

By: Senator(s) Cuevas

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2809

1 AN ACT TO AMEND SECTIONS 43-13-407 AND 41-79-5, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT BEGINNING WITH SCHOOL YEAR 2002-2003  
3 THE LEGISLATURE SHALL ANNUALLY APPROPRIATE FROM THE TOBACCO  
4 LITIGATION HEALTH CARE EXPENDABLE FUND AN AMOUNT NECESSARY TO FUND  
5 ONE SCHOOL NURSE IN EVERY PUBLIC SCHOOL IN THE STATE; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-13-407, Mississippi Code of 1972, is  
9 amended as follows:

10 43-13-407. (1) In accordance with the purposes of this  
11 article, there is established in the State Treasury the Health  
12 Care Expendable Fund, into which shall be transferred from the  
13 Health Care Trust Fund the following sums:

14 (a) In fiscal year 2000, Fifty Million Dollars  
15 (\$50,000,000.00);

16 (b) In fiscal year 2001, Fifty-five Million Dollars  
17 (\$55,000,000.00);

18 (c) In fiscal year 2002, Sixty Million Five Hundred  
19 Thousand Dollars (\$60,500,000.00);

20 (d) In fiscal year 2003, Sixty-six Million Five Hundred  
21 Fifty Thousand Dollars (\$66,550,000.00);

22 (e) In fiscal year 2004 and each subsequent fiscal  
23 year, a sum equal to the average annual amount of the income from  
24 the investment of the funds in the Health Care Trust Fund since  
25 July 1, 1999.

26 (2) In any fiscal year in which interest and dividends from  
27 the investment of the funds in the Health Care Trust Fund are not  
28 sufficient to fund the full amount of the annual transfer into the  
29 Health Care Expendable Fund as required in subsection (1) of this



30 section, the State Treasurer shall transfer from tobacco  
31 settlement installment payments an amount that is sufficient to  
32 fully fund the amount of the annual transfer.

33 (3) All income from the investment of the funds in the  
34 Health Care Expendable Fund shall be credited to the account of  
35 the Health Care Expendable Fund. Any funds in the Health Care  
36 Expendable Fund at the end of a fiscal year shall not lapse into  
37 the State General Fund.

38 (4) The funds in the Health Care Expendable Fund shall be  
39 available for expenditure pursuant to specific appropriation by  
40 the Legislature beginning in fiscal year 2000, and shall be  
41 expended exclusively for health care purposes. Provided, however,  
42 that beginning with school year 2002-2003, the Legislature shall  
43 annually appropriate from the Health Care Expendable Fund an  
44 amount necessary to pay for the cost of employing at least one (1)  
45 school nurse in every public school in the state, as certified to  
46 the Legislative Budget Office by the State Department of Education  
47 and the State Board of Health.

48 **SECTION 2.** Section 41-79-5, Mississippi Code of 1972, is  
49 amended as follows:

50 41-79-5. (1) There is hereby established within the State  
51 Department of Health a school nurse intervention program,  
52 available to all public school districts in the state.

53 (2) By the school year 1998-1999, each public school  
54 district shall have employed a school nurse, to be known as a  
55 Health Service Coordinator, pursuant to the school nurse  
56 intervention program prescribed under this section. The school  
57 nurse intervention program shall offer any of the following  
58 specific preventive services, and other additional services  
59 appropriate to each grade level and the age and maturity of the  
60 pupils:



- 61           (a) Reproductive health education and referral to  
62 prevent teen pregnancy and sexually transmitted diseases, which  
63 education shall include abstinence;
- 64           (b) Child abuse and neglect identification;
- 65           (c) Hearing and vision screening to detect problems  
66 which can lead to serious sensory losses and behavioral and  
67 academic problems;
- 68           (d) Alcohol, tobacco and drug abuse education to reduce  
69 abuse of these substances;
- 70           (e) Scoliosis screening to detect this condition so  
71 that costly and painful surgery and lifelong disability can be  
72 prevented;
- 73           (f) Coordination of services for handicapped children  
74 to ensure that these children receive appropriate medical  
75 assistance and are able to remain in public school;
- 76           (g) Nutrition education and counseling to prevent  
77 obesity and/or other eating disorders which may lead to  
78 life-threatening conditions, for example, hypertension;
- 79           (h) Early detection and treatment of head lice to  
80 prevent the spread of the parasite and to reduce absenteeism;
- 81           (i) Emergency treatment of injury and illness to  
82 include controlling bleeding, managing fractures, bruises or  
83 contusions and cardiopulmonary resuscitation (CPR);
- 84           (j) Applying appropriate theory as the basis for  
85 decision making in nursing practice;
- 86           (k) Establishing and maintaining a comprehensive school  
87 health program;
- 88           (l) Developing individualized health plans;
- 89           (m) Assessing, planning, implementing and evaluating  
90 programs and other school health activities, in collaboration with  
91 other professionals;
- 92           (n) Providing health education to assist students,  
93 families and groups to achieve optimal levels of wellness;



