

By: Senator(s) Simmons (12th)

To: Labor; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2447

1 AN ACT TO AMEND SECTION 71-1-1, MISSISSIPPI CODE OF 1972, TO
2 EMPOWER THE STATE BOARD OF HEALTH TO ESTABLISH AN OFFICE OF
3 WORKPLACE SAFETY AND HEALTH; TO REGULATE OCCUPATIONAL HEALTH AND
4 SAFETY STANDARDS IN THE STATE OF MISSISSIPPI; TO PRESCRIBE ITS
5 POWERS AND RESPONSIBILITIES; TO AMEND SECTIONS 71-1-25 AND
6 71-1-27, MISSISSIPPI CODE OF 1972, TO EMPOWER THE OFFICE OF
7 WORKPLACE SAFETY AND HEALTH TO ENFORCE CHILD LABOR LAWS IN THE
8 STATE OF MISSISSIPPI; TO PRESCRIBE ITS POWERS AND
9 RESPONSIBILITIES; TO AMEND SECTION 41-3-15, IN CONFORMITY; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 71-1-1, Mississippi Code of 1972, is
13 amended as follows:

14 71-1-1. (1) The State Board of Health is empowered to
15 establish an Office of Workplace Safety and Health within the
16 Mississippi Department of Health to implement the programs
17 prescribed under this section and by law.

18 (2) The Office of Workplace Safety and Health of the State
19 Department of Health is authorized to establish an occupational
20 health and safety program and is empowered:

21 (a) To employ such qualified personnel as staff to
22 carry out the duties and responsibilities set forth herein;



23 (b) To develop and make available upon request to all
24 employers of the state, including public employers, information,
25 consultation and assistance related to safety and health laws,
26 regulations, measures and standards; to participate and assist
27 with training and educational programs, directed toward employee
28 safety and disease prevention;

29 (c) To employ such personnel and procure such equipment
30 as necessary to provide on-site consultative services related to
31 assistance, information, education or training of employers and
32 employees toward compliance with safety and health standards and
33 toward the establishment of safety and health programs to prevent
34 work-connected disabilities;

35 (d) To collect, compile and report statistics related
36 to work-connected disabilities in Mississippi; such statistical
37 work shall be performed in cooperation with other
38 statistic-gathering agencies with the federal and state
39 governments. Such statistical reports as may be available shall
40 be made known to employers and employees * * *;

41 (e) To receive such federal or state grants and
42 appropriations as available to further the education, training and
43 assistance to the employers and employees of Mississippi in
44 preventing work-connected disabilities * * *;

45 (f) Nothing in this section shall be construed as
46 authorizing the * * * Office of Workplace Safety and Health to
47 administer or enforce in any way the Federal Occupational Safety



48 and Health Act, known as OSHA; however, the Office of Workplace
49 Safety and Health may coordinate its inspections, activities and
50 employee functions with those of the Federal OSHA.

51 (3) In addition to such other duties and powers as may be
52 conferred by law, the Office of Workplace Safety and Health of the
53 Department of Health shall have the power, jurisdiction and
54 authority to:

55 (a) Make and promulgate such rules, or changes in
56 rules, as it may deem advisable for the prevention of accidents or
57 the prevention of industrial or occupational diseases in every
58 employment or place of employment, and such rule, or changes in
59 rules, for the construction, repair and maintenance of places of
60 employment, places of public assembly, and public buildings as it
61 may deem advisable to render them safe. The division may appoint
62 committees composed of employers, employees and experts to suggest
63 rules or changes therein;

64 (b) Order such reasonable changes in the construction,
65 maintenance and repair of places of employment as shall render
66 them safe; and

67 (c) Require the performance of any act necessary for
68 the protection of life, health and safety of employees.

69 **SECTION 2.** Section 71-1-25, Mississippi Code of 1972, is
70 amended as follows:

71 71-1-25. (1) It shall be the duty of the Office of
72 Workplace Safety and Health of the Department of Health to inspect



73 employers under its jurisdiction for compliance with the child
74 labor provisions of the Mississippi Code of 1972.

