

By: Senator(s) Bryan

To: Public Health and
Welfare; Finance

SENATE BILL NO. 2311
(As Passed the Senate)

1 AN ACT TO REENACT SECTIONS 21-27-207, 41-3-15, 41-3-18,
2 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17,
3 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12,
4 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9,
5 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9,
6 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59,
7 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71,
8 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27,
9 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21,
10 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11,
11 75-29-805, 75-31-65 AND 75-74-11, MISSISSIPPI CODE OF 1972, WHICH
12 AUTHORIZE THE STATE BOARD OF HEALTH TO ASSESS FEES FOR CERTAIN
13 SERVICES; TO AMEND REENACTED SECTION 41-58-3, MISSISSIPPI CODE OF
14 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO CREATE NEW
15 SECTION 41-3-67, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND
16 THE DATE OF REPEAL ON THE REENACTED PROVISIONS; TO REPEAL SECTION
17 65, CHAPTER 510, LAWS OF 2016 WHICH PROVIDED FOR THE REPEAL OF THE
18 REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 21-27-207, Mississippi Code of 1972, is
21 reenacted as follows:

22 21-27-207. Both the board and commission may adopt, modify,
23 repeal and promulgate, after due notice and hearing, and may make
24 exceptions to and grant exemptions and variances from and may
25 enforce those rules, regulations and procedures as are necessary
26 or appropriate to effectuate the duties and responsibilities of



27 these agencies arising under Sections 21-27-201 through 21-27-221.
28 The rules, regulations and procedures shall include, but not be
29 limited to, the following: criteria for classifying municipal and
30 domestic community water systems, nontransient, noncommunity water
31 systems and wastewater facilities; qualifications for operators of
32 community water systems, nontransient, noncommunity water systems
33 and wastewater facilities; certification of operators of
34 commercial Class I rubbish sites; procedures for examining or
35 testing applicants for operator certificates; procedures and fees
36 for issuing, reissuing, modifying, revoking or terminating
37 operator certificates; and reciprocal certification of operators
38 certified in other states having certification requirements not
39 less stringent than those established by the board and commission.
40 Any increase in the fees charged by the board under this section
41 shall be in accordance with the provisions of Section 41-3-65.

42 **SECTION 2.** Section 41-3-15, Mississippi Code of 1972, is
43 reenacted as follows:

44 41-3-15. (1) (a) There shall be a State Department of
45 Health.

46 (b) The State Board of Health shall have the following
47 powers and duties:

48 (i) To formulate the policy of the State
49 Department of Health regarding public health matters within the
50 jurisdiction of the department;



51 (ii) To adopt, modify, repeal and promulgate,
52 after due notice and hearing, and enforce rules and regulations
53 implementing or effectuating the powers and duties of the
54 department under any and all statutes within the department's
55 jurisdiction, and as the board may deem necessary;

56 (iii) To apply for, receive, accept and expend any
57 federal or state funds or contributions, gifts, trusts, devises,
58 bequests, grants, endowments or funds from any other source or
59 transfers of property of any kind;

60 (iv) To enter into, and to authorize the executive
61 officer to execute contracts, grants and cooperative agreements
62 with any federal or state agency or subdivision thereof, or any
63 public or private institution located inside or outside the State
64 of Mississippi, or any person, corporation or association in
65 connection with carrying out the provisions of this chapter, if it
66 finds those actions to be in the public interest and the contracts
67 or agreements do not have a financial cost that exceeds the
68 amounts appropriated for those purposes by the Legislature;

69 (v) To appoint, upon recommendation of the
70 Executive Officer of the State Department of Health, a Director of
71 Internal Audit who shall be either a Certified Public Accountant
72 or Certified Internal Auditor, and whose employment shall be
73 continued at the discretion of the board, and who shall report
74 directly to the board, or its designee; and



75 (vi) To discharge such other duties,
76 responsibilities and powers as are necessary to implement the
77 provisions of this chapter.