94 (o) Participating in peer review and other means of  
95 evaluation to assure quality of nursing care provided for students  
96 and assuming responsibility for continuing education and  
97 professional development for self while contributing to the  
98 professional growth of others;

99 (p) Participating with other key members of the  
100 community responsible for assessing, planning, implementing and  
101 evaluating school health services and community services that  
102 include the broad continuum or promotion of primary, secondary and  
103 tertiary prevention; and

104 (q) Contributing to nursing and school health through  
105 innovations in theory and practice and participation in research.

106 (3) Public school nurses shall be specifically prohibited  
107 from providing abortion counseling to any student or referring any  
108 student to abortion counseling or abortion clinics. Any violation  
109 of this subsection shall disqualify the school district employing  
110 such public school nurse from receiving any state administered  
111 funds under this section.

112 (4) Each local school district of this state may apply for a  
113 school nurse intervention program. State administered funds shall  
114 only be available on a 50-50 matching basis, and subject to  
115 appropriation by the Legislature, with the local school district  
116 providing its local contribution from nonminimum program funds.  
117 However, school districts with an ad valorem assessed value per  
118 student of less than Seventeen Thousand Dollars (\$17,000.00),  
119 according to the most recent ad valorem assessed valuation, shall  
120 not be required to make a local contribution to the cost of the  
121 program. In order to be eligible for such program, each district  
122 desiring to participate shall apply to the State Department of  
123 Health by May 31 before the beginning of the applicable fiscal  
124 year. Such applications shall be on forms provided by the State  
125 Department of Health. The local school governing board and the  
126 county health department shall mutually determine their school



127 nurse intervention program within the previously determined state  
128 guidelines. The State Department of Health shall determine by  
129 July 1 of each succeeding year which local school districts have  
130 submitted approved applications for school nurse intervention  
131 programs. This subsection (4) shall stand repealed on July 1,  
132 2001.

133 (5) Beginning with the 1997-1998 school year, to the extent  
134 that federal or state funds are available therefor and pursuant to  
135 appropriation therefor by the Legislature, in addition to the  
136 school nurse intervention program funds administered under  
137 subsection (4), the State Department of Health shall establish and  
138 implement a Prevention of Teen Pregnancy Pilot Program to be  
139 located in the public school districts with the highest numbers of  
140 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
141 the following education services directly through public school  
142 nurses in the pilot school districts: health education sessions  
143 in local schools, where contracted for or invited to provide,  
144 which target issues including reproductive health, teen pregnancy  
145 prevention and sexually transmitted diseases, including syphilis,  
146 HIV and AIDS. When these services are provided by a school nurse,  
147 training and counseling on abstinence shall be included.

148 (6) In addition to the school nurse intervention program  
149 funds administered under subsection (4) and the Teen Pregnancy  
150 Pilot Program funds administered under subsection (5), to the  
151 extent that federal or state funds are available therefor and  
152 pursuant to appropriation therefor by the Legislature, the State  
153 Department of Health shall establish and implement an Abstinence  
154 Education Pilot Program to provide abstinence education,  
155 mentoring, counseling and adult supervision to promote abstinence  
156 from sexual activity, with a focus on those groups which are most  
157 likely to bear children out of wedlock. Such abstinence education  
158 services shall be provided by the State Department of Health  
159 through its clinics, public health nurses, school nurses and



160 through contracts with rural and community health centers in order  
161 to reach a larger number of targeted clients. For purposes of  
162 this subsection, the term "abstinence education" means an  
163 educational or motivational program which:

