as may be necessary. The rules shall include, but not be
1181 limited to, the following:

1182 (i) The qualifications of professional and
1183 ancillary personnel in order to adequately furnish hospice care;

1184 (ii) Standards for the organization and quality of
1185 patient care;

1186 (iii) Procedures for maintaining records; and



1187 (iv) Provision for the inpatient component of
1188 hospice care and for other professional and ancillary hospice
1189 services.

1190 (2) All fees collected by the department under this section
1191 shall be used by the department exclusively for the purposes of
1192 licensure, regulation, inspection, investigations and discipline
1193 of hospices under this chapter.

1194 (3) The State Department of Health shall not process any new
1195 applications for hospice licensure or issue any new hospice
1196 licenses, except renewals; however, the department shall process
1197 applications for new hospice licenses filed during the period from
1198 and including March 27, 2017, through and until July 1, 2017, and
1199 shall issue no more than five (5) new hospice licenses in
1200 accordance with this chapter so long as the related applicant can
1201 show good cause for the issuance of the hospice license(s) for
1202 which application is made (including specifically, without
1203 limitation, the capability and capacity to provide unique or
1204 otherwise unavailable services related to serving patients under
1205 eighteen (18) years of age in the service area to which such
1206 application relates). If the applicant at the time of filing
1207 holds one or more hospice licenses, the applicant must be in good
1208 standing with the department regarding those licenses. Not more
1209 than two (2) of the new hospice licenses issued under this
1210 subsection shall be issued to the same applicant. This subsection
1211 (3) shall stand repealed on July 1, 2022.



1212 (4) The provisions of subsection (3) prohibiting the
1213 processing of any new applications for hospice licensure shall not
1214 be applicable to an application for license reinstatement by a
1215 hospice whose license was temporarily suspended as a result of a
1216 federal audit by the U.S. Department of Health and Human Services,
1217 Office of Inspector General (HHS-OIG), and the audit has been
1218 concluded without any penalty imposed by the federal agency.

1219 **SECTION 27.** Section 41-125-7, Mississippi Code of 1972, is
1220 reenacted as follows:

1221 41-125-7. (1) Separate licenses are required for PPEC
1222 centers maintained on separate premises, even though they are
1223 operated under the same management. Separate licenses are not
1224 required for separate buildings on the same grounds.

1225 (2) An applicant or licensee shall pay a fee for each
1226 license application and annual license renewal under this chapter
1227 and applicable rules. The amount of the fee shall be Twenty
1228 Dollars (\$20.00) for each licensed bed in the PPEC, with a minimum
1229 fee of Five Hundred Dollars (\$500.00) and a maximum fee of Five
1230 Thousand Dollars (\$5,000.00). Any increase in the fee charged by
1231 the licensing agency under this subsection shall be in accordance
1232 with the provisions of Section 41-3-65.

1233 (3) County-operated or municipally operated PPEC centers
1234 applying for licensure under this chapter are exempt from the
1235 payment of license fees.



1236 **SECTION 28.** Section 43-11-7, Mississippi Code of 1972, is
1237 reenacted as follows:

1238 43-11-7. Any person, as defined in Section 43-11-1, may
1239 apply for a license as provided in this section. An application
1240 for a license shall be made to the licensing agency upon forms
1241 provided by it and shall contain such information as the licensing
1242 agency reasonably requires, which may include affirmative evidence
1243 of ability to comply with such reasonable standards, rules and
1244 regulations as are lawfully prescribed under this chapter. Each
1245 application for a license for an institution for the aged or
1246 infirm, except for personal care homes, shall be accompanied by a
1247 license fee of Twenty Dollars (\$20.00) for each bed in the
1248 institution, with a minimum fee per institution of Two Hundred
1249 Dollars (\$200.00), which shall be paid to the licensing agency.
1250 Each application for a license for a personal care home shall be
1251 accompanied by a license fee of Fifteen Dollars (\$15.00) for each
1252 bed in the institution, with a minimum fee per institution of One
1253 Hundred Dollars (\$100.00), which shall be paid to the licensing
1254 agency.

1255 Any increase in the fee charged by the licensing agency under
1256 this section shall be in accordance with the provisions of Section
1257 41-3-65.

1258 No governmental entity or agency shall be required to pay the
1259 fee or fees set forth in this section.



1260 **SECTION 29.** Section 43-11-8, Mississippi Code of 1972, is
1261 reenacted as follows:

1262 43-11-8. (1) An application for a license for an adult
1263 foster care facility shall be made to the licensing agency upon
1264 forms provided by it and shall contain such information as the
1265 licensing agency reasonably requires, which may include
1266 affirmative evidence of ability to comply with such reasonable
1267 standards, rules and regulations as are lawfully prescribed
1268 hereunder. Each application for a license for an adult foster
1269 care facility shall be accompanied by a license fee of Ten Dollars
1270 (\$10.00) for each person or bed of licensed capacity, with a
1271 minimum fee per home or institution of Fifty Dollars (\$50.00),
1272 which shall be paid to the licensing agency. Any increase in the
1273 fee charged by the licensing agency under this subsection shall be
1274 in accordance with the provisions of Section 41-3-65.

1275 (2) A license, unless suspended or revoked, shall be
1276 renewable annually upon payment by the licensee of an adult foster
1277 care facility, except for personal care homes, of a renewal fee of
1278 Ten Dollars (\$10.00) for each person or bed of licensed capacity
1279 in the institution, with a minimum renewal fee per institution of
1280 Fifty Dollars (\$50.00), which shall be paid to the licensing
1281 agency, and upon filing by the licensee and approval by the
1282 licensing agency of an annual report upon such uniform dates and
1283 containing such information in such form as the licensing agency
1284 prescribes by regulation. Any increase in the fee charged by the



1285 licensing agency under this subsection shall be in accordance with
1286 the provisions of Section 41-3-65. Each license shall be issued
1287 only for the premises and person or persons or other legal entity
1288 or entities named in the application and shall not be transferable
1289 or assignable except with the written approval of the licensing
1290 agency. Licenses shall be posted in a conspicuous place on the
1291 licensed premises.

1292 **SECTION 30.** Section 43-11-9, Mississippi Code of 1972, is
1293 reenacted as follows:

1294 43-11-9. (1) Upon receipt of an application for license and
1295 the license fee, the licensing agency shall issue a license if the
1296 applicant and the institutional facilities meet the requirements
1297 established under this chapter and the requirements of Section
1298 41-7-173 et seq., where determined by the licensing agency to be
1299 applicable. A license, unless suspended or revoked, shall be
1300 renewable annually upon payment by (a) the licensee of an
1301 institution for the aged or infirm, except for personal care
1302 homes, of a renewal fee of Twenty Dollars (\$20.00) for each bed in
1303 the institution, with a minimum fee per institution of Two Hundred
1304 Dollars (\$200.00), or (b) the licensee of a personal care home of
1305 a renewal fee of Fifteen Dollars (\$15.00) for each bed in the
1306 institution, with a minimum fee per institution of One Hundred
1307 Dollars (\$100.00), which shall be paid to the licensing agency,
1308 and upon filing by the licensee and approval by the licensing
1309 agency of an annual report upon such uniform dates and containing



1310 such information in such form as the licensing agency prescribes
1311 by regulation. Any increase in the fee charged by the licensing
1312 agency under this subsection shall be in accordance with the
1313 provisions of Section 41-3-65. Each license shall be issued only
1314 for the premises and person or persons or other legal entity or
1315 entities named in the application and shall not be transferable or
1316 assignable except with the written approval of the licensing
1317 agency. Licenses shall be posted in a conspicuous place on the
1318 licensed premises.

1319 (2) A fee known as a "User Fee" shall be applicable and
1320 shall be paid to the licensing agency as set out in subsection (1)
1321 of this section. Any increase in the fee charged by the licensing
1322 agency under this subsection shall be in accordance with the
1323 provisions of Section 41-3-65. This user fee shall be assessed
1324 for the purpose of the required reviewing and inspections of the
1325 proposal of any institution in which there are additions,
1326 renovations, modernizations, expansion, alterations, conversions,
1327 modifications or replacement of the entire facility involved in
1328 such proposal. This fee includes the reviewing of architectural
1329 plans in all steps required. There shall be a minimum user fee of
1330 Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand
1331 Dollars (\$5,000.00).

1332 (3) No governmental entity or agency shall be required to
1333 pay the fee or fees set forth in this section.



1334 **SECTION 31.** Section 43-11-13, Mississippi Code of 1972, is
1335 reenacted as follows:

1336 43-11-13. (1) The licensing agency shall adopt, amend,
1337 promulgate and enforce such rules, regulations and standards,
1338 including classifications, with respect to all institutions for
1339 the aged or infirm to be licensed under this chapter as may be
1340 designed to further the accomplishment of the purpose of this
1341 chapter in promoting adequate care of individuals in those
1342 institutions in the interest of public health, safety and welfare.
1343 Those rules, regulations and standards shall be adopted and
1344 promulgated by the licensing agency and shall be recorded and
1345 indexed in a book to be maintained by the licensing agency in its
1346 main office in the State of Mississippi, entitled "Rules,
1347 Regulations and Minimum Standards for Institutions for the Aged or
1348 Infirm" and the book shall be open and available to all
1349 institutions for the aged or infirm and the public generally at
1350 all reasonable times. Upon the adoption of those rules,
1351 regulations and standards, the licensing agency shall mail copies
1352 thereof to all those institutions in the state that have filed
1353 with the agency their names and addresses for this purpose, but
1354 the failure to mail the same or the failure of the institutions to
1355 receive the same shall in no way affect the validity thereof. The
1356 rules, regulations and standards may be amended by the licensing
1357 agency, from time to time, as necessary to promote the health,
1358 safety and welfare of persons living in those institutions.



1359 (2) The licensee shall keep posted in a conspicuous place on
1360 the licensed premises all current rules, regulations and minimum
1361 standards applicable to fire protection measures as adopted by the
1362 licensing agency. The licensee shall furnish to the licensing
1363 agency at least once each six (6) months a certificate of approval
1364 and inspection by state or local fire authorities. Failure to
1365 comply with state laws and/or municipal ordinances and current
1366 rules, regulations and minimum standards as adopted by the
1367 licensing agency, relative to fire prevention measures, shall be
1368 prima facie evidence for revocation of license.

