

By: Senator(s) Hopson, Polk, Butler (36th),  
Hill, Jackson, Suber

To: Appropriations

SENATE BILL NO. 3032

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE  
2 EXPENSES OF THE MISSISSIPPI STATE BOARD OF PHARMACY FOR FISCAL  
3 YEAR 2024.

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

5 **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 Treasury to the credit of the Mississippi State Board of Pharmacy,  
8 for the purpose of defraying the expenses incurred by said board  
9 for the fiscal year beginning July 1, 2023, and ending  
10 June 30, 2024.....\$ 3,880,067.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of  
12 this act, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14 Permanent: 20

15 Time-Limited: 0

16 With the funds herein appropriated, it shall be the agency's  
17 responsibility to make certain that funds required for Personal  
18 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds



19 appropriated for that purpose unless programs or positions are  
20 added to the agency's Fiscal Year 2024 budget by the Mississippi  
21 Legislature. The Legislature shall determine the agency's  
22 personal services appropriation, which shall be published by the  
23 State Personnel Board. Additionally, the State Personnel Board  
24 shall determine and publish the projected annualized payroll costs  
25 based on current employees. It shall be the responsibility of the  
26 agency head to ensure that actual personnel expenditures for  
27 Fiscal Year 2024 do not exceed the data provided by the  
28 Legislative Budget Office. If the agency's Fiscal Year 2024  
29 projected cost exceeds the annualized costs, no salary actions  
30 shall be processed by the State Personnel Board with the exception  
31 of new hires that are determined to be essential for the agency.

32 Any transfers or escalations shall be made in accordance with  
33 the terms, conditions and procedures established by law or  
34 allowable under the terms set forth within this act. The State  
35 Personnel Board shall not escalate positions without written  
36 approval from the Department of Finance and Administration. The  
37 Department of Finance and Administration shall not provide written  
38 approval to escalate any funds for salaries and/or positions  
39 without proof of availability of new or additional funds above the  
40 appropriated level.

41 No general funds authorized to be expended herein shall be  
42 used to replace federal funds and/or other special funds which are



43 being used for salaries authorized under the provisions of this  
44 act and which are withdrawn and no longer available.

45 None of the funds herein appropriated shall be used in  
46 violation of Internal Revenue Service's Publication 15-A relating  
47 to the reporting of income paid to contract employees, as  
48 interpreted by the Office of the State Auditor.

49 Funds have been appropriated herein for the purpose of  
50 funding Project SEC2 minimum salaries for all employees covered  
51 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
52 Plan. It shall be the agency's responsibility to ensure that the  
53 funds are used to increase all employees' salaries up to the  
54 minimum level as determined by the State Personnel Board.

55 **SECTION 3.** In compliance with the "Mississippi Performance  
56 Budget and Strategic Planning Act of 1994," it is the intent of  
57 the Legislature that the funds provided herein shall be utilized  
58 in the most efficient and effective manner possible to achieve the  
59 intended mission of this agency. Based on the funding authorized,  
60 this agency shall make every effort to attain the targeted  
61 performance measures provided below:

	FY2024
<u>Performance Measures</u>	<u>Target</u>
Licensure	
Percent of Licenses Issued within Ten	
Business Days	100.00
Percent of Renewals Issued within Two	



68	Business Days	100.00
69	Compliance	
70	Number of Written Complaints Received	80
71	Percent of Written Complaints Resolved	
72	within Six Months	100.00
73	Number of Investigations Conducted Due	
74	to the Diversion of Prescription Drugs,	
75	Impaired	16
76	Number of Investigations Conducted Due	
77	to the Pharmacists and Pharmacy	
78	Technicians	28
79	Recidivism Rate for Those Receiving	
80	Disciplinary Actions	20.00
81	Prescription Monitoring Prg	
82	Percent of In-State Physicians	
83	Registered to PMP	100.00
84	Percent of Licensed APRNs Registered to PMP	100.00
85	Percent of Pharmacists Registered to PMP	100.00
86	A reporting of the degree to which the performance targets	
87	set above have been or are being achieved shall be provided in the	
88	agency's budget request submitted to the Joint Legislative Budget	
89	Committee for Fiscal Year 2025.	
90	<b>SECTION 4.</b> It is the intention of the Legislature that	
91	whenever two (2) or more bids are received by this agency for the	
92	purchase of commodities or equipment, and whenever all things	



93 stated in such received bids are equal with respect to price,  
94 quality and service, the Mississippi Industries for the Blind  
95 shall be given preference. A similar preference shall be given to  
96 the Mississippi Industries for the Blind whenever purchases are  
97 made without competitive bids.

98       **SECTION 5.** It is the intention of the Legislature that the  
99 Board of Pharmacy shall maintain complete accounting and personnel  
100 records related to the expenditure of all funds appropriated under  
101 this act and that such records shall be in the same format and  
102 level of detail as maintained for Fiscal Year 2023. It is further  
103 the intention of the Legislature that the agency's budget request  
104 for Fiscal Year 2025 shall be submitted to the Joint Legislative  
105 Budget Committee in a format and level of detail comparable to the  
106 format and level of detail provided during the Fiscal Year 2024  
107 budget request process.

108       **SECTION 6.** It is the intention of the Legislature that the  
109 funds herein appropriated shall be expended in compliance with  
110 Section 27-104-25, Mississippi Code of 1972, that no state agency  
111 shall incur obligations or indebtedness in excess of their  
112 appropriation and that the responsible officers, either personally  
113 or upon their official bonds, shall be held responsible for  
114 actions contrary to this provision.

115       **SECTION 7.** It is the intention of the Legislature that the  
116 Board of Pharmacy shall have the authority to escalate and expend  
117 funds, which are comprised of special funds of the department, in



118 an amount not to exceed Three Hundred Thousand Dollars  
119 (\$300,000.00) for the costs related to the relocation and  
120 furnishing of their office for the period beginning July 1, 2023,  
121 the fiscal year ending June 30, 2024. The escalation of those  
122 funds and/or related transfers shall be in accordance with  
123 procedures for federal fund escalations as provided in Section  
124 27-104-21, Mississippi Code 1972, and expended for the purposes of  
125 performing such duties as set forth by law in accordance with  
126 applicable rules and regulations of the State Fiscal Officer.

127 **SECTION 8.** In accordance with Section 73-21-127(h),  
128 Mississippi Code of 1972, the Mississippi Board of Pharmacy may  
129 accept and expend funds from any other state agency to defray the  
130 expenses of the Prescription Monitoring Program.

131 **SECTION 9.** The money herein appropriated shall be paid by  
132 the State Treasurer out of any money in the State Treasury to the  
133 credit of the proper fund or funds as set forth in this act, upon  
134 warrants issued by the State Fiscal Officer; and the State Fiscal  
135 Officer shall issue his warrants upon requisitions signed by the  
136 proper person, officer or officers in the manner provided by law.

137 **SECTION 10.** This act shall take effect and be in force from  
138 and after July 1, 2023, and shall stand repealed from and after  
139 June 30, 2023.

