

By: Representatives Evans, Dedeaux, Franks,
Straughter

To: Public Health and Human
Services

HOUSE BILL NO. 1174

1 AN ACT TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF HEALTH TO ESTABLISH AN OFFICE OF
3 OCCUPATIONAL SAFETY AND HEALTH WITHIN THE STATE DEPARTMENT OF
4 HEALTH AND TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF SUCH
5 OFFICE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-3-15, Mississippi Code of 1972, is
8 amended as follows:

9 41-3-15. (1) There shall be a State Department of Health
10 which shall be organized into such bureaus and divisions as are
11 considered necessary by the executive officer, and shall be
12 assigned appropriate functions as are required of the State Board
13 of Health by law, subject to the approval of the board.

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

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

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

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

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

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

29 (3) The State Board of Health shall have the authority to
30 establish an Office of Occupational Safety and Health within the
31 department. The duties and responsibilities of this office shall
32 include the following:

33 (a) To collect and evaluate data on occupational health
34 conditions and needs;

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

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

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

43 (e) To establish information clearinghouses to improve
44 access to and the sharing of occupational health care information.

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

49 (5) The State Board of Health shall have authority:

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

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

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

63 (d) To obtain, collect and preserve such information
64 relative to mortality, morbidity, disease and health as may be
65 useful in the discharge of its duties or may contribute to the
66 prevention of disease or the promotion of health in this state.

67 (e) To enter into contracts or agreements with any
68 other state or federal agency, or with any private person,
69 organization or group capable of contracting, if it finds such
70 action to be in the public interest.

71 (f) To charge and collect reasonable fees for health
72 services, including immunizations, inspections and related
73 activities, and the board shall charge fees for such services;
74 provided, however, if it is determined that a person receiving
75 services is unable to pay the total fee, the board shall collect
76 any amount such person is able to pay.

77 (g) To accept gifts, trusts, bequests, grants,
78 endowments or transfers of property of any kind.

79 (h) To receive monies coming to it by way of fees for
80 services or by appropriations.

81 (i) (i) To establish standards for, issue permits and
82 exercise control over, any cafes, restaurants, food or drink
83 stands, sandwich manufacturing establishments, and all other
84 establishments, other than churches, church-related and private
85 schools, and other nonprofit or charitable organizations, where
86 food or drink is regularly prepared, handled and served for pay;
87 and

88 (ii) To require that a permit be obtained from the
89 Department of Health before such persons begin operation.

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

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

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

104 (m) To employ, subject to the regulations of the State
105 Personnel Board, qualified professional personnel in the subject
106 matter or fields of each bureau, and such other technical and
107 clerical staff as may be required for the operation of the
108 department. The executive officer shall be the appointing
109 authority for the department, and shall have the power to delegate
110 the authority to appoint or dismiss employees to appropriate
111 subordinates, subject to the rules and regulations of the State
112 Personnel Board.

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

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

119 (6) (a) The State Board of Health shall have the authority,
120 in its discretion, to establish programs to promote the public
121 health, to be administered by the State Department of Health.
122 Specifically, such programs may include, but shall not be limited
123 to, programs in the following areas:

124 (i) Maternal and child health;

125 (ii) Family planning;

- 126 (iii) Pediatric services;
- 127 (iv) Services to crippled and disabled children;
- 128 (v) Control of communicable and noncommunicable
129 disease;
- 130 (vi) Child care licensure;
- 131 (vii) Radiological health;
- 132 (viii) Dental health;
- 133 (ix) Milk sanitation;
- 134 (x) Occupational safety and health;
- 135 (xi) Food, vector control and general sanitation;
- 136 (xii) Protection of drinking water;
- 137 (xiii) Sanitation in food handling establishments
138 open to the public;
- 139 (xiv) Registration of births and deaths and other
140 vital events;
- 141 (xv) Such public health programs and services as
142 may be assigned to the State Board of Health by the Legislature or
143 by executive order; and
- 144 (xvi) Regulation of domestic and imported fish for
145 human consumption.

146 (b) The State Board of Health and State Department of
147 Health shall not be authorized to sell, transfer, alienate or
148 otherwise dispose of any of the home health agencies owned and
149 operated by the department on January 1, 1995, and shall not be
150 authorized to sell, transfer, assign, alienate or otherwise
151 dispose of the license of any of those home health agencies,
152 except upon the specific authorization of the Legislature by an
153 amendment to this section. However, this paragraph (b) shall not
154 prevent the board or the department from closing or terminating
155 the operation of any home health agency owned and operated by the
156 department, or closing or terminating any office, branch office or
157 clinic of any such home health agency, or otherwise discontinuing
158 the providing of home health services through any such home health

159 agency, office, branch office or clinic, if the board first
160 demonstrates that there are other providers of home health
161 services in the area being served by the department's home health
162 agency, office, branch office or clinic that will be able to
163 provide adequate home health services to the residents of the area
164 if the department's home health agency, office, branch office or
165 clinic is closed or otherwise discontinues the providing of home
166 health services. This demonstration by the board that there are
167 other providers of adequate home health services in the area shall
168 be spread at length upon the minutes of the board at a regular or
169 special meeting of the board at least thirty (30) days before a
170 home health agency, office, branch office or clinic is proposed to
171 be closed or otherwise discontinue the providing of home health
172 services.

173 (c) The State Department of Health may undertake such
174 technical programs and activities as may be required for the
175 support and operation of such programs, including maintaining
176 physical, chemical, bacteriological and radiological laboratories,
177 and may make such diagnostic tests for diseases and tests for the
178 evaluation of health hazards as may be deemed necessary for the
179 protection of the people of the state.

180 (7) (a) The State Board of Health shall administer the
181 local governments and rural water systems improvements loan
182 program in accordance with the provisions of Section 41-3-16.

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

184 (i) To enter into capitalization grant agreements
185 with the United States Environmental Protection Agency, or any
186 successor agency thereto;

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

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

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

200 **SECTION 2.** This act shall take effect and be in force from
201 and after July 1, 2006.