1369 (3) The State Board of Health shall promulgate rules and
1370 regulations restricting the storage, quantity and classes of drugs
1371 allowed in personal care homes and adult foster care facilities.
1372 Residents requiring administration of Schedule II Narcotics as
1373 defined in the Uniform Controlled Substances Law may be admitted
1374 to a personal care home. Schedule drugs may only be allowed in a
1375 personal care home if they are administered or stored utilizing
1376 proper procedures under the direct supervision of a licensed
1377 physician or nurse.

1378 (4) (a) Notwithstanding any determination by the licensing
1379 agency that skilled nursing services would be appropriate for a
1380 resident of a personal care home, that resident, the resident's
1381 guardian or the legally recognized responsible party for the
1382 resident may consent in writing for the resident to continue to
1383 reside in the personal care home, if approved in writing by a



1384 licensed physician. However, no personal care home shall allow
1385 more than two (2) residents, or ten percent (10%) of the total
1386 number of residents in the facility, whichever is greater, to
1387 remain in the personal care home under the provisions of this
1388 subsection (4). This consent shall be deemed to be appropriately
1389 informed consent as described in the regulations promulgated by
1390 the licensing agency. After that written consent has been
1391 obtained, the resident shall have the right to continue to reside
1392 in the personal care home for as long as the resident meets the
1393 other conditions for residing in the personal care home. A copy
1394 of the written consent and the physician's approval shall be
1395 forwarded by the personal care home to the licensing agency.

1396 (b) The State Board of Health shall promulgate rules
1397 and regulations restricting the handling of a resident's personal
1398 deposits by the director of a personal care home. Any funds given
1399 or provided for the purpose of supplying extra comforts,
1400 conveniences or services to any resident in any personal care
1401 home, and any funds otherwise received and held from, for or on
1402 behalf of any such resident, shall be deposited by the director or
1403 other proper officer of the personal care home to the credit of
1404 that resident in an account that shall be known as the Resident's
1405 Personal Deposit Fund. No more than one (1) month's charge for
1406 the care, support, maintenance and medical attention of the
1407 resident shall be applied from the account at any one time. After
1408 the death, discharge or transfer of any resident for whose benefit



1409 any such fund has been provided, any unexpended balance remaining
1410 in his personal deposit fund shall be applied for the payment of
1411 care, cost of support, maintenance and medical attention that is
1412 accrued. If any unexpended balance remains in that resident's
1413 personal deposit fund after complete reimbursement has been made
1414 for payment of care, support, maintenance and medical attention,
1415 and the director or other proper officer of the personal care home
1416 has been or shall be unable to locate the person or persons
1417 entitled to the unexpended balance, the director or other proper
1418 officer may, after the lapse of one (1) year from the date of that
1419 death, discharge or transfer, deposit the unexpended balance to
1420 the credit of the personal care home's operating fund.

1421 (c) The State Board of Health shall promulgate rules
1422 and regulations requiring personal care homes to maintain records
1423 relating to health condition, medicine dispensed and administered,
1424 and any reaction to that medicine. The director of the personal
1425 care home shall be responsible for explaining the availability of
1426 those records to the family of the resident at any time upon
1427 reasonable request.

1428 (5) (a) For the purposes of this subsection (5):

1429 (i) "Licensed entity" means a hospital, nursing
1430 home, personal care home, home health agency, hospice or adult
1431 foster care facility;

1432 (ii) "Covered entity" means a licensed entity or a
1433 health care professional staffing agency;



1434 (iii) "Employee" means any individual employed by
1435 a covered entity, and also includes any individual who by contract
1436 provides to the patients, residents or clients being served by the
1437 covered entity direct, hands-on, medical patient care in a
1438 patient's, resident's or client's room or in treatment or recovery
1439 rooms. The term "employee" does not include health care
1440 professional/vocational technical students performing clinical
1441 training in a licensed entity under contracts between their
1442 schools and the licensed entity, and does not include students at
1443 high schools located in Mississippi who observe the treatment and
1444 care of patients in a licensed entity as part of the requirements
1445 of an allied-health course taught in the high school, if:

1446 1. The student is under the supervision of a
1447 licensed health care provider; and

1448 2. The student has signed an affidavit that
1449 is on file at the student's school stating that he or she has not
1450 been convicted of or pleaded guilty or nolo contendere to a felony
1451 listed in paragraph (d) of this subsection (5), or that any such
1452 conviction or plea was reversed on appeal or a pardon was granted
1453 for the conviction or plea. Before any student may sign such an
1454 affidavit, the student's school shall provide information to the
1455 student explaining what a felony is and the nature of the felonies
1456 listed in paragraph (d) of this subsection (5).

1457 However, the health care professional/vocational technical
1458 academic program in which the student is enrolled may require the



1459 student to obtain criminal history record checks. In such
1460 incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does
1461 not preclude the licensing entity from processing submitted
1462 fingerprints of students from healthcare-related
1463 professional/vocational technical programs who, as part of their
1464 program of study, conduct observations and provide clinical care
1465 and services in a covered entity.

1466 (b) Under regulations promulgated by the State Board of
1467 Health, the licensing agency shall require to be performed a
1468 criminal history record check on (i) every new employee of a
1469 covered entity who provides direct patient care or services and
1470 who is employed on or after July 1, 2003, and (ii) every employee
1471 of a covered entity employed before July 1, 2003, who has a
1472 documented disciplinary action by his or her present employer. In
1473 addition, the licensing agency shall require the covered entity to
1474 perform a disciplinary check with the professional licensing
1475 agency of each employee, if any, to determine if any disciplinary
1476 action has been taken against the employee by that agency.

1477 Except as otherwise provided in paragraph (c) of this
1478 subsection (5), no such employee hired on or after July 1, 2003,
1479 shall be permitted to provide direct patient care until the
1480 results of the criminal history record check have revealed no
1481 disqualifying record or the employee has been granted a waiver.
1482 In order to determine the employee applicant's suitability for
1483 employment, the applicant shall be fingerprinted. Fingerprints



1484 shall be submitted to the licensing agency from scanning, with the
1485 results processed through the Department of Public Safety's
1486 Criminal Information Center. The fingerprints shall then be
1487 forwarded by the Department of Public Safety to the Federal Bureau
1488 of Investigation for a national criminal history record check.
1489 The licensing agency shall notify the covered entity of the
1490 results of an employee applicant's criminal history record check.
1491 If the criminal history record check discloses a felony
1492 conviction, guilty plea or plea of nolo contendere to a felony of
1493 possession or sale of drugs, murder, manslaughter, armed robbery,
1494 rape, sexual battery, sex offense listed in Section 45-33-23(h),
1495 child abuse, arson, grand larceny, burglary, gratification of lust
1496 or aggravated assault, or felonious abuse and/or battery of a
1497 vulnerable adult that has not been reversed on appeal or for which
1498 a pardon has not been granted, the employee applicant shall not be
1499 eligible to be employed by the covered entity.

1500 (c) Any such new employee applicant may, however, be
1501 employed on a temporary basis pending the results of the criminal
1502 history record check, but any employment contract with the new
1503 employee shall be voidable if the new employee receives a
1504 disqualifying criminal history record check and no waiver is
1505 granted as provided in this subsection (5).

1506 (d) Under regulations promulgated by the State Board of
1507 Health, the licensing agency shall require every employee of a
1508 covered entity employed before July 1, 2003, to sign an affidavit



1509 stating that he or she has not been convicted of or pleaded guilty
1510 or nolo contendere to a felony of possession or sale of drugs,
1511 murder, manslaughter, armed robbery, rape, sexual battery, any sex
1512 offense listed in Section 45-33-23(h), child abuse, arson, grand
1513 larceny, burglary, gratification of lust, aggravated assault, or
1514 felonious abuse and/or battery of a vulnerable adult, or that any
1515 such conviction or plea was reversed on appeal or a pardon was
1516 granted for the conviction or plea. No such employee of a covered
1517 entity hired before July 1, 2003, shall be permitted to provide
1518 direct patient care until the employee has signed the affidavit
1519 required by this paragraph (d). All such existing employees of
1520 covered entities must sign the affidavit required by this
1521 paragraph (d) within six (6) months of the final adoption of the
1522 regulations promulgated by the State Board of Health. If a person
1523 signs the affidavit required by this paragraph (d), and it is
1524 later determined that the person actually had been convicted of or
1525 pleaded guilty or nolo contendere to any of the offenses listed in
1526 this paragraph (d) and the conviction or plea has not been
1527 reversed on appeal or a pardon has not been granted for the
1528 conviction or plea, the person is guilty of perjury. If the
1529 offense that the person was convicted of or pleaded guilty or nolo
1530 contendere to was a violent offense, the person, upon a conviction
1531 of perjury under this paragraph, shall be punished as provided in
1532 Section 97-9-61. If the offense that the person was convicted of
1533 or pleaded guilty or nolo contendere to was a nonviolent offense,



1534 the person, upon a conviction of perjury under this paragraph,
1535 shall be punished by a fine of not more than Five Hundred Dollars
1536 (\$500.00), or by imprisonment in the county jail for not more than
1537 six (6) months, or by both such fine and imprisonment.

1538 (e) The covered entity may, in its discretion, allow
1539 any employee who is unable to sign the affidavit required by
1540 paragraph (d) of this subsection (5) or any employee applicant
1541 aggrieved by an employment decision under this subsection (5) to
1542 appear before the covered entity's hiring officer, or his or her
1543 designee, to show mitigating circumstances that may exist and
1544 allow the employee or employee applicant to be employed by the
1545 covered entity. The covered entity, upon report and
1546 recommendation of the hiring officer, may grant waivers for those
1547 mitigating circumstances, which shall include, but not be limited
1548 to: (i) age at which the crime was committed; (ii) circumstances
1549 surrounding the crime; (iii) length of time since the conviction
1550 and criminal history since the conviction; (iv) work history; (v)
1551 current employment and character references; and (vi) other
1552 evidence demonstrating the ability of the individual to perform
1553 the employment responsibilities competently and that the
1554 individual does not pose a threat to the health or safety of the
1555 patients of the covered entity.