78 (c) The Executive Officer of the State Department of
79 Health shall have the following powers and duties:

80 (i) To administer the policies of the State Board
81 of Health within the authority granted by the board;

82 (ii) To supervise and direct all administrative
83 and technical activities of the department, except that the
84 department's internal auditor shall be subject to the sole
85 supervision and direction of the board;

86 (iii) To organize the administrative units of the
87 department in accordance with the plan adopted by the board and,
88 with board approval, alter the organizational plan and reassign
89 responsibilities as he or she may deem necessary to carry out the
90 policies of the board;

91 (iv) To coordinate the activities of the various
92 offices of the department;

93 (v) To employ, subject to regulations of the State
94 Personnel Board, qualified professional personnel in the subject
95 matter or fields of each office, and such other technical and
96 clerical staff as may be required for the operation of the
97 department. The executive officer shall be the appointing
98 authority for the department, and shall have the power to delegate
99 the authority to appoint or dismiss employees to appropriate



100 subordinates, subject to the rules and regulations of the State
101 Personnel Board;

102 (vi) To recommend to the board such studies and
103 investigations as he or she may deem appropriate, and to carry out
104 the approved recommendations in conjunction with the various
105 offices;

106 (vii) To prepare and deliver to the Legislature
107 and the Governor on or before January 1 of each year, and at such
108 other times as may be required by the Legislature or Governor, a
109 full report of the work of the department and the offices thereof,
110 including a detailed statement of expenditures of the department
111 and any recommendations the board may have;

112 (viii) To prepare and deliver to the Chairmen of
113 the Public Health and Welfare/Human Services Committees of the
114 Senate and House on or before January 1 of each year, a plan for
115 monitoring infant mortality in Mississippi and a full report of
116 the work of the department on reducing Mississippi's infant
117 mortality and morbidity rates and improving the status of maternal
118 and infant health; and

119 (ix) To enter into contracts, grants and
120 cooperative agreements with any federal or state agency or
121 subdivision thereof, or any public or private institution located
122 inside or outside the State of Mississippi, or any person,
123 corporation or association in connection with carrying out the
124 provisions of this chapter, if he or she finds those actions to be



125 in the public interest and the contracts or agreements do not have
126 a financial cost that exceeds the amounts appropriated for those
127 purposes by the Legislature. Each contract or agreement entered
128 into by the executive officer shall be submitted to the board
129 before its next meeting.

130 (2) The State Board of Health shall have the authority to
131 establish an Office of Rural Health within the department. The
132 duties and responsibilities of this office shall include the
133 following:

134 (a) To collect and evaluate data on rural health
135 conditions and needs;

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

138 (c) To develop and implement plans and provide
139 technical assistance to enable community health systems to respond
140 to various changes in their circumstances;

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

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

145 (3) The State Board of Health shall have general supervision
146 of the health interests of the people of the state and to exercise
147 the rights, powers and duties of those acts which it is authorized
148 by law to enforce.

149 (4) The State Board of Health shall have authority:



150 (a) To make investigations and inquiries with respect
151 to the causes of disease and death, and to investigate the effect
152 of environment, including conditions of employment and other
153 conditions that may affect health, and to make such other
154 investigations as it may deem necessary for the preservation and
155 improvement of health.

156 (b) To make such sanitary investigations as it may,
157 from time to time, deem necessary for the protection and
158 improvement of health and to investigate nuisance questions that
159 affect the security of life and health within the state.

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

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

167 (e) To charge and collect reasonable fees for health
168 services, including immunizations, inspections and related
169 activities, and the board shall charge fees for those services;
170 however, if it is determined that a person receiving services is
171 unable to pay the total fee, the board shall collect any amount
172 that the person is able to pay. Any increase in the fees charged
173 by the board under this paragraph shall be in accordance with the
174 provisions of Section 41-3-65.



