

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2418

1 AN ACT TO REENACT SECTIONS 41-3-1.1, 41-3-3, 41-3-4,
2 41-3-5.1, 41-3-6, 41-3-16, 41-3-17 AND 41-3-19, MISSISSIPPI CODE
3 OF 1972, WHICH CREATE THE STATE BOARD OF HEALTH, ESTABLISH THE
4 POSITION OF EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF HEALTH
5 AND ESTABLISH THE STATE DEPARTMENT OF HEALTH AND PRESCRIBE ITS
6 POWERS AND DUTIES; TO AMEND SECTION 41-3-20, MISSISSIPPI CODE OF
7 1972, TO EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-3-1.1, Mississippi Code of 1972, is
11 reenacted as follows:

12 41-3-1.1. (1) The State Board of Health is continued and
13 reconstituted as follows:

14 There is created the State Board of Health which, from and
15 after March 30, 2007, shall consist of eleven (11) members
16 appointed with the advice and consent of the Senate, as follows:

17 (a) Five (5) members of the board shall be currently
18 licensed physicians of good professional standing who have had at
19 least seven (7) years' experience in the practice of medicine in
20 this state. Three (3) members shall be appointed by the Governor,
21 one (1) member shall be appointed by the Lieutenant Governor, and



one (1) member shall be appointed by the Attorney General, in the manner provided in paragraph (d) of this subsection (1).

(b) Six (6) members of the board shall be individuals who have a background in public health or an interest in public health who are not currently or formerly licensed physicians. Four (4) of those members shall be appointed by the Governor, one (1) of those members shall be appointed by the Lieutenant Governor, and one (1) of those members shall be appointed by the Attorney General, in the manner provided in paragraph (d) of this subsection (1).

(c) The Governor, Lieutenant Governor and Attorney General shall give due regard to geographic distribution, race and gender in making their appointments to the board. It is the intent of the Legislature that the membership of the board reflect the population of the State of Mississippi. Of the Governor's appointments, one (1) member of the board shall be appointed from each of the four (4) congressional districts as constituted on June 30, 2007, and one (1) member of the board shall be appointed from each of the three (3) Supreme Court districts as constituted on June 30, 2007. Of the Lieutenant Governor's appointments, one (1) member of the board shall be appointed from the First Congressional District and one (1) member of the board shall be appointed from the Fourth Congressional District as constituted on June 30, 2007. Of the Attorney General's appointments, one (1) member of the board shall be appointed from the Second



47 Congressional District and one (1) member of the board shall be
48 appointed from the Third Congressional District as constituted on
49 June 30, 2007.

50 (d) The initial members of the board shall be appointed
51 for staggered terms, as follows: Of the Governor's appointments,
52 two (2) members shall be appointed for terms that end on June 30,
53 2009; two (2) members shall be appointed for terms that end on
54 June 30, 2011; and three (3) members shall be appointed for terms
55 that end on June 30, 2013. Of the Lieutenant Governor's
56 appointments, one (1) member shall be appointed for a term that
57 ends on June 30, 2009; and one (1) member shall be appointed for a
58 term that ends on June 30, 2013. Of the Attorney General's
59 appointments, one (1) member shall be appointed for a term that
60 ends on June 30, 2009; and one (1) member shall be appointed for a
61 term that ends on June 30, 2011.

62 A member of the board serving before January 1, 2007, shall
63 be eligible for reappointment to the reconstituted board unless
64 the person is disqualified under subsection (4) of this section.

65 (2) At the expiration of the terms of the initial members,
66 all members of the board shall be appointed by the Governor, in
67 the same manner and from the same districts prescribed in
68 subsection (1) of this section, for terms of six (6) years from
69 the expiration of the previous term and thereafter until his or
70 her successor is duly appointed. Vacancies in office shall be
71 filled by appointment in the same manner as the appointment to the



72 position that becomes vacant, subject to the advice and consent of
73 the Senate at the next regular session of the Legislature. An
74 appointment to fill a vacancy other than by expiration of a term
75 of office shall be for the balance of the unexpired term and
76 thereafter until his or her successor is duly appointed.

