

By: Senator(s) Bryan

To: Public Health and  
Welfare

SENATE BILL NO. 2574

1 AN ACT TO AMEND SECTIONS 41-3-43 AND 41-3-53, MISSISSIPPI  
2 CODE OF 1972, AND BRING FORWARD SECTION 41-3-15, MISSISSIPPI CODE  
3 OF 1972, TO AUTHORIZE AND DIRECT THE LOCAL BOARDS OF SUPERVISORS  
4 TO COMPLY WITH APPLICABLE HEALTH AND SAFETY STANDARDS AS SET BY  
5 THE STATE BOARD OF HEALTH IN THE CONSTRUCTION, MAINTENANCE,  
6 EQUIPPING, STAFFING AND SUPPORT OF LOCAL COUNTY HEALTH DEPARTMENT  
7 BUILDINGS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 41-3-43, Mississippi Code of 1972, is  
10 amended as follows:

11 41-3-43. (1) (a) Each county in the state is authorized in  
12 its discretion to create a county health department and to  
13 appropriate funds for its support. A director for the same shall  
14 be appointed in accordance with Section 41-3-37 and certified to  
15 the board of supervisors of the county. Said director shall be a  
16 licensed physician, well trained in health work and shall be  
17 required to give his entire time to the work.

18 (b) The board of supervisors is authorized and directed  
19 to comply with health and safety standards as set by the State  
20 Board of Health pursuant to Sections 41-3-43 and 41-3-49,



21 Mississippi Code of 1972, and to appropriate and expend local  
22 funds from any available source for the construction, maintenance,  
23 equipping, staffing and support of county health department  
24 buildings.

25 (2) (a) The State Board of Health may create public health  
26 districts of two (2) or more counties for the purpose of  
27 administering health programs and supervising public health  
28 workers in the district. The State Board of Health or its  
29 executive officer shall appoint for each such district created a  
30 district director, who shall be a licensed physician, well trained  
31 in public health work, who shall give his entire time to the work.  
32 The district director may serve as county health officer of any or  
33 all counties in the district.

34 (b) The boards of supervisors of the counties  
35 comprising a public health district are hereby authorized, in  
36 their discretion, to appropriate funds for the support of the  
37 public health district from the general funds of the counties; and  
38 pursuant to Section 19-9-97, to levy additional taxes for the  
39 support of county or district health departments.

40 (3) When any county or counties create a health department  
41 hereunder, then all other local or municipal or county public  
42 health agencies and departments are thereby automatically  
43 abolished, and said county and district health departments shall  
44 have full control over all health matters in said county and  
45 counties, including all municipalities therein, subject to the



46 supervision, direction, and jurisdiction of the State Board of  
47 Health. The proper authorities of any municipality in the State  
48 of Mississippi are hereby authorized in their discretion to make  
49 an appropriation for the support of such county or district health  
50 department from the general funds of such municipality.

51 **SECTION 2.** Section 41-3-53, Mississippi Code of 1972, is  
52 amended as follows:

53 41-3-53. The board of supervisors shall be authorized to  
54 make such appropriations for the Department of Health as may be  
55 necessary to pay the salary of the director, and the salaries of  
56 all necessary sanitary inspectors, nurses, and such other  
57 employees as may be employed for carrying on the work. The board  
58 shall be authorized to pay all necessary traveling expenses of  
59 said employees in the performance of their duties. The board  
60 shall be authorized to pay for all necessary medicine, materials  
61 and supplies. The board shall provide an office for its health  
62 department, and furnish said office, and its employees, with all  
63 necessary record books, stationery, stamps, tables, chairs,  
64 furniture and all other necessary articles. The board is also  
65 authorized to do any and all things necessary and proper to  
66 maintain and support a health department. The board of  
67 supervisors is authorized and directed to comply with health and  
68 safety standards as set by the State Board of Health pursuant to  
69 Sections 41-3-43 and 41-3-49, Mississippi Code of 1972, and to  
70 appropriate and expend local funds from any available source for



71 the construction, maintenance, equipping, staffing and support of  
72 county health department buildings. Where two (2) or more  
73 counties shall unite in having a Department of Health, the amount  
74 contributed by each for maintaining and supporting the work shall  
75 be agreed upon by the respective counties, subject to the approval  
76 of the State Board of Health, or its executive committee, and all  
77 salaries to be paid shall be recommended by the State Board of  
78 Health, or its executive committee to the board of supervisors of  
79 the county or counties for which the officers or employees are to  
80 act. All employees shall be recommended by the State Board of  
81 Health, or its executive committee, and all salaries shall be  
82 recommended in the same way.

83 **SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is  
84 brought forward as follows:

85 41-3-15. (1) (a) There shall be a State Department of  
86 Health.