1556 (f) The licensing agency may charge the covered entity
1557 submitting the fingerprints a fee not to exceed Fifty Dollars
1558 (\$50.00), which covered entity may, in its discretion, charge the



1559 same fee, or a portion thereof, to the employee applicant. Any
1560 increase in the fee charged by the licensing agency under this
1561 paragraph shall be in accordance with the provisions of Section
1562 41-3-65. Any costs incurred by a covered entity implementing this
1563 subsection (5) shall be reimbursed as an allowable cost under
1564 Section 43-13-116.

1565 (g) If the results of an employee applicant's criminal
1566 history record check reveals no disqualifying event, then the
1567 covered entity shall, within two (2) weeks of the notification of
1568 no disqualifying event, provide the employee applicant with a
1569 notarized letter signed by the chief executive officer of the
1570 covered entity, or his or her authorized designee, confirming the
1571 employee applicant's suitability for employment based on his or
1572 her criminal history record check. An employee applicant may use
1573 that letter for a period of two (2) years from the date of the
1574 letter to seek employment with any covered entity without the
1575 necessity of an additional criminal history record check. Any
1576 covered entity presented with the letter may rely on the letter
1577 with respect to an employee applicant's criminal background and is
1578 not required for a period of two (2) years from the date of the
1579 letter to conduct or have conducted a criminal history record
1580 check as required in this subsection (5).

1581 (h) The licensing agency, the covered entity, and their
1582 agents, officers, employees, attorneys and representatives, shall
1583 be presumed to be acting in good faith for any employment decision



1584 or action taken under this subsection (5). The presumption of
1585 good faith may be overcome by a preponderance of the evidence in
1586 any civil action. No licensing agency, covered entity, nor their
1587 agents, officers, employees, attorneys and representatives shall
1588 be held liable in any employment decision or action based in whole
1589 or in part on compliance with or attempts to comply with the
1590 requirements of this subsection (5).

1591 (i) The licensing agency shall promulgate regulations
1592 to implement this subsection (5).

1593 (j) The provisions of this subsection (5) shall not
1594 apply to:

1595 (i) Applicants and employees of the University of
1596 Mississippi Medical Center for whom criminal history record checks
1597 and fingerprinting are obtained in accordance with Section
1598 37-115-41; or

1599 (ii) Health care professional/vocational technical
1600 students for whom criminal history record checks and
1601 fingerprinting are obtained in accordance with Section 37-29-232.

1602 (6) The State Board of Health shall promulgate rules,
1603 regulations and standards regarding the operation of adult foster
1604 care facilities.

1605 **SECTION 32.** Section 43-16-25, Mississippi Code of 1972, is
1606 reenacted as follows:

1607 43-16-25. A license issued under the provisions of this
1608 chapter shall be renewed annually upon payment of a renewal fee



1609 not to exceed One Hundred Dollars (\$100.00), and upon filing by
1610 the licensee of an annual report upon such uniform dates and upon
1611 forms provided by the licensing agency, accompanied by a current
1612 certificate of inspection and approval by the fire department and
1613 the county health department specified in Section 43-16-11.

1614 Any increase in the fee charged by the board under this
1615 section shall be in accordance with the provisions of Section
1616 41-3-65.

1617 No governmental entity or agency shall be required to pay the
1618 fee or fees set forth in this section.

1619 **SECTION 33.** Section 43-20-8, Mississippi Code of 1972, is
1620 reenacted as follows:

1621 43-20-8. (1) The licensing agency shall have powers and
1622 duties as set forth below, in addition to other duties prescribed
1623 under this chapter:

1624 (a) Promulgate rules and regulations concerning the
1625 licensing and regulation of child care facilities as defined in
1626 Section 43-20-5;

1627 (b) Have the authority to issue, deny, suspend, revoke,
1628 restrict or otherwise take disciplinary action against licensees
1629 as provided for in this chapter;

1630 (c) Set and collect fees and penalties as provided for
1631 in this chapter; any increase in the fees charged by the licensing
1632 agency under this paragraph shall be in accordance with the
1633 provisions of Section 41-3-65; and



1634 (d) Have such other powers as may be required to carry
1635 out the provisions of this chapter.

1636 (2) Child care facilities shall assure that parents have
1637 welcome access to the child care facility at all times and shall
1638 comply with the provisions of Chapter 520, Laws of 2006.

1639 (3) Each child care facility shall develop and maintain a
1640 current list of contact persons for each child provided care by
1641 that facility. An agreement may be made between the child care
1642 facility and the child's parent, guardian or contact person at the
1643 time of registration to inform the parent, guardian or contact
1644 person if the child does not arrive at the facility within a
1645 reasonable time.

1646 (4) Child care facilities shall require that, for any
1647 current or prospective caregiver, all criminal records, background
1648 and sex offender registry checks and current child abuse registry
1649 checks are obtained. In order to determine the applicant's
1650 suitability for employment, the applicant shall be fingerprinted.
1651 If no disqualifying record is identified at the state level, the
1652 fingerprints shall be forwarded by the Department of Public Safety
1653 to the FBI for a national criminal history record check.

1654 (5) The licensing agency shall require to be performed a
1655 criminal records background check and a child abuse registry check
1656 for all operators of a child care facility and any person living
1657 in a residence used for child care. The Department of Human
1658 Services shall have the authority to disclose to the State



1659 Department of Health any potential applicant whose name is listed
1660 on the Child Abuse Central Registry or has a pending
1661 administrative review. That information shall remain confidential
1662 by all parties. In order to determine the applicant's suitability
1663 for employment, the applicant shall be fingerprinted. If no
1664 disqualifying record is identified at the state level, the
1665 fingerprints shall be forwarded by the Department of Public Safety
1666 to the FBI for a national criminal history record check.

1667 (6) The licensing agency shall have the authority to exclude
1668 a particular crime or crimes or a substantiated finding of child
1669 abuse and/or neglect as disqualifying individuals or entities for
1670 prospective or current employment or licensure.

1671 (7) The licensing agency and its agents, officers,
1672 employees, attorneys and representatives shall not be held civilly
1673 liable for any findings, recommendations or actions taken under
1674 this section.

1675 (8) All fees incurred in compliance with this section shall
1676 be borne by the child care facility. The licensing agency is
1677 authorized to charge a fee that includes the amount required by
1678 the Federal Bureau of Investigation for the national criminal
1679 history record check in compliance with the Child Protection Act
1680 of 1993, as amended, and any necessary costs incurred by the
1681 licensing agency for the handling and administration of the
1682 criminal history background checks.



1683 (9) From and after January 1, 2008, the State Board of
1684 Health shall develop regulations to ensure that all children
1685 enrolled or enrolling in a state licensed child care center
1686 receive age-appropriate immunization against invasive pneumococcal
1687 disease as recommended by the Advisory Committee on immunization
1688 practices of the Centers for Disease Control and Prevention. The
1689 State Board of Health shall include, within its regulations,
1690 protocols for children under the age of twenty-four (24) months to
1691 catch up on missed doses. If the State Board of Health has
1692 adopted regulations before January 1, 2008, that would otherwise
1693 meet the requirements of this subsection, then this subsection
1694 shall stand repealed on January 1, 2008.

1695 **SECTION 34.** Section 43-20-11, Mississippi Code of 1972, is
1696 reenacted as follows:

1697 43-20-11. An application for a license under this chapter
1698 shall be made to the licensing agency upon forms provided by it,
1699 and shall contain such information as the licensing agency may
1700 reasonably require. Each application for a license shall be
1701 accompanied by a license fee not to exceed Four Hundred Dollars
1702 (\$400.00), which shall be paid to the licensing agency. Any
1703 increase in the fee charged by the licensing agency under this
1704 section shall be in accordance with the provisions of Section
1705 41-3-65. Licenses shall be granted to applicants upon the filing
1706 of properly completed application forms, accompanied by payment of
1707 the license fee, and a certificate of inspection and approval by



1708 the fire department of the municipality or other political
1709 subdivision in which the facility is located, and by a certificate
1710 of inspection and approval by the health department of the county
1711 in which the facility is located, and approval by the licensing
1712 agency; except that if no fire department exists where the
1713 facility is located, the State Fire Marshal shall certify as to
1714 the inspection for safety from fire hazards. The fire, county
1715 health department and licensing agency inspections and approvals
1716 shall be based upon regulations promulgated by the licensing
1717 agency as approved by the State Board of Health.

1718 Each license shall be issued only for the premises and person
1719 or persons named in the application and shall not be transferable
1720 or assignable except with the written approval of the licensing
1721 agency. Licenses shall be posted in a conspicuous place on the
1722 licensed premises.

1723 No governmental entity or agency shall be required to pay the
1724 fee or fees set forth in this section.

1725 **SECTION 35.** Section 43-20-13, Mississippi Code of 1972, is
1726 reenacted as follows:

1727 43-20-13. A license issued under the provisions of this
1728 chapter shall be renewed upon payment of a renewal fee not to
1729 exceed Four Hundred Dollars (\$400.00) per year, and upon filing by
1730 the licensee of a report upon such uniform dates and upon forms
1731 provided by the licensing agency, accompanied by a current



1732 certificate of inspection and approval by the fire department and
1733 the county health department specified in Section 43-20-11.

1734 Any increase in the fee charged by the licensing agency under
1735 this section shall be in accordance with the provisions of Section
1736 41-3-65.

1737 No governmental entity or agency shall be required to pay the
1738 fee or fees set forth in this section.

1739 **SECTION 36.** Section 43-20-59, Mississippi Code of 1972, is
1740 reenacted as follows:

1741 43-20-59. (1) Any person maintaining a family child care
1742 home may register such home with the State Department of Health on
1743 forms provided by the department.

1744 (2) A certificate of registration shall be issued to the
1745 applicant for registration who (a) attests to the safety of the
1746 home for the care of children, (b) submits a fee of Five Dollars
1747 (\$5.00), payable to the department, and (c) certifies that no
1748 person described in paragraph (a), (b), (c), (d) or (e) of Section
1749 43-20-57(1) resides, works or volunteers in the family child care
1750 home.

1751 Any increase in the fee charged by the department under this
1752 subsection shall be in accordance with the provisions of Section
1753 41-3-65.

1754 (3) The department shall furnish each applicant for
1755 registration a family child care home safety evaluation form to be



1756 completed by the applicant and submitted with the registration
1757 application.

1758 (4) The certificate of registration shall be renewed
1759 annually in the same manner provided for in this section.

