

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,



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

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

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

108       71-1-27. Any officer, manager, or superintendent of any  
109      mill, cannery, workshop, factory, or manufacturing establishment  
110      in which child labor is employed who shall fail or refuse to give  
111      true and correct information demanded of him by any officer  
112      hereinbefore directed to inspect such mill, cannery, workshop,  
113      factory, or manufacturing establishment, or who shall fail or  
114      refuse to obey any lawful order of the Office of Workplace Safety  
115      and Health or the sheriff \* \* \* of the county in which said mill,  
116      cannery, workshop, factory, or manufacturing establishment is  
117      located for carrying out the purpose of this chapter, shall be  
118      guilty of a misdemeanor and, upon conviction, shall be fined not  
119      less than \* \* \* One Hundred Dollars (\$100.00) nor more than \* \* \*  
120      One Thousand Dollars (\$1,000.00).

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

123 41-3-15. (1) (a) There shall be a State Department of  
124 Health.

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

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

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

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

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

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

154 (vi) To discharge such other duties,

155 responsibilities and powers as are necessary to implement the  
156 provisions of this chapter.

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

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

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

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

170 (iv) To coordinate the activities of the various  
171 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



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

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

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

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

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

217 (c) To develop and implement plans and provide  
218 technical assistance to enable community health systems to respond  
219 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



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

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

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

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

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

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

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

294 health, to be administered by the State Department of Health.

295 Specifically, those programs may include, but shall not be limited

296 to, programs in the following areas:

297 (i) Maternal and child health;

298 (ii) Family planning;

299 (iii) Pediatric services;

300 (iv) Services to crippled and disabled children;

301 (v) Control of communicable and noncommunicable

302 disease;

303 (vi) Chronic disease;

304 (vii) Accidental deaths and injuries;

305 (viii) Child care licensure;

306 (ix) Radiological health;

307 (x) Dental health;

308 (xi) Milk sanitation;

309 (xii) Occupational safety and health, and

310 compliance with child labor laws, acting through its Office of

311 Workplace Safety and Health;

312 (xiii) Food, vector control and general

313 sanitation;

314 (xiv) Protection of drinking water;

315 (xv) Sanitation in food handling establishments

316 open to the public;

317 (xvi) Registration of births and deaths and other

318 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:

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



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

352 (7) [Deleted]

353 (8) Notwithstanding any other provision to the contrary, the  
354 State Department of Health shall have the following specific  
355 powers: The State Department of Health is authorized to issue a  
356 license to an existing home health agency for the transfer of a  
357 county from that agency to another existing home health agency,  
358 and to charge a fee for reviewing and making a determination on  
359 the application for such transfer not to exceed one-half (1/2) of  
360 the authorized fee assessed for the original application for the  
361 home health agency, with the revenue to be deposited by the State  
362 Department of Health into the special fund created under Section  
363 41-7-188.

364 (9) [Deleted]

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



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

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

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



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