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

89 (i) To formulate the policy of the State  
90 Department of Health regarding public health matters within the  
91 jurisdiction of the department;

92 (ii) To adopt, modify, repeal and promulgate,  
93 after due notice and hearing, and enforce rules and regulations  
94 implementing or effectuating the powers and duties of the



95 department under any and all statutes within the department's  
96 jurisdiction, and as the board may deem necessary;

97 (iii) To apply for, receive, accept and expend any  
98 federal or state funds or contributions, gifts, trusts, devises,  
99 bequests, grants, endowments or funds from any other source or  
100 transfers of property of any kind;

101 (iv) To enter into, and to authorize the executive  
102 officer to execute contracts, grants and cooperative agreements  
103 with any federal or state agency or subdivision thereof, or any  
104 public or private institution located inside or outside the State  
105 of Mississippi, or any person, corporation or association in  
106 connection with carrying out the provisions of this chapter, if it  
107 finds those actions to be in the public interest and the contracts  
108 or agreements do not have a financial cost that exceeds the  
109 amounts appropriated for those purposes by the Legislature;

110 (v) To appoint, upon recommendation of the  
111 Executive Officer of the State Department of Health, a Director of  
112 Internal Audit who shall be either a Certified Public Accountant  
113 or Certified Internal Auditor, and whose employment shall be  
114 continued at the discretion of the board, and who shall report  
115 directly to the board, or its designee; and

116 (vi) To discharge such other duties,  
117 responsibilities and powers as are necessary to implement the  
118 provisions of this chapter.



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

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

123 (ii) To supervise and direct all administrative  
124 and technical activities of the department, except that the  
125 department's internal auditor shall be subject to the sole  
126 supervision and direction of the board;

127 (iii) To organize the administrative units of the  
128 department in accordance with the plan adopted by the board and,  
129 with board approval, alter the organizational plan and reassign  
130 responsibilities as he or she may deem necessary to carry out the  
131 policies of the board;

132 (iv) To coordinate the activities of the various  
133 offices of the department;

134 (v) To employ, subject to regulations of the State  
135 Personnel Board, qualified professional personnel in the subject  
136 matter or fields of each office, and such other technical and  
137 clerical staff as may be required for the operation of the  
138 department. The executive officer shall be the appointing  
139 authority for the department, and shall have the power to delegate  
140 the authority to appoint or dismiss employees to appropriate  
141 subordinates, subject to the rules and regulations of the State  
142 Personnel Board;



143 (vi) To recommend to the board such studies and  
144 investigations as he or she may deem appropriate, and to carry out  
145 the approved recommendations in conjunction with the various  
146 offices;

147 (vii) To prepare and deliver to the Legislature  
148 and the Governor on or before January 1 of each year, and at such  
149 other times as may be required by the Legislature or Governor, a  
150 full report of the work of the department and the offices thereof,  
151 including a detailed statement of expenditures of the department  
152 and any recommendations the board may have;

153 (viii) To prepare and deliver to the Chairmen of  
154 the Public Health and Welfare/Human Services Committees of the  
155 Senate and House on or before January 1 of each year, a plan for  
156 monitoring infant mortality in Mississippi and a full report of  
157 the work of the department on reducing Mississippi's infant  
158 mortality and morbidity rates and improving the status of maternal  
159 and infant health; and

160 (ix) To enter into contracts, grants and  
161 cooperative agreements with any federal or state agency or  
162 subdivision thereof, or any public or private institution located  
163 inside or outside the State of Mississippi, or any person,  
164 corporation or association in connection with carrying out the  
165 provisions of this chapter, if he or she finds those actions to be  
166 in the public interest and the contracts or agreements do not have  
167 a financial cost that exceeds the amounts appropriated for those



168 purposes by the Legislature. Each contract or agreement entered  
169 into by the executive officer shall be submitted to the board  
170 before its next meeting.

171 (2) The State Board of Health shall have the authority to  
172 establish an Office of Rural Health within the department. The  
173 duties and responsibilities of this office shall include the  
174 following:

175 (a) To collect and evaluate data on rural health  
176 conditions and needs;

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

179 (c) To develop and implement plans and provide  
180 technical assistance to enable community health systems to respond  
181 to various changes in their circumstances;

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

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

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

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

191 (a) To make investigations and inquiries with respect  
192 to the causes of disease and death, and to investigate the effect





193 of environment, including conditions of employment and other  
194 conditions that may affect health, and to make such other  
195 investigations as it may deem necessary for the preservation and  
196 improvement of health.