1760 (5) A certificate of registration shall be in force for one
1761 (1) year after the date of issuance unless revoked pursuant to
1762 Sections 43-20-51 through 43-20-65. The certificate shall specify
1763 that the registrant may operate a family child care home for five
1764 (5) or fewer children. This section shall not be construed to
1765 limit the right of the department to enter a registered family
1766 child care home for the purpose of assessing compliance with
1767 Sections 43-20-51 through 43-20-65 after receiving a complaint
1768 against the registrant of such home or in conducting a periodic
1769 routine inspection.

1770 (6) The department shall adopt rules and regulations to
1771 implement the registration provisions.

1772 **SECTION 37.** Section 45-14-31, Mississippi Code of 1972, is
1773 reenacted as follows:

1774 45-14-31. (1) All initial application and registration fees
1775 and annual fees due under this section shall be paid directly to
1776 the agency for deposit into the Radiological Health Operations
1777 Fund in the State Treasury. The Mississippi State Board of Health
1778 shall submit its separate budget for carrying out the provisions
1779 of this chapter. The budget shall be subject to and shall comply
1780 with the requirements of the state budget law.



1781 (2) In order to supplement state radiological health budget
1782 allocations authorized to carry out and enforce the provisions of
1783 this chapter, the agency is authorized to charge and collect fees
1784 for the following radiological health services:

1785 (a) Radiological health services - Category 1:
1786 application fee and annual fee not to exceed.....\$3,500.00

1787 (b) Radiological health services - Category 2:
1788 application fee and annual fee not to exceed.....\$1,800.00

1789 (c) Radiological health services - Category 3:
1790 application fee and annual fee not to exceed.....\$1,800.00

1791 (d) Healing arts and veterinary medicine X-ray tubes:
1792 application fee and annual fee not to exceed.....\$150.00

1793 The radiological health services that are included in each
1794 specified category shall be determined by the agency by rules and
1795 regulations adopted by the agency.

1796 The agency may increase the amount of the fees charged under
1797 this subsection not more than two (2) times during the period from
1798 July 1, 2016, through June 30, 2020, with the percentage of each
1799 increase being not more than five percent (5%) of the amount of
1800 the fee in effect at the time of the increase.

1801 (3) The agency shall set the amount of the fees for all
1802 other radiological health services not specified in subsection (2)
1803 of this section, and any increase in the fees charged by the
1804 agency under this subsection shall be in accordance with the
1805 provisions of Section 41-3-65.



1806 **SECTION 38.** Section 45-23-23, Mississippi Code of 1972, is
1807 reenacted as follows:

1808 45-23-23. (1) The examination for chief, deputy or special
1809 inspector shall be in writing and shall be by the merit system of
1810 the board under the rules of procedure during the examination.
1811 Application for examination shall be in writing on forms provided
1812 by the board and shall be accompanied by a fee of Twenty-five
1813 Dollars (\$25.00). Any increase in the fee charged by the board
1814 under this subsection shall be in accordance with the provisions
1815 of Section 41-3-65. Such examination shall be confined to
1816 questions, the answers to which will aid in determining the
1817 fitness and competency of the applicant for the intended service.

1818 (2) In case an applicant for an inspector's license fails to
1819 pass the examination, he may appeal to the merit system of the
1820 board for another examination which shall be given by the board
1821 within ninety (90) days.

1822 (3) The record of an applicant's examination shall be
1823 accessible to the applicant and his employer.

1824 **SECTION 39.** Section 45-23-41, Mississippi Code of 1972, is
1825 reenacted as follows:

1826 45-23-41. Each company employing special inspectors, except
1827 a company operating boilers and/or pressure vessels covered by
1828 owner or user inspection service meeting the requirements of
1829 Section 45-23-21(b) shall, within thirty (30) days following each
1830 certificate inspection made by such inspectors, file a report of



1831 such inspection with the chief inspector upon appropriate forms as
1832 promulgated by the board. If such report shows that a boiler or
1833 pressure vessel is found to comply with the rules and regulations
1834 of the board, the owner or user thereof shall pay directly to the
1835 board the fee of Twenty Dollars (\$20.00) for an annual certificate
1836 or Thirty Dollars (\$30.00) for a biennial certificate, and the
1837 chief inspector or his duly authorized representative shall issue
1838 to such owner or user an inspection certificate bearing the date
1839 of inspection and specifying the maximum pressure under which the
1840 boiler or pressure vessel may be operated. Any increase in the
1841 fee charged by the board under this section shall be in accordance
1842 with the provisions of Section 41-3-65.

1843 Such inspection certificate shall be valid for not more than
1844 fourteen (14) months from its date in the case of power boilers
1845 and high pressure, high temperature water boilers, and for not
1846 more than twenty-six (26) months in the case of heating boilers
1847 and pressure vessels.

1848 In the case of those boilers and pressure vessels covered by
1849 Section 45-23-33(a), (b), (c) and (d) for which the board has
1850 established or extended the operating period between required
1851 inspections, pursuant to the provisions of Section 45-23-33(g) or
1852 (h), the certificate shall be valid for a period not more than two
1853 (2) months beyond the period set by the board.

1854 Certificates shall be posted under glass in the room
1855 containing the boiler or pressure vessel inspected. If the boiler



1856 or pressure vessel is not located within the building, the
1857 certificate shall be posted in a location convenient to the boiler
1858 or pressure vessel inspected, or in any place where it will be
1859 accessible to interested parties.

1860 Air tanks used to inflate automobile tires shall be exempt
1861 from the inspection requirements of this section.

1862 **SECTION 40.** Section 45-23-45, Mississippi Code of 1972, is
1863 reenacted as follows:

1864 45-23-45. Each such company shall, in addition, file
1865 annually with the board a statement, signed by the engineer having
1866 supervision over the inspections made during the period covered
1867 thereby, stating the number of vessels covered by this chapter
1868 inspected during the year and certifying that each such inspection
1869 was conducted pursuant to the inspection requirements provided for
1870 by this chapter. Such annual statement shall be accompanied by a
1871 filing fee in accordance with the following schedule:

1872 (a) For statements covering not more than twenty-five
1873 (25) vessels - Three Dollars (\$3.00) per vessel.

1874 (b) For statements covering more than twenty-five (25)
1875 but less than one hundred one (101) vessels - Seventy-five Dollars
1876 (\$75.00).

1877 (c) For statements covering more than one hundred (100)
1878 but less than five hundred one (501) vessels - One Hundred Fifty
1879 Dollars (\$150.00).



1880 (d) For statements covering more than five hundred
1881 (500) vessels - Three Hundred Dollars (\$300.00).

1882 Any increase in the fee charged by the board under this
1883 section shall be in accordance with the provisions of Section
1884 41-3-65.

1885 **SECTION 41.** Section 45-23-53, Mississippi Code of 1972, is
1886 reenacted as follows:

1887 45-23-53. The owner or user of a boiler or pressure vessel
1888 required by this chapter to be inspected by the chief inspector,
1889 of his deputy inspector, shall pay directly to the board, upon
1890 completion of inspection, fees as specified by the board in the
1891 rules and regulations.

1892 (a) Fee schedules set by the board shall be reasonable
1893 and practical, but shall be set at a level which, in conjunction
1894 with the fees collected under Sections 45-23-41 through 45-23-45,
1895 will make this activity reasonably self-supporting. Any increase
1896 in the fees set by the board under this paragraph shall be in
1897 accordance with the provisions of Section 41-3-65.

1898 (b) A group of pressure vessels, such as the rolls of a
1899 paper machine or dryer operating as a single machine or unit,
1900 shall be considered as one (1) pressure vessel.

1901 (c) Not more than one (1) fee shall be charged or
1902 collected for any and all inspections of any pressure vessel in
1903 any required inspection period.



1904 (d) When it is necessary to make a special trip to
1905 witness the application of a hydrostatic test, an additional fee
1906 based on the scale of fees applicable to a certificate inspection
1907 of the boiler or pressure vessel shall be charged.

1908 **SECTION 42.** Section 73-7-71, Mississippi Code of 1972, is
1909 reenacted as follows:

1910 73-7-71. (1) For the purpose of this section, the term
1911 "hair braiding" means the use of techniques that result in tension
1912 on hair strands or roots by twisting, wrapping, weaving,
1913 extending, locking or braiding of the hair by hand or mechanical
1914 device, but does not include the application of dyes, reactive
1915 chemicals, or other preparations to alter the color of the hair or
1916 to straighten, curl or alter the structure of the hair.

1917 (2) No person shall engage in hair braiding for compensation
1918 in the State of Mississippi without first registering with the
1919 State Department of Health. The department may charge each
1920 registrant a fee of not more than Twenty-five Dollars (\$25.00) to
1921 cover the department's costs in registering the person and
1922 providing the person with the brochure prepared under subsection
1923 (3) of this section, which fee shall be uniform for all
1924 registrants. Any increase in the fee charged by the board under
1925 this subsection shall be in accordance with the provisions of
1926 Section 41-3-65. The purpose of this registration is only to
1927 maintain a listing of those persons who engage in hair braiding
1928 for compensation in the state, and does not authorize the



1929 department to license or regulate the practice of hair braiding in
1930 the state, except as provided in subsection (4) of this section.

1931 (3) The State Department of Health shall develop and prepare
1932 a brochure containing information about infection control
1933 techniques that are appropriate for hair braiding in or outside of
1934 a salon setting. The brochure shall be made available through the
1935 department's website or by mail, upon request, for a fee to cover
1936 the department's mailing costs. The brochure shall contain a
1937 self-test with questions on the information contained in the
1938 brochure. For a person engaged in hair braiding to be exempt from
1939 the cosmetology licensure law, Section 73-7-1 et seq., the person
1940 shall complete the self-test part of the brochure and keep the
1941 brochure and completed self-test available at the location at
1942 which the person is engaged in hair braiding.

1943 (4) Representatives of the department may visit any facility
1944 or premises in which hair braiding is performed at any time during
1945 business hours to determine if the brochure and completed
1946 self-test are available at the facility or premises.

1947 (5) This section does not apply to cosmetologists, or
1948 barbers licensed to practice in Mississippi in their respective
1949 fields.

1950 **SECTION 43.** Section 73-10-9, Mississippi Code of 1972, is
1951 reenacted as follows:

1952 73-10-9. (1) An applicant for a license as a dietitian
1953 shall file a written application on forms provided by the board,



1954 showing to the satisfaction of the board that he or she meets the
1955 following requirement.