77 (3) The Lieutenant Governor may designate one (1) Senator
78 and the Speaker of the House of Representatives may designate one
79 (1) Representative to attend any meeting of the State Board of
80 Health. The appointing authorities may designate alternate
81 members from their respective houses to serve when the regular
82 designees are unable to attend the meetings of the board. Those
83 legislative designees shall have no jurisdiction or vote on any
84 matter within the jurisdiction of the board. For attending
85 meetings of the board, the legislators shall receive per diem and
86 expenses, which shall be paid from the contingent expense funds of
87 their respective houses in the same amounts as provided for
88 committee meetings when the Legislature is not in session;
89 however, no per diem and expenses for attending meetings of the
90 board will be paid while the Legislature is in session. No per
91 diem and expenses will be paid except for attending meetings of
92 the board without prior approval of the proper committee in their
93 respective houses.

94 (4) (a) All members of the State Board of Health shall file
95 with the Mississippi Ethics Commission, before the first day of



96 May each year, the statement of economic interest as required by
97 Sections 25-4-25 through 25-4-29.

98 (b) No member of the board shall participate in any
99 action by the board or department if that action could have any
100 monetary effect on any business with which that member is
101 associated, as defined in Section 25-4-103.

102 (c) When any matter in which a member may not
103 participate comes before the board or department, that member must
104 fully recuse himself or herself from the entire matter. The
105 member shall avoid debating, discussing or taking action on the
106 subject matter during official meetings or deliberations by
107 leaving the meeting room before the matter comes before the board
108 and by returning only after the discussion, vote or other action
109 is completed. The member shall not discuss the matter with other
110 members, department staff or any other person. Any minutes or
111 other record of the meeting shall accurately reflect the recusal.
112 If a member is uncertain whether recusal is required, the member
113 shall follow the determination of the Mississippi Ethics
114 Commission. The commission may delegate that determination to its
115 executive director.

116 (d) Upon a determination by the board or by any court
117 of competent jurisdiction that a member of the board has violated
118 the provisions of this subsection (4) regarding recusal, the
119 member shall be removed from office. Any member of the board who
120 violates the provisions of this section regarding recusal also



shall be subject to the penalties set forth in Sections 25-4-109 through 25-4-117. After removal from office, the member shall not be eligible for appointment to any agency, board or commission of the state for a period of two (2) years. Nothing in this section shall be construed to limit the restrictions codified in Section 25-4-105.

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

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

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

41-3-4. (1) There shall be a Chairman and Vice Chairman of the State Board of Health elected by and from its membership at the first meeting of the board; and the chairman shall be the presiding officer of the board. The chairman shall always be a physician member of the board. The board shall adopt rules and regulations governing times and places for meetings, and governing the manner of conducting its business. The board shall meet not less frequently than once each quarter, and at such other times as determined to be necessary. The term of office of any member who does not attend three (3) consecutive regular meetings of the



board shall be automatically terminated, and the position shall be considered as vacant, except in cases of the serious illness of a board member or of his or her immediate family member. All meetings of the board shall be called by the chairman or by a majority of the members of the board, except the first meeting of the initial members of the reconstituted board, which shall be called by the Governor.

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

SECTION 4. Section 41-3-5.1, Mississippi Code of 1972, is reenacted as follows:

41-3-5.1. The State Department of Health shall be headed by an executive officer who shall be appointed by the State Board of Health. The executive officer shall be either a physician who has earned a graduate degree in public health or health care administration, or a physician who in the opinion of the board is fitted and equipped to execute the duties incumbent upon him or her by law. The executive officer shall not engage in the private practice of medicine. The term of office of the executive officer shall be six (6) years, and the executive officer may be removed for cause by majority vote of the members of the board. The



executive officer shall be subject to such rules and regulations as may be prescribed by the State Board of Health. The executive officer shall be the State Health Officer with such authority and responsibility as is prescribed by law.

SECTION 5. Section 41-3-6, Mississippi Code of 1972, is reenacted as follows:

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



195 **SECTION 6.** Section 41-3-16, Mississippi Code of 1972, is
196 reenacted as follows:

197 41-3-16. (1) (a) There is established a local governments
198 and rural water systems improvements revolving loan and grant
199 program to be administered by the State Department of Health,
200 referred to in this section as "department," for the purpose of
201 assisting counties, incorporated municipalities, districts or
202 other water organizations that have been granted tax-exempt status
203 under either federal or state law, in making improvements to their
204 water systems, including construction of new water systems or
205 expansion or repair of existing water systems. Loan and grant
206 proceeds may be used by the recipient for planning, professional
207 services, acquisition of interests in land, acquisition of
208 personal property, construction, construction-related services,
209 maintenance, and any other reasonable use which the board, in its
210 discretion, may allow. For purposes of this section, "water
211 systems" has the same meaning as the term "public water system"
212 under Section 41-26-3.