164 (a) Has as its exclusive purpose, teaching the social,  
165 psychological and health gains to be realized by abstaining from  
166 sexual activity;

167 (b) Teaches abstinence from sexual activity outside  
168 marriage as the expected standard for all school-age children;

169 (c) Teaches that abstinence from sexual activity is the  
170 only certain way to avoid out-of-wedlock pregnancy, sexually  
171 transmitted diseases and other associated health problems;

172 (d) Teaches that a mutually faithful monogamous  
173 relationship in context of marriage is the expected standard of  
174 human sexual activity;

175 (e) Teaches that sexual activity outside of the context  
176 of marriage is likely to have harmful psychological and physical  
177 effects;

178 (f) Teaches that bearing children out of wedlock is  
179 likely to have harmful consequences for the child, the child's  
180 parents and society;

181 (g) Teaches young people how to reject sexual advances  
182 and how alcohol and drug use increase vulnerability to sexual  
183 advances; and

184 (h) Teaches the importance of attaining  
185 self-sufficiency before engaging in sexual activity.

186 (7) Beginning with the 2002-2003 school year and pursuant to  
187 appropriation therefor by the Legislature from the tobacco  
188 litigation Health Care Expendable Fund established in Section  
189 43-13-407, in addition to other funds allotted under the minimum  
190 education program, each school district shall be provided  
191 sufficient funds for the purpose of employing at least one (1)  
192 qualified public school nurse in each public school, which in no



193 event shall be less than one (1) school nurse per school district,  
194 for such purpose. In the event the Legislature provides less  
195 funds than the total state funds needed for the public school  
196 nurse allotment, those school districts with fewer teacher units  
197 shall be the first funded for such purpose, to the extent of funds  
198 available.

199 (8) Prior to the 1998-1999 school year, nursing staff  
200 assigned to the program shall be employed through the local county  
201 health department and shall be subject to the supervision of the  
202 State Department of Health with input from local school officials.  
203 Local county health departments may contract with any  
204 comprehensive private primary health care facilities within their  
205 county to employ and utilize additional nursing staff. Beginning  
206 with the 1998-1999 school year, nursing staff assigned to the  
207 program shall be employed by the local school district and shall  
208 be designated as "health service coordinators," and shall be  
209 required to possess a bachelor's degree in nursing as a minimum  
210 qualification.

211 (9) Upon each student's enrollment, the parent or guardian  
212 shall be provided with information regarding the scope of the  
213 school nurse intervention program. The parent or guardian may  
214 provide the school administration with a written statement  
215 refusing all or any part of the nursing service. No child shall  
216 be required to undergo hearing and vision or scoliosis screening  
217 or any other physical examination or tests whose parent objects  
218 thereto on the grounds such screening, physical examination or  
219 tests are contrary to his sincerely held religious beliefs.

220 (10) A consent form for reproductive health education shall  
221 be sent to the parent or guardian of each student upon his  
222 enrollment. If a response from the parent or guardian is not  
223 received within seven (7) days after the consent form is sent, the  
224 school shall send a letter to the student's home notifying the  
225 parent or guardian of the consent form. If the parent or guardian



226 fails to respond to the letter within ten (10) days after it is  
227 sent, then the school principal shall be authorized to allow the  
228 student to receive reproductive health education. Reproductive  
229 health education shall include the teaching of total abstinence  
230 from premarital sex and, wherever practicable, reproductive health  
231 education should be taught in classes divided according to gender.  
232 All materials used in the reproductive health education program  
233 shall be placed in a convenient and easily accessible location for  
234 parental inspection. School nurses shall not dispense birth  
235 control pills or contraceptive devices in the school. Dispensing  
236 of such shall be the responsibility of the State Department of  
237 Health on a referral basis only.

238 (11) No provision of this section shall be construed as  
239 prohibiting local school districts from accepting financial  
240 assistance of any type from the State of Mississippi or any other  
241 governmental entity, or any contribution, donation, gift, decree  
242 or bequest from any source which may be utilized for the  
243 maintenance or implementation of a school nurse intervention  
244 program in a public school system of this state.

245 **SECTION 3.** This act shall take effect and be in force from  
246 and after July 1, 2002.