1956 (2) Applicants shall provide evidence of current
1957 registration as a registered dietitian by the Commission on
1958 Dietetic Registration.

1959 (3) Applicants shall pay a fee as established by the board.
1960 Any increase in the fee charged by the board under this subsection
1961 shall be in accordance with the provisions of Section 41-3-65.

1962 (4) Each application or filing made under this section shall
1963 include the social security number(s) of the applicant in
1964 accordance with Section 93-11-64.

1965 **SECTION 44.** Section 73-10-11, Mississippi Code of 1972, is
1966 reenacted as follows:

1967 73-10-11. (1) The board may issue a provisional license to
1968 any resident dietitian who presents evidence to the advisory
1969 council of the successful completion of the education and
1970 experience requirements of subsections (2) and (3) of this section
1971 for licensure. Such a provisional license may be issued to such a
1972 person before he or she has taken the examination to become a
1973 registered dietitian as given by the Commission on Dietetic
1974 Registration (CDR). A provisional license may be issued for a
1975 period not exceeding one (1) year and may be renewed from year to
1976 year not to exceed five (5) years.

1977 (2) An applicant for provisional licensure as a dietitian
1978 shall present evidence satisfactory to the board of having



1979 received a baccalaureate or post-baccalaureate degree from a
1980 college or university accredited through the United States
1981 Department of Education, Office of Postsecondary Education, with a
1982 major in dietetics or an equivalent major course of study as
1983 approved by the board.

1984 (3) An applicant for licensure as a dietitian shall submit
1985 to the board evidence of having successfully completed a board
1986 approved planned program of dietetics experience under the
1987 supervision of a licensed or registered dietitian.

1988 (4) A provisional license shall permit the holder to
1989 practice only under the direct technical supervision of a
1990 dietitian.

1991 (5) A fee for a provisional license and for each renewal
1992 shall be established by the board. Any increase in the fee
1993 charged by the board under this subsection shall be in accordance
1994 with the provisions of Section 41-3-65.

1995 **SECTION 45.** Section 73-10-21, Mississippi Code of 1972, is
1996 reenacted as follows:

1997 73-10-21. (1) Rules, regulations and standards.

1998 (a) The board is empowered, authorized and directed to
1999 adopt, amend, promulgate and enforce such rules, regulations and
2000 standards governing dietitians as may be necessary to further the
2001 accomplishment of the purpose of the governing law, and in so
2002 doing shall utilize as the basis thereof the corresponding
2003 recommendations of the advisory council. The rules, regulations



2004 and minimum standards for licensing of dietitians may be amended
2005 by the board as deemed necessary. In so doing, the board shall
2006 utilize as the basis thereof the corresponding recommendations of
2007 the advisory council.

2008 (b) The board shall publish and disseminate to all
2009 licensees, in appropriate manner, the licensure standards
2010 prescribed by this chapter, any amendments thereto, and such rules
2011 and regulations as the board may adopt under the authority vested
2012 by Section 73-38-13, within sixty (60) days of their adoption.

2013 (2) The board shall adopt a code of ethics for dietitians
2014 using as the basis thereof the ADA "Code of Ethics for the
2015 Profession of Dietetics."

2016 (3) Issuance and renewal of licenses.

2017 (a) The board shall issue a license to any person who
2018 meets the requirements of this chapter upon payment of the license
2019 fee prescribed.

2020 (b) Except as provided in Section 33-1-39, licenses
2021 under this chapter shall be valid for two (2) calendar years and
2022 shall be subject to renewal and shall expire unless renewed in the
2023 manner prescribed by the rules and regulations of the board, upon
2024 the payment of a biennial renewal fee to be set at the discretion
2025 of the board, but not to exceed One Hundred Dollars (\$100.00), and
2026 the presentation of evidence satisfactory to the board that the
2027 licensee has met such continuing education requirements as the
2028 board may require. Any increase in the fee charged by the board



2029 under this paragraph shall be in accordance with the provisions of
2030 Section 41-3-65. An applicant for license renewal shall
2031 demonstrate to the board evidence of satisfactory completion of
2032 the continuing education requirements established by the American
2033 Dietetic Association and/or other continuing education
2034 requirements as may be required by the board.

2035 (c) The board may provide for the late renewal of a
2036 license upon the payment of a late fee in accordance with its
2037 rules and regulations, but no such late renewal of a license may
2038 be granted more than one (1) year after its expiration. Any
2039 increase in the fee charged by the board under this paragraph
2040 shall be in accordance with the provisions of Section 41-3-65.

2041 (d) A suspended license shall be subject to expiration
2042 and may be renewed as provided in this section, but such renewal
2043 shall not entitle the licensee, while the license remains
2044 suspended and until it is reinstated, to engage in the licensed
2045 activity, or in any other conduct or activity in violation of the
2046 order of judgment by which the license was suspended. If a
2047 license revoked on disciplinary grounds is reinstated, the
2048 licensee, as a condition of reinstatement, shall pay the renewal
2049 fee and any late fee that may be applicable.

2050 (4) Denial or revocation of license.

2051 (a) The board may deny or refuse to renew a license, or
2052 suspend or revoke a license, or issue orders to cease or desist
2053 from certain conduct, or issue warnings or reprimands where the



2054 licensee or applicant for license has been convicted of unlawful
2055 conduct or has demonstrated unprofessional conduct which has
2056 endangered or is likely to endanger the health, welfare or safety
2057 of the public. Such conduct includes:

2058 (i) Obtaining a license by means of fraud,
2059 misrepresentation or concealment of material facts;

2060 (ii) Being guilty of unprofessional conduct as
2061 defined by the rules and established by the board or violating the
2062 Code of Ethics of the American Dietetic Association;

2063 (iii) Being convicted of a crime in any court
2064 other than a misdemeanor;

2065 (iv) Violating any lawful order, rule or
2066 regulation rendered or adopted by the board; or

2067 (v) Violating any provision of this chapter.

2068 (b) Such denial, refusal to renew, suspension,
2069 revocation, order to cease and desist from designated conduct, or
2070 warning or reprimand may be ordered by the board in a decision
2071 made after a hearing in the manner provided by the rules and
2072 regulations adopted by the board. One (1) year from the date of
2073 the revocation of a license, application may be made to the board
2074 for reinstatement. The board shall have discretion to accept or
2075 reject an application for reinstatement and may, but shall not be
2076 required to, hold a hearing to consider such reinstatement.

2077 (c) In addition to the reasons specified in paragraph
2078 (a) of this subsection (4), the board shall be authorized to



2079 suspend the license of any licensee for being out of compliance
2080 with an order for support, as defined in Section 93-11-153. The
2081 procedure for suspension of a license for being out of compliance
2082 with an order for support, and the procedure for the reissuance or
2083 reinstatement of a license suspended for that purpose, and the
2084 payment of any fees for the reissuance or reinstatement of a
2085 license suspended for that purpose, shall be governed by Section
2086 93-11-157 or 93-11-163, as the case may be. If there is any
2087 conflict between any provision of Section 93-11-157 or 93-11-163
2088 and any provision of this chapter, the provisions of Section
2089 93-11-157 or 93-11-163, as the case may be, shall control.

2090 (5) Establish fees.

2091 (a) A person licensed under this chapter shall pay to
2092 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
2093 be set by the board for the issuance of a license.

2094 (b) Such fees shall be set in such an amount as to
2095 reimburse the state to the extent feasible for the cost of the
2096 services rendered.

2097 (c) Any increase in the fee charged by the board under
2098 this subsection shall be in accordance with the provisions of
2099 Section 41-3-65.

2100 (6) Collect funds.

2101 (a) The administration of the provisions of this
2102 chapter shall be financed from income accruing from fees, licenses



2103 and other charges assessed and collected by the board in
2104 administering this chapter.

2105 (b) The board shall receive and account for all funds
2106 received and shall keep such funds in a separate fund.

2107 (c) Funds collected under the provisions of this
2108 chapter shall be used solely for the expenses of the advisory
2109 council and the board to administer the provisions of this
2110 chapter. Such funds shall be subject to audit by the State
2111 Auditor.

2112 (d) Members of the advisory council shall receive no
2113 compensation for services performed on the council, but may be
2114 reimbursed for necessary and actual expenses incurred in
2115 connection with attendance at meetings of the council or for
2116 authorized business of the council from funds made available for
2117 such purpose, as provided in Section 25-3-41.

2118 (7) Receive and process complaints.

2119 (a) The board shall have full authority to investigate
2120 and evaluate each and every applicant applying for a license to
2121 practice dietetics, with the advice of the advisory council.

2122 (b) The board shall have the authority to issue
2123 subpoenas, examine witnesses and administer oaths, and shall, at
2124 its discretion, investigate allegations or practices violating the
2125 provisions of this chapter, and in so doing shall have power to
2126 seek injunctive relief to prohibit any person from providing



2127 professional dietetic services as defined in Section 73-10-3(1)(j)
2128 without being licensed as provided herein.

2129 (8) A license certificate issued by the board is the
2130 property of the board and must be surrendered on demand.

2131 **SECTION 46.** Section 73-14-17, Mississippi Code of 1972, is
2132 reenacted as follows:

2133 73-14-17. An applicant for a license shall pay a fee of One
2134 Hundred Dollars (\$100.00) and shall show to the satisfaction of
2135 the board that he:

2136 (a) Is twenty-one (21) years of age or older.

2137 (b) Has an education equivalent to a four-year course
2138 in an accredited high school.

2139 Any increase in the fee charged by the board under this
2140 section shall be in accordance with the provisions of Section
2141 41-3-65.

2142 No governmental entity or agency shall be required to pay the
2143 fee or fees set forth in this section.

2144 Each application or filing made under this section shall
2145 include the social security number(s) of the applicant in
2146 accordance with Section 93-11-64.

2147 **SECTION 47.** Section 73-14-19, Mississippi Code of 1972, is
2148 reenacted as follows:

2149 73-14-19. An applicant for a license who is notified by the
2150 board that he has fulfilled the requirements of Section 73-14-17
2151 and upon paying a testing fee determined by the department as



2152 necessary to cover the expense of the administration of the
2153 examination not to exceed One Hundred Fifty Dollars (\$150.00),
2154 shall appear at a time, place and before such persons as the board
2155 may designate, to be examined by written and practical test in
2156 order to demonstrate that he is qualified to practice the fitting,
2157 dispensing and selling of hearing aids. Any increase in the fee
2158 charged by the department under this section shall be in
2159 accordance with the provisions of Section 41-3-65.

