

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2574  
(As Passed the Senate)

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; TO PROVIDE THAT THE BOARD IS AUTHORIZED TO APPROPRIATE  
8 AND EXPEND LOCAL FUNDS FROM ANY AVAILABLE SOURCE FOR THE  
9 CONSTRUCTION, MAINTENANCE, EQUIPPING, STAFFING AND SUPPORT OF  
10 COUNTY HEALTH DEPARTMENT BUILDINGS; AND FOR RELATED PURPOSES.

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

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

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

21 (b) The board of supervisors is authorized and directed  
22 to comply with health and safety standards as set by the State



23 Board of Health pursuant to Sections 41-3-43 and 41-3-49,  
24 Mississippi Code of 1972. The board is authorized to appropriate  
25 and expend local funds from any available source for the  
26 construction, maintenance, equipping, staffing and support of  
27 county health department buildings.

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

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

43 (3) When any county or counties create a health department  
44 hereunder, then all other local or municipal or county public  
45 health agencies and departments are thereby automatically  
46 abolished, and said county and district health departments shall  
47 have full control over all health matters in said county and



48 counties, including all municipalities therein, subject to the  
49 supervision, direction, and jurisdiction of the State Board of  
50 Health. The proper authorities of any municipality in the State  
51 of Mississippi are hereby authorized in their discretion to make  
52 an appropriation for the support of such county or district health  
53 department from the general funds of such municipality.

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

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



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

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

89 41-3-15. (1) (a) There shall be a State Department of  
90 Health.

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

93 (i) To formulate the policy of the State  
94 Department of Health regarding public health matters within the  
95 jurisdiction of the department;

96 (ii) To adopt, modify, repeal and promulgate,  
97 after due notice and hearing, and enforce rules and regulations



98 implementing or effectuating the powers and duties of the  
99 department under any and all statutes within the department's  
100 jurisdiction, and as the board may deem necessary;

101 (iii) To apply for, receive, accept and expend any  
102 federal or state funds or contributions, gifts, trusts, devises,  
103 bequests, grants, endowments or funds from any other source or  
104 transfers of property of any kind;

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

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

120 (vi) To discharge such other duties,  
121 responsibilities and powers as are necessary to implement the  
122 provisions of this chapter.



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

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

127 (ii) To supervise and direct all administrative  
128 and technical activities of the department, except that the  
129 department's internal auditor shall be subject to the sole  
130 supervision and direction of the board;

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

136 (iv) To coordinate the activities of the various  
137 offices of the department;

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



147 (vi) To recommend to the board such studies and  
148 investigations as he or she may deem appropriate, and to carry out  
149 the approved recommendations in conjunction with the various  
150 offices;

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

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

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



172 purposes by the Legislature. Each contract or agreement entered  
173 into by the executive officer shall be submitted to the board  
174 before its next meeting.

175 (2) The State Board of Health shall have the authority to  
176 establish an Office of Rural Health within the department. The  
177 duties and responsibilities of this office shall include the  
178 following:

179 (a) To collect and evaluate data on rural health  
180 conditions and needs;

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

183 (c) To develop and implement plans and provide  
184 technical assistance to enable community health systems to respond  
185 to various changes in their circumstances;

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

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

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

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

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





197 of environment, including conditions of employment and other  
198 conditions that may affect health, and to make such other  
199 investigations as it may deem necessary for the preservation and  
200 improvement of health.

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

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

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

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

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



222 stands, sandwich manufacturing establishments, and all other  
223 establishments, other than churches, church-related and private  
224 schools, and other nonprofit or charitable organizations, where  
225 food or drink is regularly prepared, handled and served for pay;  
226 and

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

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

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



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

252 (j) To promulgate rules and regulations, and to collect  
253 data and information, on (i) the delivery of services through the  
254 practice of telemedicine; and (ii) the use of electronic records  
255 for the delivery of telemedicine services.

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

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

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



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

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



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

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



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

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

326 (i) To enter into capitalization grant agreements  
327 with the United States Environmental Protection Agency, or any  
328 successor agency thereto;

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

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

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

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



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

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



371 Department of Health into the special fund created under Section  
372 41-7-188.

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

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





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

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

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

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

