

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 1212

1 AN ACT TO AMEND SECTIONS 41-3-18, 41-67-12 AND 45-23-41,
2 MISSISSIPPI CODE OF 1972, TO INCREASE THE STATE BOARD OF HEALTH'S
3 SCHEDULE OF FEES FOR FOOD SERVICE ESTABLISHMENT PERMITS, FOR
4 WASTEWATER DISPOSAL SYSTEM EVALUATION, CERTIFICATION AND
5 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.....	\$ <u>25.00</u>
15	Assessment Category 2.....	<u>50.00</u>
16	Assessment Category 3.....	<u>100.00</u>
17	Assessment Category 4	<u>200.00</u>
18	Assessment Category 5	<u>300.00</u>

19 (b) Private water supply approval fee..... \$ 10.00

20 The board may develop such reasonable standards, rules and
21 regulations to clearly define each assessment category.

22 Assessment categories shall be based upon the factors to the
23 public health implications of the category and type of food
24 preparation being utilized by the food establishment, utilizing
25 the model Food Code of 1995, or as may be amended by the federal
26 Food and Drug Administration.

27 The fee authorized under paragraph (a) of this section shall
28 not be assessed for food establishments operated by public
29 schools, public junior and community colleges, or state agencies

30 or institutions, including without limitation, the state
31 institutions of higher learning and the State Penitentiary.

32 The fee authorized under paragraph (b) of this section shall
33 not be assessed for private water supplies used by foster homes
34 licensed by the Department of Human Services.

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

37 41-67-12. (1) The department shall assess fees in the
38 following amounts for the following purposes:

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

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

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

49 (2) In the discretion of the board, a person shall be liable
50 for a penalty equal to one and one-half (1-1/2) times the amount
51 of the fee due and payable for failure to pay the fee on or before
52 the date due, plus any amount necessary to reimburse the cost of
53 collection.

54 (3) The fee authorized under this section shall not be
55 assessed for any system operated by state agencies or
56 institutions, including, without limitation, foster homes licensed
57 by the State Department of Human Services. The fee authorized
58 under this section shall not be charged again after payment of the
59 initial fee for any system that has been installed in accordance
60 with this chapter, within a period of twenty-four (24) months
61 following the date that the system was originally installed.

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

64 45-23-41. Each company employing special inspectors, except
65 a company operating boilers and/or pressure vessels covered by
66 owner or user inspection service meeting the requirements of
67 Section 45-23-21(b) shall, within thirty (30) days following each
68 certificate inspection made by those inspectors, file a report of
69 the inspection with the chief inspector upon appropriate forms as
70 promulgated by the board. If the report shows that a boiler or
71 pressure vessel is found to comply with the rules and regulations
72 of the board, the owner or user thereof shall pay directly to the
73 board the fee of Twenty Dollars (\$20.00) for an annual certificate
74 or Thirty Dollars (\$30.00) for a biennial certificate, and the
75 chief inspector or his duly authorized representative shall issue
76 to the owner or user an inspection certificate bearing the date of
77 inspection and specifying the maximum pressure under which the
78 boiler or pressure vessel may be operated.

79 The inspection certificate shall be valid for not more than
80 fourteen (14) months from its date in the case of power boilers
81 and high pressure, high temperature water boilers, and for not
82 more than twenty-six (26) months in the case of heating boilers
83 and pressure vessels.

84 In the case of those boilers and pressure vessels covered by
85 Section 45-23-33(a), (b), (c) and (d) for which the board has
86 established or extended the operating period between required
87 inspections, under the provisions of Section 45-23-33(g) or (h),
88 the certificate shall be valid for a period not more than two (2)
89 months beyond the period set by the board.

90 Certificates shall be posted under glass in the room
91 containing the boiler or pressure vessel inspected. If the boiler
92 or pressure vessel is not located within the building, the
93 certificate shall be posted in a location convenient to the boiler

94 or pressure vessel inspected, or in any place where it will be
95 accessible to interested parties.

96 **SECTION 4.** This act shall take effect and be in force from
97 and after July 1, 2007.