

By: Senator(s) Dawkins

To: Public Health and Welfare

SENATE BILL NO. 2428

1 AN ACT TO AMEND SECTION 41-3-1, MISSISSIPPI CODE OF 1972, TO  
2 RECONSTITUTE THE MEMBERSHIP OF THE STATE BOARD OF HEALTH; AND FOR  
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 41-3-1, Mississippi Code of 1972, is  
6 amended as follows:

7 41-3-1. (1) The \* \* \* State Board of Health \* \* \* shall be  
8 reconstituted as follows:

9 There is hereby created the State Board of Health which shall  
10 consist of thirteen (13) members, appointed by the Governor with  
11 the advice and consent of the Senate, as hereinafter set forth:

12 (a) Three (3) members of the board shall be licensed  
13 medical doctors of good professional standing who shall have had  
14 at least seven (7) years' experience in the practice of their  
15 profession in this state. Of the three (3), one (1) shall be  
16 appointed from each of the Mississippi Supreme Court Districts.

17 (b) One (1) member shall be a licensed, registered and  
18 practicing dentist appointed from the state at large, who shall  
19 have had at least seven (7) years' experience in the practice of  
20 his profession in this state.

21 (c) One (1) member shall be a licensed, registered and  
22 practicing nurse appointed from the state at large, who shall have  
23 had at least seven (7) years' experience in the practice of  
24 nursing in this state.

25 (d) One (1) member shall be a licensed and practicing  
26 pharmacist appointed from the state at large, who shall have had

27 at least seven (7) years' experience in the practice of pharmacy  
28 in this state.

29 (e) One (1) member shall be a licensed and practicing  
30 veterinarian appointed from the state at large, who shall have had  
31 at least seven (7) years' experience in the practice of veterinary  
32 medicine in this state.

33 (f) One (1) member shall be a practicing hospital  
34 administrator who shall have had at least seven (7) years'  
35 experience in the practice of his profession preceding his  
36 appointment.

37 (g) One (1) member shall be a licensed and practicing  
38 professional engineer or a registered and practicing sanitarian  
39 who shall have had at least seven (7) years' experience in the  
40 practice of his profession in this state.

41 (h) One (1) member shall be a licensed and practicing  
42 chiropractor, who shall have had at least seven (7) years'  
43 experience in the practice of his profession in this state.

44 (i) Three (3) members shall be consumer representatives  
45 with an interest in public, one (1) appointed from each of the  
46 three (3) Mississippi Supreme Court Districts, and one (1) of whom  
47 shall be over sixty (60) years old and represent the elderly.

48 It is the intent of the Legislature that the membership of  
49 the board reflect the population of the State of Mississippi.

50 (2) A member of the board shall serve for a term of six (6)  
51 years from the expiration of the previous term and thereafter  
52 until his or her successor is duly appointed. Vacancies in office  
53 shall be filled by appointment of the Governor in the same manner  
54 as the appointment to the position which becomes vacant, subject  
55 to the advice and consent of the Senate at the next regular  
56 session of the Legislature. An appointment to fill a vacancy  
57 other than by expiration of a term of office shall be for the  
58 balance of the unexpired term and thereafter until his or her  
59 successor is duly appointed.

60       (3) There shall be a Joint Oversight Committee of the  
61 Mississippi State Department of Health composed of the respective  
62 chairmen of the Senate Public Health and Welfare Committee, the  
63 Senate Appropriations Committee, the House Public Health and Human  
64 Services Committee and the House Appropriations Committee, two (2)  
65 members of the Senate appointed by the Lieutenant Governor to  
66 serve at the will and pleasure of the Lieutenant Governor, and two  
67 (2) members of the House of Representatives appointed by the  
68 Speaker of the House to serve at the will and pleasure of the  
69 Speaker. The chairmanship of the committee shall alternate for  
70 twelve-month periods between the Senate members and House members,  
71 with the Chairman of the Senate Public Health and Welfare  
72 Committee serving as the first chairman. The committee shall meet  
73 once each month, or upon the call of the chairman at such times as  
74 he deems necessary or advisable, and may make recommendations to  
75 the Legislature pertaining to any matter within the jurisdiction  
76 of the Mississippi State Department of Health. The appointing  
77 authorities may designate an alternate member from their  
78 respective houses to serve when the regular designee is unable to  
79 attend such meetings of the oversight committee. For attending  
80 meetings of the oversight committee, such legislators shall  
81 receive per diem and expenses which shall be paid from the  
82 contingent expense funds of their respective houses in the same  
83 amounts as provided for committee meetings when the Legislature is  
84 not in session; however, no per diem and expenses for attending  
85 meetings of the oversight committee will be paid while the  
86 Legislature is in session, and without prior approval of the  
87 proper committee in their respective houses.

88       (4) It shall be unlawful for any member of the State Board  
89 of Health, or any employee of the State Department of Health, to  
90 knowingly accept any gift, money or other pecuniary benefit  
91 whatsoever, either directly or indirectly, from any person  
92 interested as owner, agent or representative of any public or

93 private entity that shall come under the jurisdiction or  
94 supervision of the State Department of Health. Any person found  
95 guilty of violating the provisions of this subsection shall  
96 immediately forfeit his or her office or position and, upon  
97 conviction, shall be fined not less than Ten Thousand Dollars  
98 (\$10,000.00), or imprisoned in the State Penitentiary for not less  
99 than one (1) year, or both.

100       **SECTION 2.** This act shall take effect and be in force from  
101 and after its passage.