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

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

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

208 (e) To charge and collect reasonable fees for health  
209 services, including immunizations, inspections and related  
210 activities, and the board shall charge fees for those services;  
211 however, if it is determined that a person receiving services is  
212 unable to pay the total fee, the board shall collect any amount  
213 that the person is able to pay. Any increase in the fees charged  
214 by the board under this paragraph shall be in accordance with the  
215 provisions of Section 41-3-65.

216 (f) (i) To establish standards for, issue permits and  
217 exercise control over, any cafes, restaurants, food or drink



218 stands, sandwich manufacturing establishments, and all other  
219 establishments, other than churches, church-related and private  
220 schools, and other nonprofit or charitable organizations, where  
221 food or drink is regularly prepared, handled and served for pay;  
222 and

223           (ii) To require that a permit be obtained from the  
224 Department of Health before those persons begin operation. If any  
225 such person fails to obtain the permit required in this  
226 subparagraph (ii), the State Board of Health, after due notice and  
227 opportunity for a hearing, may impose a monetary penalty not to  
228 exceed One Thousand Dollars (\$1,000.00) for each violation.  
229 However, the department is not authorized to impose a monetary  
230 penalty against any person whose gross annual prepared food sales  
231 are less than Five Thousand Dollars (\$5,000.00). Money collected  
232 by the board under this subparagraph (ii) shall be deposited to  
233 the credit of the State General Fund of the State Treasury.

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

237           (h) On presentation of proper authority, to enter into  
238 and inspect any public place or building where the State Health  
239 Officer or his representative deems it necessary and proper to  
240 enter for the discovery and suppression of disease and for the  
241 enforcement of any health or sanitary laws and regulations in the  
242 state.



243 (i) To conduct investigations, inquiries and hearings,  
244 and to issue subpoenas for the attendance of witnesses and the  
245 production of books and records at any hearing when authorized and  
246 required by statute to be conducted by the State Health Officer or  
247 the State Board of Health.

248 (j) To promulgate rules and regulations, and to collect  
249 data and information, on (i) the delivery of services through the  
250 practice of telemedicine; and (ii) the use of electronic records  
251 for the delivery of telemedicine services.

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

254 (5) (a) The State Board of Health shall have the authority,  
255 in its discretion, to establish programs to promote the public  
256 health, to be administered by the State Department of Health.  
257 Specifically, those programs may include, but shall not be limited  
258 to, programs in the following areas:

- 259 (i) Maternal and child health;
- 260 (ii) Family planning;
- 261 (iii) Pediatric services;
- 262 (iv) Services to crippled and disabled children;
- 263 (v) Control of communicable and noncommunicable  
264 disease;
- 265 (vi) Chronic disease;
- 266 (vii) Accidental deaths and injuries;
- 267 (viii) Child care licensure;



- 268 (ix) Radiological health;  
269 (x) Dental health;  
270 (xi) Milk sanitation;  
271 (xii) Occupational safety and health;  
272 (xiii) Food, vector control and general  
273 sanitation;  
274 (xiv) Protection of drinking water;  
275 (xv) Sanitation in food handling establishments  
276 open to the public;  
277 (xvi) Registration of births and deaths and other  
278 vital events;  
279 (xvii) Such public health programs and services as  
280 may be assigned to the State Board of Health by the Legislature or  
281 by executive order; and  
282 (xviii) Regulation of domestic and imported fish  
283 for human consumption.

284 (b) The State Board of Health and State Department of  
285 Health shall not be authorized to sell, transfer, alienate or  
286 otherwise dispose of any of the home health agencies owned and  
287 operated by the department on January 1, 1995, and shall not be  
288 authorized to sell, transfer, assign, alienate or otherwise  
289 dispose of the license of any of those home health agencies,  
290 except upon the specific authorization of the Legislature by an  
291 amendment to this section. However, this paragraph (b) shall not  
292 prevent the board or the department from closing or terminating



293 the operation of any home health agency owned and operated by the  
294 department, or closing or terminating any office, branch office or  
295 clinic of any such home health agency, or otherwise discontinuing  
296 the providing of home health services through any such home health  
297 agency, office, branch office or clinic, if the board first  
298 demonstrates that there are other providers of home health  
299 services in the area being served by the department's home health  
300 agency, office, branch office or clinic that will be able to  
301 provide adequate home health services to the residents of the area  
302 if the department's home health agency, office, branch office or  
303 clinic is closed or otherwise discontinues the providing of home  
304 health services. This demonstration by the board that there are  
305 other providers of adequate home health services in the area shall  
306 be spread at length upon the minutes of the board at a regular or  
307 special meeting of the board at least thirty (30) days before a  
308 home health agency, office, branch office or clinic is proposed to  
309 be closed or otherwise discontinue the providing of home health  
310 services.