213 (b) (i) There is created a board to be known as the
214 "Local Governments and Rural Water Systems Improvements Board,"
215 referred to in this section as "board," to be composed of the
216 following nine (9) members: the State Health Officer, or his
217 designee, who shall serve as chairman of the board; the Executive
218 Director of the Mississippi Development Authority, or his
219 designee; the Executive Director of the Department of



Environmental Quality, or his designee; the Executive Director of the Department of Finance and Administration, or his designee; the Executive Director of the Mississippi Association of Supervisors, or his designee; the Executive Director of the Mississippi Municipal League, or his designee; the Executive Director of the American Council of Engineering Companies of Mississippi, or his designee; the State Director of the United States Department of Agriculture, Rural Development, or his designee; and a manager of a rural water system.

The Governor shall appoint a manager of a rural water system from a list of candidates provided by the Executive Director of the Mississippi Rural Water Association. The Executive Director of the Mississippi Rural Water Association shall provide the Governor a list of candidates which shall contain a minimum of three (3) candidates for each appointment.

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

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

(c) The department, if requested by the board, shall furnish the board with facilities and staff as needed to



administer this section. The department may contract, upon approval by the board, for those facilities and staff needed to administer this section, including routine management, as it deems necessary. The board may advertise for or solicit proposals from public or private sources, or both, for administration of this section or any services required for administration of this section or any portion thereof. It is the intent of the Legislature that the board endeavor to ensure that the costs of administration of this section are as low as possible in order to provide the water consumers of Mississippi safe drinking water at affordable prices.

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

(2) (a) There is created a special fund in the State Treasury to be designated as the "Local Governments and Rural Water Systems Improvements Revolving Loan Fund," referred to in this section as "revolving fund," which fund shall consist of those monies as provided in Sections 6 and 13 of Chapter 521, Laws of 1995. The revolving fund may receive appropriations, bond proceeds, grants, gifts, donations or funds from any source, public or private. Except as otherwise provided in this section, the revolving fund shall be credited with all repayments of principal and interest derived from loans made from the revolving fund. Except as otherwise provided in this section, the monies in



the revolving fund may be expended only in amounts appropriated by the Legislature, and the different amounts specifically provided for the loan program and the grant program shall be so designated. Except as otherwise provided in this section, monies in the fund may only be expended for the grant program from the amount designated for such program. The revolving fund shall be maintained in perpetuity for the purposes established in this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Unexpended amounts remaining in the revolving fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the revolving fund shall be deposited to the credit of the fund. Monies in the revolving fund may not be used or expended for any purpose except as authorized under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any monies in the fund may be used to match any federal funds that are available for the same or related purposes for which funds are used and expended under this section and Sections 6 through 20 of Chapter 521, Laws of 1995. Any federal funds shall be used and expended only in accordance with federal laws, rules and regulations governing the expenditure of those funds. No person shall use any monies from the revolving fund for the acquisition of real property or any interest in real property unless that property is integral to the project funded under this section and the purchase is made from a willing seller. No county, incorporated municipality or district shall acquire any



real property or any interest in any real property for a project funded through the revolving fund by condemnation. The board's application of Sections 43-37-1 through 43-37-13 shall be no more stringent or extensive in scope, coverage and effect than federal property acquisition laws and regulations.

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



purpose except as authorized under this section and Section 6 of Chapter 521, Laws of 1995.