75 (2) It shall be the duty of the * * * Office of Workplace
76 Safety and Health to visit, without notice of * * * its intention
77 to do so, all mills, canneries, workshops, factories, or
78 manufacturing establishments employing child labor * * * at least
79 twice each year, or oftener if requested by the sheriff, and to
80 promptly report to the sheriff any unsanitary condition of the
81 premises, any child or children afflicted with infectious,
82 contagious, or communicable diseases, or whose physical condition
83 renders such child or children incapacitated to perform the work
84 required of them. The sheriff shall promptly remove such child or
85 children from such mill, cannery, workshop, factory, or
86 manufacturing establishment, and order the premises put in
87 sanitary condition. The judgment of the * * * Office of Workplace
88 Safety and Health as to the physical condition of the children and
89 the sanitary condition of the premises shall be final and
90 conclusive.

91 (3) Every employer shall furnish employment which shall be
92 reasonably safe for the employees therein, shall furnish and use
93 safety devices and safeguards, shall adopt and use methods and
94 processes reasonably adequate to render such an employment and
95 place of employment safe, and shall do every other thing
96 reasonably necessary to protect the life, health, safety and
97 welfare of such employees; provided that, as used in this chapter,



the term "safe" or "safety" as applied to any employment or place of employment shall include conditions and methods of sanitation and hygiene reasonably necessary for the protection of the life, health, safety and welfare of employees.

(4) Every employer and every owner of a place of employment, place of public assembly, or public building, now or hereafter constructed, shall so construct, repair and maintain the same as to render it reasonably safe.

SECTION 3. Section 71-1-27, Mississippi Code of 1972, is amended as follows:

71-1-27. Any officer, manager, or superintendent of any mill, cannery, workshop, factory, or manufacturing establishment in which child labor is employed who shall fail or refuse to give true and correct information demanded of him by any officer hereinbefore directed to inspect such mill, cannery, workshop, factory, or manufacturing establishment, or who shall fail or refuse to obey any lawful order of the Office of Workplace Safety and Health or the sheriff * * * of the county in which said mill, cannery, workshop, factory, or manufacturing establishment is located for carrying out the purpose of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than * * * One Hundred Dollars (\$100.00) nor more than * * * One Thousand Dollars (\$1,000.00).

SECTION 4. Section 41-3-15, Mississippi Code of 1972, is amended as follows:



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

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

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

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, and as the board may deem necessary;

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

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



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

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

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

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

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

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

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



172 (v) To employ, subject to regulations of the State
173 Personnel Board, qualified professional personnel in the subject
174 matter or fields of each office, and such other technical and
175 clerical staff as may be required for the operation of the
176 department. The executive officer shall be the appointing
177 authority for the department, and shall have the power to delegate
178 the authority to appoint or dismiss employees to appropriate
179 subordinates, subject to the rules and regulations of the State
180 Personnel Board;

181 (vi) To recommend to the board such studies and
182 investigations as he or she may deem appropriate, and to carry out
183 the approved recommendations in conjunction with the various
184 offices;

185 (vii) To prepare and deliver to the Legislature
186 and the Governor on or before January 1 of each year, and at such
187 other times as may be required by the Legislature or Governor, a
188 full report of the work of the department and the offices thereof,
189 including a detailed statement of expenditures of the department
190 and any recommendations the board may have;

191 (viii) To prepare and deliver to the Chairmen of
192 the Public Health and Welfare/Human Services Committees of the
193 Senate and House on or before January 1 of each year, a plan for
194 monitoring infant mortality in Mississippi and a full report of
195 the work of the department on reducing Mississippi's infant



mortality and morbidity rates and improving the status of maternal and infant health; and

(ix) To enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

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

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

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

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



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

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

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

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

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

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

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

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be



244 useful in the discharge of its duties or may contribute to the
245 prevention of disease or the promotion of health in this state.

246 (e) To charge and collect reasonable fees for health
247 services, including immunizations, inspections and related
248 activities, and the board shall charge fees for those services;
249 however, if it is determined that a person receiving services is
250 unable to pay the total fee, the board shall collect any amount
251 that the person is able to pay. Any increase in the fees charged
252 by the board under this paragraph shall be in accordance with the
253 provisions of Section 41-3-65.