311 (c) The State Department of Health may undertake such  
312 technical programs and activities as may be required for the  
313 support and operation of those programs, including maintaining  
314 physical, chemical, bacteriological and radiological laboratories,  
315 and may make such diagnostic tests for diseases and tests for the  
316 evaluation of health hazards as may be deemed necessary for the  
317 protection of the people of the state.



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

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

322                           (i)   To enter into capitalization grant agreements  
323 with the United States Environmental Protection Agency, or any  
324 successor agency thereto;

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

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

330                           (iv)   To establish and collect fees to defray the  
331 reasonable costs of administering the revolving fund or emergency  
332 fund if the State Board of Health determines that those costs will  
333 exceed the limitations established in the federal Safe Drinking  
334 Water Act, as amended. The administration fees may be included in  
335 loan amounts to loan recipients for the purpose of facilitating  
336 payment to the board; however, those fees may not exceed five  
337 percent (5%) of the loan amount.

338           (7)   Notwithstanding any other provision to the contrary, the  
339 State Department of Health shall have the following specific  
340 powers: The department shall issue a license to Alexander Milne  
341 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
342 construction, conversion, expansion and operation of not more than



343 forty-five (45) beds for developmentally disabled adults who have  
344 been displaced from New Orleans, Louisiana, with the beds to be  
345 located in a certified ICF-MR facility in the City of Laurel,  
346 Mississippi. There shall be no prohibition or restrictions on  
347 participation in the Medicaid program for the person receiving the  
348 license under this subsection (7). The license described in this  
349 subsection shall expire five (5) years from the date of its issue.  
350 The license authorized by this subsection shall be issued upon the  
351 initial payment by the licensee of an application fee of  
352 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
353 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
354 the license, to be paid as long as the licensee continues to  
355 operate. The initial and monthly licensing fees shall be  
356 deposited by the State Department of Health into the special fund  
357 created under Section 41-7-188.

358 (8) Notwithstanding any other provision to the contrary, the  
359 State Department of Health shall have the following specific  
360 powers: The State Department of Health is authorized to issue a  
361 license to an existing home health agency for the transfer of a  
362 county from that agency to another existing home health agency,  
363 and to charge a fee for reviewing and making a determination on  
364 the application for such transfer not to exceed one-half (1/2) of  
365 the authorized fee assessed for the original application for the  
366 home health agency, with the revenue to be deposited by the State



367 Department of Health into the special fund created under Section  
368 41-7-188.

369 (9) Notwithstanding any other provision to the contrary, the  
370 State Department of Health shall have the following specific  
371 powers: For the period beginning July 1, 2010, through July 1,  
372 2017, the State Department of Health is authorized and empowered  
373 to assess a fee in addition to the fee prescribed in Section  
374 41-7-188 for reviewing applications for certificates of need in an  
375 amount not to exceed twenty-five one-hundredths of one percent  
376 (.25 of 1%) of the amount of a proposed capital expenditure, but  
377 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
378 regardless of the amount of the proposed capital expenditure, and  
379 the maximum additional fee permitted shall not exceed Fifty  
380 Thousand Dollars (\$50,000.00). Provided that the total  
381 assessments of fees for certificate of need applications under  
382 Section 41-7-188 and this section shall not exceed the actual cost  
383 of operating the certificate of need program.

384 (10) Notwithstanding any other provision to the contrary,  
385 the State Department of Health shall have the following specific  
386 powers: The State Department of Health is authorized to extend  
387 and renew any certificate of need that has expired, and to charge  
388 a fee for reviewing and making a determination on the application  
389 for such action not to exceed one-half (1/2) of the authorized fee  
390 assessed for the original application for the certificate of need,





391 with the revenue to be deposited by the State Department of Health  
392 into the special fund created under Section 41-7-188.

393 (11) Notwithstanding any other provision to the contrary,  
394 the State Department of Health shall have the following specific  
395 powers: The State Department of Health is authorized and  
396 empowered, to revoke, immediately, the license and require closure  
397 of any institution for the aged or infirm, including any other  
398 remedy less than closure to protect the health and safety of the  
399 residents of said institution or the health and safety of the  
400 general public.

401 (12) Notwithstanding any other provision to the contrary,  
402 the State Department of Health shall have the following specific  
403 powers: The State Department of Health is authorized and  
404 empowered, to require the temporary detainment of individuals for  
405 disease control purposes based upon violation of any order of the  
406 State Health Officer, as provided in Section 41-23-5. For the  
407 purpose of enforcing such orders of the State Health Officer,  
408 persons employed by the department as investigators shall have  
409 general arrest powers. All law enforcement officers are  
410 authorized and directed to assist in the enforcement of such  
411 orders of the State Health Officer.

412 **SECTION 4.** This act shall take effect and be in force from  
413 and after July 1, 2023.

