

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2238

1 AN ACT TO AMEND SECTIONS 41-3-18, 41-67-12 AND 45-23-41,  
2 MISSISSIPPI CODE OF 1972, TO REVISE THE SCHEDULE OF FEES CHARGED  
3 BY THE STATE DEPARTMENT OF HEALTH FOR FOOD SERVICE ESTABLISHMENT  
4 PERMITS, FOR WASTEWATER DISPOSAL SYSTEM EVALUATION, CERTIFICATION  
5 AND MANUFACTURER REGISTRATION AND FOR BOILER AND PRESSURE VESSEL  
6 CERTIFICATION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-3-18, Mississippi Code of 1972, is  
9 amended as follows:

10 41-3-18. The board shall assess fees in the following  
11 amounts and for the following purposes:

12 (a) Food service establishment annual permit fee, based  
13 on the assessment factors of the establishment as follows:

14	Assessment Category 1.....	\$ 15.00
15	Assessment Category 2.....	30.00
16	Assessment Category 3.....	70.00
17	Assessment Category 4 .....	100.00
18	Assessment Category 5 .....	150.00

19 (b) Food processing establishment annual permit fee,  
20 based on the assessment factors of the establishment as follows:

21	<u>Assessment Categories 1 and 2 .....</u>	<u>\$ 50.00</u>
22	<u>Assessment Category 3 .....</u>	<u>150.00</u>
23	<u>Assessment Categories 4 and 5 .....</u>	<u>250.00</u>

24 (c) Plan Review fees for food establishments, based on  
25 the assessment factors of the establishment as follows:

26	<u>Assessment Categories 1 and 2 .....</u>	<u>\$100.00</u>
27	<u>Assessment Category 3 .....</u>	<u>200.00</u>
28	<u>Assessment Categories 4 and 5 .....</u>	<u>300.00</u>

29 (d) Private water supply approval fee ..... \$ 10.00



30           The board may develop such reasonable standards, rules and  
31 regulations to clearly define each assessment category.  
32 Assessment categories shall be based upon the factors to the  
33 public health implications of the category and type of food  
34 preparation being utilized by the food establishment, utilizing  
35 the model Food Code of 1995, or as may be amended by the federal  
36 Food and Drug Administration.

37           The fee authorized under paragraph (a) of this section shall  
38 not be assessed for food establishments operated by public  
39 schools, public junior and community colleges, or state agencies  
40 or institutions, including without limitation, the state  
41 institutions of higher learning and the State Penitentiary.

42           The fee authorized under paragraph (d) of this section shall  
43 not be assessed for private water supplies used by foster homes  
44 licensed by the Department of Human Services.

45           **SECTION 2.** Section 41-67-12, Mississippi Code of 1972, is  
46 amended as follows:

47           41-67-12. (1) The department shall assess fees in the  
48 following amounts for the following purposes:

49                   (a) A fee of Seventy-five Dollars (\$75.00) shall be  
50 levied for soil and site evaluation and recommendation of  
51 individual on-site wastewater disposal systems.

52                   (b) A fee of One Hundred Dollars (\$100.00) shall be  
53 levied annually for the certification of installers and persons  
54 engaging in the removal and disposal of the sludge and liquid  
55 wastes from individual on-site wastewater disposal systems.

56                   (c) A fee of Two Hundred Dollars (\$200.00) for each  
57 product registered shall be levied annually for the registration  
58 of manufacturers.

59           (2) In the discretion of the board, a person shall be liable  
60 for a penalty equal to one and one-half (1-1/2) times the amount  
61 of the fee due and payable for failure to pay the fee on or before



62 the date due, plus any amount necessary to reimburse the cost of  
63 collection.

64 (3) The fee authorized under this section shall not be  
65 assessed for any system operated by state agencies or  
66 institutions, including without limitation, foster homes licensed  
67 by the State Department of Human Services. The fee authorized  
68 under this section shall not be charged again after payment of the  
69 initial fee for any system that has been installed in accordance  
70 with this chapter, within a period of twenty-four (24) months  
71 following the date that the system was originally installed.

72 **SECTION 3.** Section 45-23-41, Mississippi Code of 1972, is  
73 amended as follows:

74 45-23-41. Each company employing special inspectors, except  
75 a company operating boilers and/or pressure vessels covered by  
76 owner or user inspection service meeting the requirements of  
77 Section 45-23-21(b) shall, within thirty (30) days following each  
78 certificate inspection made by such inspectors, file a report of  
79 such inspection with the chief inspector upon appropriate forms as  
80 promulgated by the board. If such report shows that a boiler or  
81 pressure vessel is found to comply with the rules and regulations  
82 of the board, the owner or user thereof shall pay directly to the  
83 board the fee of Twenty Dollars (\$20.00) for an annual certificate  
84 or Thirty Dollars (\$30.00) for a biennial certificate, and the  
85 chief inspector or his duly authorized representative shall issue  
86 to such owner or user an inspection certificate bearing the date  
87 of inspection and specifying the maximum pressure under which the  
88 boiler or pressure vessel may be operated.

89 Such inspection certificate shall be valid for not more than  
90 fourteen (14) months from its date in the case of power boilers  
91 and high pressure, high temperature water boilers, and for not  
92 more than twenty-six (26) months in the case of heating boilers  
93 and pressure vessels.



94 In the case of those boilers and pressure vessels covered by  
95 Section 45-23-33(a), (b), (c) and (d) for which the board has  
96 established or extended the operating period between required  
97 inspections, pursuant to the provisions of Section 45-23-33(g) or  
98 (h), the certificate shall be valid for a period not more than two  
99 (2) months beyond the period set by the board.

100 Certificates shall be posted under glass in the room  
101 containing the boiler or pressure vessel inspected. If the boiler  
102 or pressure vessel is not located within the building, the  
103 certificate shall be posted in a location convenient to the boiler  
104 or pressure vessel inspected, or in any place where it will be  
105 accessible to interested parties.

106 **SECTION 4.** This act shall take effect and be in force from  
107 and after July 1, 2003.