254 (f) (i) To establish standards for, issue permits and
255 exercise control over, any cafes, restaurants, food or drink
256 stands, sandwich manufacturing establishments, and all other
257 establishments, other than churches, church-related and private
258 schools, and other nonprofit or charitable organizations, where
259 food or drink is regularly prepared, handled and served for pay;
260 and

261 (ii) To require that a permit be obtained from the
262 Department of Health before those persons begin operation. If any
263 such person fails to obtain the permit required in this
264 subparagraph (ii), the State Board of Health, after due notice and
265 opportunity for a hearing, may impose a monetary penalty not to
266 exceed One Thousand Dollars (\$1,000.00) for each violation.
267 However, the department is not authorized to impose a monetary
268 penalty against any person whose gross annual prepared food sales



are less than Five Thousand Dollars (\$5,000.00). Money collected by the board under this subparagraph (ii) shall be deposited to the credit of the State General Fund of the State Treasury.

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

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

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

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

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

(5) (a) The State Board of Health shall have the authority, in its discretion, to establish programs to promote the public



health, to be administered by the State Department of Health.
Specifically, those programs may include, but shall not be limited
to, programs in the following areas:

- (i) Maternal and child health;
- (ii) Family planning;
- (iii) Pediatric services;
- (iv) Services to crippled and disabled children;
- (v) Control of communicable and noncommunicable
disease;
- (vi) Chronic disease;
- (vii) Accidental deaths and injuries;
- (viii) Child care licensure;
- (ix) Radiological health;
- (x) Dental health;
- (xi) Milk sanitation;
- (xii) Occupational safety and health, and
compliance with child labor laws, acting through its Office of
Workplace Safety and Health;
- (xiii) Food, vector control and general
sanitation;
- (xiv) Protection of drinking water;
- (xv) Sanitation in food handling establishments
open to the public;
- (xvi) Registration of births and deaths and other
vital events;



319 (xvii) Such public health programs and services as
320 may be assigned to the State Board of Health by the Legislature or
321 by executive order; and

322 (xviii) Regulation of domestic and imported fish
323 for human consumption.

324 (b) [Deleted]

325 (c) The State Department of Health may undertake such
326 technical programs and activities as may be required for the
327 support and operation of those programs, including maintaining
328 physical, chemical, bacteriological and radiological laboratories,
329 and may make such diagnostic tests for diseases and tests for the
330 evaluation of health hazards as may be deemed necessary for the
331 protection of the people of the state.

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

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

336 (i) To enter into capitalization grant agreements
337 with the United States Environmental Protection Agency, or any
338 successor agency thereto;

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

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



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

(7) [Deleted]

(8) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to issue a license to an existing home health agency for the transfer of a county from that agency to another existing home health agency, and to charge a fee for reviewing and making a determination on the application for such transfer not to exceed one-half (1/2) of the authorized fee assessed for the original application for the home health agency, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(9) [Deleted]

(10) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to extend and renew any certificate of need that has expired, and to charge



a fee for reviewing and making a determination on the application for such action not to exceed one-half (1/2) of the authorized fee assessed for the original application for the certificate of need, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

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

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



393 (13) Additionally, the State Board of Health and the State
394 Health Officer each are authorized and directed to study the
395 status of health care, in its broadest sense, throughout the
396 state. The study should include challenges such as access to
397 care; the cost of care; indigent care; providing health care to
398 the incarcerated; the availability of health care workers,
399 paraprofessionals, and professionals; the effects of unhealthy
400 lifestyle choices; the consequences of health care facilities
401 locating in affluent and urban areas to the detriment of less
402 affluent areas, small towns, and rural areas; and negative trends
403 which may cause ill effects if they continue. The study shall
404 also include opportunities to improve health care, such as greater
405 coordination among state agencies, local governments, and other
406 entities which provide various types of health care; methods of
407 increasing the health care workforce; and methods to increase the
408 location of health care facilities in distressed areas, rural
409 areas, and small towns. All state agencies, the Legislative
410 Budget Office and the Joint Legislative Committee on Performance
411 Evaluation and Expenditure Review (PEER) are directed to assist
412 the department in developing this study. This provision does not
413 by itself grant any additional power to the State Board of Health
414 or the State Health Officer to require any entity to operate
415 differently. It does, however, empower and direct them to obtain
416 information and make recommendations, and it does require all



417 entities to cooperate with the board and health officer as they
418 seek information.

419 **SECTION 5.** This act shall take effect and be in force from
420 and after July 1, 2025.