2160 **SECTION 48.** Section 73-14-27, Mississippi Code of 1972, is
2161 reenacted as follows:

2162 73-14-27. (1) An applicant who fulfills the requirements of
2163 Section 73-14-17 and who has not previously applied to take the
2164 examination provided under Section 73-14-19 may apply to the board
2165 for a temporary license.

2166 (2) Upon receiving an application provided under subsection
2167 (1) of this section, the board shall issue a temporary license
2168 which shall entitle the applicant to practice the fitting and
2169 dispensing of hearing aids for a period ending thirty (30) days
2170 after the conclusion of the next examination given after the date
2171 of issue.

2172 (3) No temporary license shall be issued by the board under
2173 this section unless the applicant shows to the satisfaction of the
2174 board that he is or will be supervised and trained by a person
2175 who:



2176 (a) Holds a current and valid document of being
2177 National Board Certified in Hearing Instrument Sciences by the
2178 International Hearing Society (IHS) or its successor; or

2179 (b) Holds a current and valid Certificate of Clinical
2180 Competence in Audiology from the American Speech-Language-Hearing
2181 Association (ASHA); or

2182 (c) Has had a minimum of three (3) years' experience in
2183 the testing of hearing, fitting of hearing aids and dispensing of
2184 hearing aids.

2185 (4) If a person who holds a temporary license issued under
2186 this section does not take the next examination given after the
2187 date of issue, the temporary license shall not be renewed, except
2188 for good cause shown to the satisfaction of the board.

2189 (5) If a person who holds a temporary license issued under
2190 this section takes and fails to pass the next examination given
2191 after the date of issue, the board may renew the temporary license
2192 for a period ending thirty (30) days after the date of renewal is
2193 announced. In no event shall more than one (1) renewal be
2194 permitted. The fee for renewal shall be Fifty Dollars (\$50.00),
2195 and any increase in the fee charged by the board under this
2196 subsection shall be in accordance with the provisions of Section
2197 41-3-65.

2198 **SECTION 49.** Section 73-14-31, Mississippi Code of 1972, is
2199 reenacted as follows:



2200 73-14-31. Except as provided in Section 33-1-39, a person
2201 who practices the fitting and dispensing of hearing aids shall
2202 biennially pay to the board a fee of Two Hundred Dollars (\$200.00)
2203 for a renewal of his license. A grace period of thirty (30) days
2204 shall be allowed after the expiration of a license, during which
2205 the same may be renewed on payment of a fee of Two Hundred Dollars
2206 (\$200.00) to the board. The license of any person who fails to
2207 have his license renewed by the expiration of the grace period of
2208 thirty (30) days shall be considered to have lapsed. After the
2209 expiration of the grace period, the board may reinstate a license
2210 upon payment of a fee of Two Hundred Fifty Dollars (\$250.00) to
2211 the board. No person who applies for reinstatement, whose license
2212 was suspended for the sole reason of failure to renew, shall be
2213 required to submit to any examination as a condition of
2214 reinstatement, provided such person applies for reinstatement
2215 within one (1) year from the date of lapse of the license.

2216 The board shall require the applicant for license renewal to
2217 present evidence of the satisfactory completion of continuing
2218 education requirements as determined by the board.

2219 In the event that any licensee shall fail to meet the annual
2220 educational requirement, his license shall not be renewed by the
2221 board, but the board may renew the license upon the presentation
2222 of satisfactory evidence of educational study of a standard
2223 approved by the board and upon the payment of all fees due. No



2224 governmental entity or agency shall be required to pay the fee or
2225 fees set forth in this section.

2226 Any increase in the fees charged by the board under this
2227 section shall be in accordance with the provisions of Section
2228 41-3-65.

2229 **SECTION 50.** Section 73-24-29, Mississippi Code of 1972, is
2230 reenacted as follows:

2231 73-24-29. (1) The board is empowered to prescribe and
2232 publish reasonable fees for the following purposes:

- 2233 (a) Application fee which is nonrefundable;
- 2234 (b) Initial license fee;
- 2235 (c) Renewal of license fee;
- 2236 (d) Late renewal fee;
- 2237 (e) Limited permit fee;
- 2238 (f) Reinstatement of license fee;
- 2239 (g) Inactive license fee.

2240 (2) Such fees shall be commensurate to the extent feasible
2241 with the cost of fulfilling the duties of the board and council as
2242 defined by this chapter; however, no individual fee shall exceed
2243 One Hundred Fifty Dollars (\$150.00).

2244 (3) Any increase in the fees charged by the board under this
2245 section shall be in accordance with the provisions of Section
2246 41-3-65.

2247 **SECTION 51.** Section 73-38-31, Mississippi Code of 1972, is
2248 reenacted as follows:



2249 73-38-31. (1) The board shall assess fees for the following
2250 purposes:

- 2251 (a) Initial licensing;
- 2252 (b) Renewal of licensure;
- 2253 (c) License issued after expiration date;
- 2254 (d) Late renewal payment penalty;
- 2255 (e) Temporary license;
- 2256 (f) Renewal of temporary license; and
- 2257 (g) Registration of aides.

2258 (2) Every person to whom a license is issued pursuant to
2259 this chapter shall, as a condition precedent to its issuance, and
2260 in addition to any application, examination or other fee, pay the
2261 prescribed initial license fee.

2262 (3) Fees prescribed in subsection (1) of this section shall
2263 be exclusive and no municipality shall have the right to require
2264 any person licensed under this chapter to furnish any bond, pass
2265 any examination, or pay any license fee or occupational tax.

2266 (4) Fees listed in subsection (1) of this section shall be
2267 commensurate to the extent feasible with the cost of fulfilling
2268 the duties of the board and council as defined by this chapter;
2269 however, no individual fee shall exceed One Hundred Dollars
2270 (\$100.00).

2271 (5) Any increase in the fees charged by the board under this
2272 section shall be in accordance with the provisions of Section
2273 41-3-65.



2274 **SECTION 52.** Section 73-55-13, Mississippi Code of 1972, is
2275 reenacted as follows:

2276 73-55-13. (1) Except as provided in Section 33-1-39, a
2277 person licensed as an athletic trainer under this chapter shall
2278 pay to the board a fee not to exceed Three Hundred Dollars
2279 (\$300.00) for every three-year period for a renewal of his
2280 license. Any increase in the fee charged by the board under this
2281 subsection shall be in accordance with the provisions of Section
2282 41-3-65.

2283 (2) Continuing education requirements for license renewal
2284 shall be fulfilled during three-year periods running concurrently
2285 with the requirement to maintain certification through the BOC,
2286 Inc. Proof of the completion of continuing education as required
2287 by this section shall be turned in to the board at the time of
2288 renewal of license.

2289 **SECTION 53.** Section 73-57-19, Mississippi Code of 1972, is
2290 reenacted as follows:

2291 73-57-19. (1) Examinations for the licensure in respiratory
2292 care will be conducted not less than two (2) times a year and at
2293 such places as may be determined by the board.

2294 (2) An applicant applying for license to practice
2295 respiratory care shall pay an administrative fee to the board. A
2296 fee shall be required for each examination or reexamination. If
2297 an applicant fails to complete the requirements for licensing



2298 within two (2) years from the date of filing, the application is
2299 deemed to be abandoned.

2300 (3) A fee shall be required for each re-registration.

2301 (4) Any increase in the fees charged by the board under this
2302 section shall be in accordance with the provisions of Section
2303 41-3-65.

2304 **SECTION 54.** Section 73-57-21, Mississippi Code of 1972, is
2305 reenacted as follows:

2306 73-57-21. Upon payment of a fee, the board may issue a
2307 temporary permit to practice respiratory care for a period of six
2308 (6) months to an applicant for licensing who is a student in an
2309 approved respiratory care education program who expects to
2310 graduate within the next thirty (30) calendar days and who is
2311 eligible to sit for the CRT, RRT, or their successor examination.
2312 Any increase in the fee charged by the board under this section
2313 shall be in accordance with the provisions of Section 41-3-65.

2314 **SECTION 55.** Section 73-57-27, Mississippi Code of 1972, is
2315 reenacted as follows:

2316 73-57-27. (1) A license shall be renewed biennially
2317 beginning with the first renewal term after the issuance of the
2318 license, except as herein provided. The board shall provide
2319 notice of renewal at least thirty (30) calendar days prior to
2320 expiration for renewal of license to every person to whom a
2321 license was issued or renewed during the preceding renewal period.
2322 The notice of renewal shall indicate the renewal process and



2323 required fees required to be completed before the date of
2324 expiration.

2325 (2) Upon receipt of the notice of renewal and the renewal
2326 fee, the board shall verify its contents and shall issue the
2327 licensee a license for the current renewal period, which shall be
2328 valid for the period stated thereon. The board, with the advice
2329 of the council, shall establish continuing education requirements
2330 for biennial renewal of the license, which shall include proof of
2331 completion of at least fifteen (15) clock hours approved by the
2332 board for continuing education credit. Any increase in the fee
2333 charged by the board under this subsection shall be in accordance
2334 with the provisions of Section 41-3-65.

2335 (3) A licensee who allows his license to lapse by failing to
2336 renew it may be reinstated by the board upon payment of the
2337 renewal fee and the reinstatement fee, provided that such request
2338 for reinstatement is made within two (2) years of the end of the
2339 renewal period. Any increase in the fee charged by the board
2340 under this subsection shall be in accordance with the provisions
2341 of Section 41-3-65.

2342 (4) A respiratory care practitioner who does not engage in
2343 the practice of respiratory care during the succeeding renewal
2344 period is not required to pay the renewal fee as long as he
2345 remains inactive. If he desires to resume the practice of
2346 respiratory care, he shall notify the board of his intent and
2347 shall satisfy the current requirements of the board in addition to



2348 remitting the renewal fee for the current renewal period and the
2349 reinstatement fee.

2350 (5) The board is authorized to establish fees for
2351 replacement and duplicate licenses, and any increase in the fees
2352 charged by the board under this subsection shall be in accordance
2353 with the provisions of Section 41-3-65.

