

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 985

1 AN ACT TO AMEND SECTION 73-10-3, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE "WEIGHT CONTROL PROGRAM" FOR THE PURPOSES OF THE  
3 MISSISSIPPI DIETETICS PRACTICE ACT; TO AMEND SECTION 73-10-13,  
4 MISSISSIPPI CODE OF 1972, TO EXEMPT WEIGHT CONTROL PROGRAMS FROM  
5 THE MISSISSIPPI DIETETICS PRACTICE ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-10-3, Mississippi Code of 1972, is  
8 amended as follows:

9 73-10-3. (1) For the purposes of this chapter the following  
10 terms shall have the meanings set forth herein:

11 (a) "Advisory council" means the Mississippi Council of  
12 Advisors in Dietetics established in this chapter.

13 (b) "Board" means the Mississippi State Board of  
14 Health.

15 (c) "Association" means the American Dietetic  
16 Association (ADA).

17 (d) "Mississippi association" means the Mississippi  
18 Dietetic Association, an affiliate of the American Dietetic  
19 Association.



20 (e) "Commission on Dietetic Registration" (CDR) means  
21 the Commission on Dietetic Registration that is a member of the  
22 National Commission for Health Certifying Agencies.

23 (f) "Degree" means a degree received from a college or  
24 university that was accredited through the Council on  
25 Postsecondary Accreditation and the United States Department of  
26 Education at the time the degree was conferred.

27 (g) "Registered dietitian" means a person registered by  
28 the Commission on Dietetic Registration.

29 (h) "Licensed dietitian" means a person licensed under  
30 this chapter.

31 (i) "Provisionally licensed dietitian" means a person  
32 provisionally licensed under this chapter.

33 (j) "Dietetics practice" means the integration and  
34 application of the principles derived from the sciences of  
35 nutrition, biochemistry, food, physiology, management and  
36 behavioral and social sciences to achieve and maintain people's  
37 health. Dietetics practice includes, but is not limited to:

38 (i) Providing medical nutrition therapy.

39 (ii) Development, administration, evaluation and  
40 consultation regarding nutritional care standards of quality in  
41 food services and medical nutrition therapy.

42 (iii) Providing case management services.

43 (k) "Medical nutrition therapy" is a nutritional  
44 diagnostic therapy and counseling services for the purpose of



45 disease management. It means the assessment of the nutritional  
46 status of patients with a condition, illness or injury that  
47 appropriately requires medical nutrition therapy as part of the  
48 treatment. The assessment includes review and analysis of medical  
49 and diet history, blood chemistry lab values and anthropometric  
50 measurements to determine nutritional status and treatment  
51 modalities.

52 Therapy ranges from diet modification and nutrition  
53 counseling to administration of specialized nutrition therapies  
54 such as intravenous medical nutritional products as determined  
55 necessary to manage a condition or treat illness or injury.

56 (l) "Diet modification and nutrition counseling" means  
57 intervention and advice in assisting individuals or groups in the  
58 development of personal diet plans to achieve appropriate  
59 nutritional intake. To develop the diet plan, the dietitian  
60 integrates information from the nutritional assessment with  
61 information on food and other sources of nutrients and meal  
62 preparation consistent with cultural background and socioeconomic  
63 status.

64 (m) "Specialized nutrition therapies" mean medical  
65 foods, enteral nutrition delivered via tube, or parenteral  
66 nutrition delivered by intravenous infusion.

67 (n) "Nutrition educator" shall mean one who  
68 communicates scientific nutrition information to individuals  
69 and/or groups and who provides information on food sources of



70 nutrients to meet normal nutrition need based on the most current  
71 "Recommended Dietary Allowances" of the Food and Nutrition Board,  
72 National Academy of Sciences, National Research Council.

73 (o) "Dietitian" means one engaged in dietetics  
74 practice, medical nutrition therapy or nutrition education. The  
75 terms dietitian or dietician are used interchangeably in this  
76 chapter.

77 (p) "Direct, technical supervision" means the direct,  
78 technical supervision by a licensed dietitian, as prescribed in  
79 regulations by the board, of the dietetics practice or medical  
80 nutrition therapy provided to an individual and/or group by a  
81 provisionally licensed dietitian.

82 (q) "Department" means the Mississippi State Department  
83 of Health.

84 (r) "Weight control program" means a general program of  
85 instruction with food, supplements, food products or a food plan  
86 designed for one or more healthy population groups in order to  
87 achieve or maintain a healthy weight. A weight control program is  
88 not based on an individual nutrition assessment and is not  
89 individualized to provide medical nutrition therapy, nutrition  
90 care services or case management services to manage, treat or  
91 rehabilitate a medical condition, illness or injury for a specific  
92 person or group.



93 (2) All other terms shall have their commonly ascribed  
94 definitions unless some other meaning is clearly intended from its  
95 context.

96 **SECTION 2.** Section 73-10-13, Mississippi Code of 1972, is  
97 amended as follows:

98 73-10-13. This chapter shall not be construed to affect or  
99 prevent:

100 (a) A student enrolled in an approved academic program  
101 in dietetics from engaging in the practice of dietetics, if such  
102 practice constitutes a part of a supervised course of study, and  
103 if the student is designated by a title which clearly indicates  
104 his or her status as a student or trainee.

105 (b) Any person fulfilling the experience requirements  
106 of Section 73-10-11(3) from engaging in the practice of dietetics  
107 under the supervision of a licensed or registered dietitian.

108 (c) A registered dietitian who is serving in the Armed  
109 Forces or the Public Health Service of the United States or is  
110 employed by the Department of Veterans Affairs from engaging in  
111 the practice of dietetics provided such practice is restricted to  
112 such service or employment.

113 (d) Any person providing dietetic services, including  
114 but not limited to dietetic technicians, dietetic assistants and  
115 dietary managers, from practicing dietetics while working under  
116 the direct technical supervision of a licensed dietitian.



117 (e) Persons licensed or registered to practice the  
118 health professions from engaging in the practice of dietetics when  
119 covered under the scope of practice of his or her profession,  
120 except that such persons may not use the title "dietitian" or  
121 "nutritionist."

122 (f) Persons who perform the activities and services of  
123 a nutrition educator in the employ of a federal, state, county or  
124 municipal agency, or another political subdivision, or a chartered  
125 elementary or secondary school or accredited degree-granting  
126 educational institution insofar as such activities and services  
127 are part of a salaried position.

128 (g) Federal, state, county or local government  
129 employees involved with programs providing the services of a  
130 nutrition educator that help to prevent disease and maintain good  
131 nutritional health, including, but not limited to, the Cooperative  
132 Extension Service, the Child Nutrition Program, and Project Head  
133 Start.

134 (h) Individuals who do not hold themselves out to be  
135 dietitians from marketing or distributing food products including  
136 dietary supplements as defined by the Food and Drug Administration  
137 or from engaging in the explanation and education of customers  
138 regarding the use of such products.

139 (i) Any person from furnishing general nutrition  
140 information as to the use of food, food materials or dietary  
141 supplements, including a weight control program, nor prevent in



142 any way the free dissemination of literature; \* \* \* however, no  
143 such individual may call themselves a dietitian unless they are  
144 licensed under this chapter.

145         **SECTION 3.** This act shall take effect and be in force from  
146 and after July 1, 2020.