(c) The board created in subsection (1) shall establish loan and grant programs by which loans and grants may be made available to counties, incorporated municipalities, districts or other water organizations that have been granted tax-exempt status under either federal or state law, to assist those counties, incorporated municipalities, districts or water organizations in making water systems improvements, including the construction of new water systems or expansion or repair of existing water systems. Any entity eligible under this section may receive either a loan or a grant, or both. No grant awarded under the program established in this section may be made using funds from the loan program. Grants may be awarded only when the Legislature specifically appropriates funds for that particular purpose. The interest rate on those loans may vary from time to time and from loan to loan, and will be at or below market interest rates as determined by the board. The board shall act as quickly as is practicable and prudent in deciding on any loan request that it receives. Loans from the revolving fund or emergency fund may be made to counties, incorporated municipalities, districts or other water organizations that have been granted tax-exempt status under either federal or state law, as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible project costs as established by the board. The board may require



344 county, municipal, district or other water organization
345 participation or funding from other sources, or otherwise limit
346 the percentage of costs covered by loans from the revolving fund
347 or the emergency fund. The board may establish a maximum amount
348 for any loan from the revolving fund or emergency fund in order to
349 provide for broad and equitable participation in the programs.

350 (d) A county that receives a loan from the revolving
351 fund or the emergency fund shall pledge for repayment of the loan
352 any part of the homestead exemption annual tax loss reimbursement
353 to which it may be entitled under Section 27-33-77, as may be
354 required to meet the repayment schedule contained in the loan
355 agreement. An incorporated municipality that receives a loan from
356 the revolving fund or the emergency fund shall pledge for
357 repayment of the loan any part of the sales tax revenue
358 distribution to which it may be entitled under Section 27-65-75,
359 as may be required to meet the repayment schedule contained in the
360 loan agreement. All recipients of such loans shall establish a
361 dedicated source of revenue for repayment of the loan. Before any
362 county or incorporated municipality shall receive any loan, it
363 shall have executed with the Department of Revenue and the board a
364 loan agreement evidencing that loan. The loan agreement shall not
365 be construed to prohibit any recipient from prepaying any part or
366 all of the funds received. The repayment schedule in each loan
367 agreement shall provide for (i) monthly payments, (ii) semiannual
368 payments, or (iii) other periodic payments, the annual total of



which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). Except as otherwise provided in subsection (4) of this section, the loan agreement shall provide for the repayment of all funds received from the revolving fund within not more than fifteen (15) years or a term as otherwise allowed by the federal Safe Drinking Water Act, and all funds received from the emergency fund within not more than five (5) years from the date of project completion, and any repayment shall commence not later than one (1) year after project completion. The Department of Revenue shall withhold semiannually from counties and monthly from incorporated municipalities from the amount to be remitted to the county or municipality, a sum equal to the next repayment as provided in the loan agreement.

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



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

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

(g) The State Auditor, upon request of the board, shall audit the receipts and expenditures of a county, an incorporated municipality, district or other water organization whose loan repayments appear to be in arrears, and if the Auditor finds that the county, incorporated municipality, district or other water organization is in arrears in those repayments, the Auditor shall immediately notify the chairman of the board who may take any action as may be necessary to enforce the terms of the loan agreement, including liquidation and enforcement of the security given for repayment of the loan, and the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption annual tax loss reimbursements under Section 27-33-77 and all sums allocated to the county or the incorporated municipality under Section 27-65-75 until such time as the county or the incorporated



417 municipality is again current in its loan repayments as certified
418 by the board.

419 (h) Except as otherwise provided in this section, all
420 monies deposited in the revolving fund or the emergency fund,
421 including loan repayments and interest earned on those repayments,
422 shall be used only for providing loans or other financial
423 assistance to water systems as the board deems appropriate. In
424 addition, any amounts in the revolving fund or the emergency fund
425 may be used to defray the reasonable costs of administering the
426 revolving fund or the emergency fund and conducting activities
427 under this section and Sections 6 through 20 of Chapter 521, Laws
428 of 1995, subject to any limitations established in the federal
429 Safe Drinking Water Act, as amended and subject to annual
430 appropriation by the Legislature. The department is authorized,
431 upon approval by the board, to use amounts available to it from
432 the revolving fund or the emergency fund to contract for those
433 facilities and staff needed to administer and provide routine
434 management for the funds and loan program. However,
435 notwithstanding any other provision of law to the contrary, all or
436 any portion of repayments of principal and interest derived from
437 the fund uses described in this section may be designated or
438 pledged for repayment of a loan as provided for in Section
439 31-25-28 in connection with a loan from the Mississippi
440 Development Bank.