2354 **SECTION 56.** Section 73-57-29, Mississippi Code of 1972, is
2355 reenacted as follows:

2356 73-57-29. All fees established by the board under this
2357 chapter shall be set in such an amount as is necessary to
2358 reimburse the state for the cost of services rendered, not to
2359 exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be
2360 paid by any individual. Any increase in the fees charged by the
2361 board under this chapter shall be in accordance with the
2362 provisions of Section 41-3-65. Fees received by the board and
2363 monies collected under this chapter shall be deposited in the
2364 State Treasury to the credit of the Respiratory Care Fund.
2365 Expenses incurred in the performance of this chapter shall be paid
2366 in accordance with the accounting laws of the state.

2367 **SECTION 57.** Section 73-61-1, Mississippi Code of 1972, is
2368 reenacted as follows:

2369 73-61-1. (1) No person shall place a tattoo upon the body
2370 of a human for compensation within the State of Mississippi
2371 without first registering with the State Department of Health.
2372 The facility or premises in which tattooing is to be performed



2373 shall be specified in the registration, and the registered person
2374 shall be authorized to perform tattooing only in the specified
2375 facility or premises. For the purposes of this section,
2376 "tattooing" means to make indelible marks or designs on or visible
2377 through the skin of a human by puncturing or pricking the skin
2378 with a needle or other instrument and inserting ink or other
2379 pigments, and "tattoo" means the indelible mark or design so
2380 produced. Registrations shall be valid for one (1) year, and each
2381 person registered under this section shall pay an annual
2382 registration fee to the department in an amount set by the
2383 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
2384 which fee shall be uniform for all registered persons. Any
2385 increase in the fee charged by the department under this
2386 subsection shall be in accordance with the provisions of Section
2387 41-3-65.

2388 (2) The State Board of Health shall promulgate rules and
2389 regulations relating to:

2390 (a) Health, cleanliness and general sanitation of the
2391 facilities or premises in which tattooing is performed or to be
2392 performed;

2393 (b) Sterilization of tattooing apparatus and safe
2394 disposal of tattooing apparatus;

2395 (c) Procedures to prevent the transmission of disease
2396 or infection during or relating to tattooing procedures,



2397 specifically including, but not limited to, transmission of
2398 Hepatitis B and the human immunodeficiency virus (HIV); and

2399 (d) Such other administrative provisions as may be
2400 necessary to protect public health or properly administer the
2401 requirements of this section.

2402 (3) Representatives of the department may visit any facility
2403 or premises in which tattooing is performed at any time during
2404 business hours to ensure compliance with the requirements of this
2405 section and the rules and regulations promulgated under this
2406 section. Representatives of the department shall visit each
2407 facility or premises in which tattooing is performed not less than
2408 once each year to inspect for such compliance. The department may
2409 suspend or revoke the registration of any person found to be
2410 violating any of the rules or regulations promulgated under this
2411 section.

2412 (4) It shall be unlawful for any person to place a tattoo
2413 upon the body of any person under the age of eighteen (18) years.

2414 (5) Any person who places a tattoo upon the body of a human
2415 for compensation without first registering with the department or
2416 after his registration has been suspended or revoked by the
2417 department, or any person who places a tattoo upon the body of any
2418 person in violation of subsection (4) of this section, is guilty
2419 of a misdemeanor and, upon conviction, shall be punished by a fine
2420 of not less than One Hundred Dollars (\$100.00) nor more than Five
2421 Hundred Dollars (\$500.00).



2422 (6) The department is authorized to bring an action for an
2423 injunction under the provisions of Sections 73-51-1 through
2424 73-51-5 to prohibit any person who is required to be registered
2425 under this section from performing tattooing without first
2426 registering with the department or after his registration has been
2427 suspended or revoked by the department.

2428 (7) This section shall not apply to physicians licensed to
2429 practice medicine in Mississippi in the performance of their
2430 professional duties.

2431 **SECTION 58.** Section 73-61-3, Mississippi Code of 1972, is
2432 reenacted as follows:

2433 73-61-3. (1) For the purposes of this section, the term
2434 "body piercing" means the creation of an opening in any part of
2435 the human body, other than the outer perimeter or lobe of the ear,
2436 for the purpose of inserting jewelry or other decorative object,
2437 or for some other nonmedical purpose.

2438 (2) No person shall perform body piercing upon any person
2439 for compensation within the State of Mississippi without first
2440 registering with the State Department of Health. The facility or
2441 premises in which body piercing is to be performed shall be
2442 specified in the registration, and the registered person shall be
2443 authorized to perform body piercing only in the specified facility
2444 or premises. Except as provided in Section 33-1-39, registrations
2445 shall be valid for one (1) year, and each person registered under
2446 this section shall pay an annual registration fee to the



2447 department in an amount set by the department, but not to exceed
2448 One Hundred Fifty Dollars (\$150.00), which fee shall be uniform
2449 for all registered persons. Any increase in the fee charged by
2450 the department under this subsection shall be in accordance with
2451 the provisions of Section 41-3-65.

2452 (3) The State Board of Health shall promulgate rules and
2453 regulations relating to:

2454 (a) Health, cleanliness and general sanitation of the
2455 facilities or premises in which body piercing is performed or to
2456 be performed;

2457 (b) Sterilization of body piercing apparatus and safe
2458 disposal of body piercing apparatus;

2459 (c) Procedures to prevent the transmission of disease
2460 or infection during or relating to body piercing procedures,
2461 specifically including, but not limited to, transmission of
2462 Hepatitis B and the human immunodeficiency virus (HIV); and

2463 (d) Such other administrative provisions as may be
2464 necessary to protect public health or properly administer the
2465 requirements of this section.

2466 (4) Representatives of the department may visit any facility
2467 or premises in which body piercing is performed at any time during
2468 business hours to ensure compliance with the requirements of this
2469 section and the rules and regulations promulgated under this
2470 section. Representatives of the department shall visit each
2471 facility or premises in which body piercing is performed not less



2472 than once each year to inspect for such compliance. The
2473 department may suspend or revoke the registration of any person
2474 found to be violating any of the rules or regulations promulgated
2475 under this section.

2476 (5) It shall be unlawful for any person to perform body
2477 piercing upon any person under the age of eighteen (18) years.

2478 (6) Any person who performs body piercing for compensation
2479 without first registering with the department or after his
2480 registration has been suspended or revoked by the department, or
2481 any person who performs body piercing upon any person in violation
2482 of subsection (5) of this section, is guilty of a misdemeanor and,
2483 upon conviction, shall be punished by a fine of not less than One
2484 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
2485 (\$500.00).

2486 (7) The department is authorized to bring an action for an
2487 injunction under the provisions of Sections 73-51-1 through
2488 73-51-5 to prohibit any person who is required to be registered
2489 under this section from performing body piercing without first
2490 registering with the department or after his registration has been
2491 suspended or revoked by the department.

2492 (8) This section shall not apply to physicians licensed to
2493 practice medicine in Mississippi in the performance of their
2494 professional duties.

2495 **SECTION 59.** Section 73-65-5, Mississippi Code of 1972, is
2496 reenacted as follows:



2497 73-65-5. The board shall:

2498 (a) Promulgate regulations necessary to carry out the

2499 provisions of this chapter;

2500 (b) Require that all applicants register for, take and

2501 pass the Art Therapy Credentials Board Examination as administered

2502 by the Art Therapy Credentials Board, Inc.;

2503 (c) Establish the application deadline for and score

2504 required to pass the examination;

2505 (d) Process applications and review the required

2506 examinations;

2507 (e) Issue licenses to applicants who meet the

2508 requirements of Section 73-65-7 or 73-65-9;

2509 (f) Deny, suspend or revoke a license to practice art

2510 therapy;

2511 (g) Censure, reprimand, or place a license holder or

2512 applicant on probation for a period not to exceed one (1) year;

2513 (h) Maintain a current register of license holders as a

2514 matter of public record;

2515 (i) Establish criteria for continuing education;

2516 (j) Establish procedures for receiving, investigating

2517 and resolving complaints against license holders;

2518 (k) Approve the level of supervision and experience

2519 required for persons seeking licensure;

2520 (l) Assess fees for the issuance and renewal of

2521 licenses to cover expenses of the board in administering this



2522 chapter; any increase in the fees charged by the board under this
2523 paragraph shall be in accordance with the provisions of Section
2524 41-3-65;

2525 (m) Implement an impaired professional art therapist
2526 treatment program; and

2527 (n) Adopt a code of ethics as established by the Art
2528 Therapy Credentials Board, Inc.

2529 **SECTION 60.** Section 73-65-9, Mississippi Code of 1972, is
2530 reenacted as follows:

2531 73-65-9. (1) Except as provided in Section 33-1-39, each
2532 license holder shall renew the license to practice art therapy
2533 biennially by submitting a renewal application on a form provided
2534 by the board, paying a license renewal fee, and producing evidence
2535 of completion of relevant professional continuing education
2536 experience satisfactory to the board, not to exceed forty (40)
2537 hours per renewal cycle.

2538 (2) A ninety-day grace period shall be allowed for each
2539 license holder after the licensure period, during which time the
2540 license may be renewed upon payment of the renewal fee, the late
2541 fee, and compliance with all renewal requirements.

2542 (3) Any license granted by the board shall be automatically
2543 suspended if the holder fails to apply for the license renewal
2544 pursuant to this section within a period of three (3) months after
2545 the renewal deadline; however, any suspended license may be
2546 restored by the board upon payment of a reinstatement fee not to



2547 exceed One Hundred Dollars (\$100.00), in addition to any unpaid
2548 renewal or late fees. Any increase in the fee charged by the
2549 board under this subsection shall be in accordance with the
2550 provisions of Section 41-3-65. Failure to renew a license within
2551 three (3) months from the date of suspension as provided in this
2552 section shall cause the license to be automatically revoked.
2553 Reinstatement of a revoked license shall require the license
2554 holder to reapply and meet all current standards for licensure.

2555 (4) A person licensed under the provisions of Section
2556 73-65-7 who intends to retire as a licensed professional art
2557 therapist shall notify the board in writing before the expiration
2558 of his current licensure. If, within a period of five (5) years
2559 from the year of retirement, the license holder wishes to resume
2560 practice as a licensed professional art therapist, he shall notify
2561 the board in writing, and upon giving proof of completing the
2562 required continuing education and the payment of an amount
2563 equivalent to elapsed renewal fees, the license shall be restored
2564 in full effect.