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

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

448 (b) To promulgate rules and regulations, to make
449 variances and exceptions thereto, and to establish procedures in
450 accordance with this section and Sections 6 through 20 of Chapter
451 521, Laws of 1995, for the implementation of the local governments
452 and rural water systems improvements revolving loan program;

453 (c) To require, at the board's discretion, any loan or
454 grant recipient to impose a per connection fee or surcharge or
455 amended water rate schedule or tariff on each customer or any
456 class of customers, benefiting from an improvement financed by a
457 loan or grant made under this section, for repayment of any loan
458 funds provided under this section and Sections 6 through 20 of
459 Chapter 521, Laws of 1995. The board may require any loan or
460 grant recipient to undergo a water system viability analysis and
461 may require a loan or grant recipient to implement any result of
462 the viability analysis. If the loan recipient fails to implement
463 any result of a viability analysis as required by the board, the
464 board may impose a monetary penalty or increase the interest rate
465 on the loan, or both. If the grant recipient fails to implement



any result of a viability analysis as required by the board, the board may impose a monetary penalty on the grant;

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

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

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

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



490 (h) To establish policies, procedures and requirements
491 concerning viability and financial capability to repay loans that
492 may be used in approving loans available under this section,
493 including a requirement that all loan recipients have a rate
494 structure which will be sufficient to cover the costs of
495 operation, maintenance, major equipment replacement and repayment
496 of any loans made under this section; and

497 (i) To file annually with the Legislature a report
498 detailing how monies in the Local Governments and Rural Water
499 Systems Improvements Revolving Loan Fund and the Local Governments
500 and Rural Water Systems Emergency Loan Fund were spent during the
501 preceding fiscal year in each county, incorporated municipality,
502 district or other water organization, the number of projects
503 approved and constructed, and the cost of each project.

504 For efficient and effective administration of the loan
505 program, revolving fund and emergency fund, the board may
506 authorize the department or the State Health Officer to carry out
507 any or all of the powers and duties enumerated above.

508 (4) The board may, on a case-by-case basis and to the extent
509 allowed by federal law, renegotiate the payment of principal and
510 interest on loans made under this section to the six (6) most
511 southern counties of the state covered by the Presidential
512 Declaration of Major Disaster for the State of Mississippi
513 (FEMA-1604-DR) dated August 29, 2005, and to incorporated
514 municipalities, districts or other water organizations located in



such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 7. Section 41-3-17, Mississippi Code of 1972, is reenacted as follows:

41-3-17. The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objectives of its creation. It is further authorized to make reasonable sanitary rules and regulations, to be enforced in the several counties by the county health officer under the supervision and control of the State Board of Health. The State Board of Health shall not make or enforce any rule or regulation that prohibits consumers from providing their own containers for the purpose of purchasing or accepting water from any vending machine or device which filters or treats water that has already been tested and determined to meet or exceed the minimum health protection standards prescribed for drinking water under the Mississippi Safe Drinking Water Law, if that vending machine or device meets or exceeds United States Environmental Protection Agency or national automatic merchandising standards.

SECTION 8. Section 41-3-19, Mississippi Code of 1972, is reenacted as follows:



539 41-3-19. It is the duty of the State Board of Health to make
540 a report, in writing, to the Governor, on or before the first day
541 of December next preceding each session, not an extraordinary
542 session of the Legislature, upon the sanitary condition, prospect,
543 and needs of the state, setting forth the action of said board, of
544 its officers and agents, the names thereof, and all its
545 expenditures since the last preceding report, and such other
546 matters as it may deem proper for the promotion of health or the
547 prevention of disease. The report shall be laid before the
548 Legislature by the Governor at its ensuing term.

549 **SECTION 9.** Section 41-3-20, Mississippi Code of 1972, is
550 amended as follows:

551 41-3-20. Sections 41-3-1.1, 41-3-3, 41-3-4, 41-3-5.1,
552 41-3-6, 41-3-15, 41-3-16, 41-3-17, 41-3-18 and 41-3-19, which
553 create the reconstituted State Board of Health, establish the
554 position of Executive Officer of the State Department of Health
555 and establish the State Department of Health and prescribe its
556 powers and duties, shall stand repealed on July 1, * * * 2025.

557 **SECTION 10.** This act shall take effect and be in force from
558 and after July 1, 2021.