2565 **SECTION 61.** Section 73-65-11, Mississippi Code of 1972, is
2566 reenacted as follows:

2567 73-65-11. The board shall set the amount of the fees
2568 required to be paid by applicants for licensure and license
2569 holders including, but not limited to, the following:



2570 (a) For an application for initial licensure, the fee
2571 shall be nonrefundable and shall not exceed Two Hundred Dollars
2572 (\$200.00);

2573 (b) For renewal of a license, the fee shall not exceed
2574 Two Hundred Dollars (\$200.00);

2575 (c) For a duplicate or replacement license, the fee
2576 shall not exceed Twenty-five Dollars (\$25.00);

2577 (d) For failure to renew a license within the allotted
2578 grace period pursuant to Section 73-65-9, the fee shall not exceed
2579 One Hundred Dollars (\$100.00); and

2580 (e) Other reasonable fees for administrative services.

2581 Any increase in the fees charged by the board under this
2582 section shall be in accordance with the provisions of Section
2583 41-3-65.

2584 **SECTION 62.** Section 75-29-805, Mississippi Code of 1972, is
2585 reenacted as follows:

2586 75-29-805. The board shall assess a fee in the following
2587 amount and for the following purpose:

2588 Annual bottled drinking water certification fee.....\$200.00

2589 Any increase in the fee charged by the board under this
2590 section shall be in accordance with the provisions of Section
2591 41-3-65.

2592 **SECTION 63.** Section 75-31-65, Mississippi Code of 1972, is
2593 reenacted as follows:

2594 75-31-65. (1) The State Board of Health shall:



2595 (a) Exercise general supervision over the production,
2596 processing and sale of milk and milk products and the processing
2597 and sale of frozen desserts.

2598 (b) Adopt, modify, repeal and promulgate rules and
2599 regulations, after due notice and hearing, and, where not
2600 otherwise prohibited by federal law or state law, make exceptions
2601 to, grant exemptions from and enforce rules and regulations
2602 implementing or effectuating the duties of the board under this
2603 section to protect the public health.

2604 (c) Use the most current edition of the Pasteurized
2605 Milk Ordinance, or its successor, as the basis for regulation of
2606 Grade "A" milk and milk products. Unless as otherwise provided by
2607 law, the board, in its discretion, may amend, modify or make
2608 additions to the Pasteurized Milk Ordinance if the board
2609 determines that such amendment, modification or addition is in the
2610 best interest of public health.

2611 (2) The board shall assess fees in the following amount and
2612 for the following purpose:

2613 Milk product processing plant annual permit fee.....\$300.00

2614 Frozen dessert processing plant annual permit fee.....\$300.00

2615 Any increase in the fees charged by the board under this
2616 subsection shall be in accordance with the provisions of Section
2617 41-3-65.

2618 The fees authorized under this subsection shall not be
2619 assessed for milk or frozen dessert processing plants operated by



2620 public schools, by public junior colleges or by state agencies or
2621 institutions, including, without limitation, the state
2622 institutions of higher learning.

2623 (3) Incidental sales of raw goat milk shall be legal if:

2624 (a) The milk is sold directly to the consumer on the
2625 premises where the milk is produced;

2626 (b) No more than nine (9) producing goats are located
2627 on the premises where the milk is produced;

2628 (c) The person selling the milk does not advertise the
2629 milk for sale; and

2630 (d) The following conditions, which apply to the
2631 milking of goats involved in legal incidental sales of raw goat
2632 milk, are satisfied:

2633 (i) The milking takes place in a clean environment
2634 on a cement or comparable floor;

2635 (ii) The milking place is enclosed by a wall
2636 and/or a screen to prevent insects from entering the milking area;

2637 (iii) A fly strap is located in the milking area;
2638 and

2639 (iv) Sterile containers are used in the milking
2640 process and for storage.

2641 It shall not be unlawful to store raw goat milk in a separate
2642 sterile place from pasteurized goat milk. The Cooperative
2643 Extension Service at Alcorn State University shall publish and
2644 make available literature on the requirements of this subsection,



2645 and other related milk-goat maintenance, explaining the
2646 recommended care of milk goats and the process of goat milk
2647 production and other related subjects. For the purposes of this
2648 subsection, the term "incidental sales" means sales from a farm
2649 where not more than nine (9) goats are producing milk.

2650 (4) For purposes of this section, the term "person" includes
2651 an individual, firm, partnership, association or corporation,
2652 foreign or domestic.

2653 (5) All fees collected by the board under this section shall
2654 be paid into a special fund within the Department of Health to be
2655 used by the department to discharge its duties under this section.

2656 (6) Any person coming within the provisions of this section
2657 who fails to comply with or violates any of the provisions of this
2658 section or regulations promulgated thereunder, unless otherwise
2659 specifically provided in this section, is guilty of a misdemeanor
2660 and, upon conviction, shall be fined not more than One Hundred
2661 Dollars (\$100.00) or confined in jail for not more than sixty (60)
2662 days, or both.

2663 (7) Any person who sells or offers for sale adulterated milk
2664 or milk products or cream or frozen desserts or any milk or cream
2665 having therein any foreign substance or coloring matter or any
2666 chemicals or preservatives, whether for the purpose of increasing
2667 the quantity of milk or cream or for improving its appearance or
2668 for the purpose of preserving the condition of sweetness thereof,
2669 or for any other purpose whatsoever, or unpasteurized milk or milk



2670 products except as otherwise authorized by law, is guilty of a
2671 misdemeanor, and, upon conviction, shall be fined not more than
2672 Five Hundred Dollars (\$500.00) or confined in jail not more than
2673 sixty (60) days, or both; however, nothing in this subsection
2674 shall be construed to prevent the addition of vitamins to milk or
2675 milk products in accordance with the rules and regulations
2676 promulgated by the board or to prohibit the sale of pasteurized
2677 milk or cream or frozen desserts except unlawful cream or unlawful
2678 milk products or unlawful frozen desserts as defined in the rules
2679 and regulations promulgated by the board.

2680 (8) (a) Any person doing business in the State of
2681 Mississippi and engaged in the production, manufacture, sale or
2682 distribution of any dairy products that, for the purpose of
2683 destroying the business of a competitor in any locality or
2684 creating a monopoly, discriminates between different sections,
2685 localities, communities, cities or towns of the state by selling
2686 such commodity at a lower rate or price in one (1) section,
2687 locality, community, city or town than such commodity is sold by
2688 such person in any other section, locality, community, city or
2689 town, after making due allowance for the difference, if any, in
2690 the grade or quality and in the actual cost of the transportation
2691 from the point of production or purchase, if a raw product, to the
2692 place of sale, storage or distribution, is guilty of unfair
2693 discrimination, which is prohibited and declared unlawful;
2694 however, prices made to meet competition in such section,



2695 locality, community, city or town shall not be in violation of
2696 this subsection.

2697 (b) Any person doing business in the State of
2698 Mississippi and engaged in the business of purchasing for
2699 manufacture, storage, sale or distribution of any dairy product,
2700 that, for the purpose of destroying the business of a competitor
2701 or creating a monopoly, discriminates between different sections,
2702 localities, communities, cities or towns in the state by
2703 purchasing such commodity at a higher rate or price in one (1)
2704 section, locality, community, city or town than is paid for such
2705 commodity by such person in any other section, locality,
2706 community, city or town, after making due allowance for the
2707 difference, if any, in the grade or quality, and in the actual
2708 cost of transportation from the point of purchase to the point of
2709 manufacture, sale or distribution or storage, is guilty of unfair
2710 discrimination, which is prohibited and declared to be unlawful;
2711 however, prices made to meet competition in such locality,
2712 section, community, city or town shall not be a violation of this
2713 subsection.

2714 (c) Any person convicted of a violation of this
2715 subsection, shall be fined not less than Five Hundred Dollars
2716 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
2717 be imprisoned in jail not more than twelve (12) months, or both.



2718 (9) Nothing in this section shall be construed to apply to
2719 any person who does not sell his milk, cream, butter or other
2720 products mentioned herein to others.

2721 **SECTION 64.** Section 75-74-11, Mississippi Code of 1972, is
2722 reenacted as follows:

2723 75-74-11. No person or organization may operate or sponsor a
2724 youth camp in Mississippi without first holding a valid license
2725 under this chapter and without complying with the provisions of
2726 this chapter and with any rule, regulation or order of the State
2727 Board of Health.

2728 Each application for a license to operate or sponsor a youth
2729 camp shall be accompanied by a license fee of One Hundred Fifty
2730 Dollars (\$150.00), which shall be paid to the board. A license
2731 issued under this chapter may be renewed upon payment of a renewal
2732 fee of One Hundred Fifty Dollars (\$150.00), which shall be paid to
2733 the board.

2734 Any increase in the fees charged by the board under this
2735 section shall be in accordance with the provisions of Section
2736 41-3-65.

2737 No governmental entity or agency shall be required to pay the
2738 fee or fees set forth in this section.

2739 **SECTION 65.** The following shall be codified as Section
2740 41-3-67, Mississippi Code of 1972:

2741 41-3-67. This section and Sections 21-27-207, 41-3-15,
2742 41-3-18, 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11,



2743 41-59-17, 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79,
2744 41-67-12, 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7,
2745 41-75-9, 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8,
2746 43-11-9, 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13,
2747 43-20-59, 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53,
2748 73-7-71, 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19,
2749 73-14-27, 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19,
2750 73-57-21, 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9,
2751 73-65-11, 75-29-805, 75-31-65 and 75-74-11, Mississippi Code of
2752 1972, shall stand repealed on July 1, 2023.

2753 **SECTION 66.** Section 65, Chapter 510, Laws of 2016, which
2754 provides for the repeal of Sections 21-27-207, 41-3-15, 41-3-18,
2755 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17,
2756 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12,
2757 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9,
2758 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9,
2759 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59,
2760 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71,
2761 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27,
2762 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21,
2763 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11,
2764 75-29-805, 75-31-65 and 75-74-11, Mississippi Code of 1972, is
2765 repealed.

2766 **SECTION 67.** This act shall take effect and be in force from
2767 and after July 1, 2020.