175 (f) (i) To establish standards for, issue permits and
176 exercise control over, any cafes, restaurants, food or drink
177 stands, sandwich manufacturing establishments, and all other
178 establishments, other than churches, church-related and private
179 schools, and other nonprofit or charitable organizations, where
180 food or drink is regularly prepared, handled and served for pay;
181 and

182 (ii) To require that a permit be obtained from the
183 Department of Health before those persons begin operation. If any
184 such person fails to obtain the permit required in this
185 subparagraph (ii), the State Board of Health, after due notice and
186 opportunity for a hearing, may impose a monetary penalty not to
187 exceed One Thousand Dollars (\$1,000.00) for each violation.
188 However, the department is not authorized to impose a monetary
189 penalty against any person whose gross annual prepared food sales
190 are less than Five Thousand Dollars (\$5,000.00). Money collected
191 by the board under this subparagraph (ii) shall be deposited to
192 the credit of the State General Fund of the State Treasury.

193 (g) To promulgate rules and regulations and exercise
194 control over the production and sale of milk pursuant to the
195 provisions of Sections 75-31-41 through 75-31-49.

196 (h) On presentation of proper authority, to enter into
197 and inspect any public place or building where the State Health
198 Officer or his representative deems it necessary and proper to
199 enter for the discovery and suppression of disease and for the



200 enforcement of any health or sanitary laws and regulations in the
201 state.

202 (i) To conduct investigations, inquiries and hearings,
203 and to issue subpoenas for the attendance of witnesses and the
204 production of books and records at any hearing when authorized and
205 required by statute to be conducted by the State Health Officer or
206 the State Board of Health.

207 (j) To promulgate rules and regulations, and to collect
208 data and information, on (i) the delivery of services through the
209 practice of telemedicine; and (ii) the use of electronic records
210 for the delivery of telemedicine services.

211 (k) To enforce and regulate domestic and imported fish
212 as authorized under Section 69-7-601 et seq.

213 (5) (a) The State Board of Health shall have the authority,
214 in its discretion, to establish programs to promote the public
215 health, to be administered by the State Department of Health.
216 Specifically, those programs may include, but shall not be limited
217 to, programs in the following areas:

218 (i) Maternal and child health;

219 (ii) Family planning;

220 (iii) Pediatric services;

221 (iv) Services to crippled and disabled children;

222 (v) Control of communicable and noncommunicable
223 disease;

224 (vi) Chronic disease;



- 225 (vii) Accidental deaths and injuries;
226 (viii) Child care licensure;
227 (ix) Radiological health;
228 (x) Dental health;
229 (xi) Milk sanitation;
230 (xii) Occupational safety and health;
231 (xiii) Food, vector control and general
232 sanitation;
233 (xiv) Protection of drinking water;
234 (xv) Sanitation in food handling establishments
235 open to the public;
236 (xvi) Registration of births and deaths and other
237 vital events;
238 (xvii) Such public health programs and services as
239 may be assigned to the State Board of Health by the Legislature or
240 by executive order; and
241 (xviii) Regulation of domestic and imported fish
242 for human consumption.

243 (b) The State Board of Health and State Department of
244 Health shall not be authorized to sell, transfer, alienate or
245 otherwise dispose of any of the home health agencies owned and
246 operated by the department on January 1, 1995, and shall not be
247 authorized to sell, transfer, assign, alienate or otherwise
248 dispose of the license of any of those home health agencies,
249 except upon the specific authorization of the Legislature by an



250 amendment to this section. However, this paragraph (b) shall not
251 prevent the board or the department from closing or terminating
252 the operation of any home health agency owned and operated by the
253 department, or closing or terminating any office, branch office or
254 clinic of any such home health agency, or otherwise discontinuing
255 the providing of home health services through any such home health
256 agency, office, branch office or clinic, if the board first
257 demonstrates that there are other providers of home health
258 services in the area being served by the department's home health
259 agency, office, branch office or clinic that will be able to
260 provide adequate home health services to the residents of the area
261 if the department's home health agency, office, branch office or
262 clinic is closed or otherwise discontinues the providing of home
263 health services. This demonstration by the board that there are
264 other providers of adequate home health services in the area shall
265 be spread at length upon the minutes of the board at a regular or
266 special meeting of the board at least thirty (30) days before a
267 home health agency, office, branch office or clinic is proposed to
268 be closed or otherwise discontinue the providing of home health
269 services.

270 (c) The State Department of Health may undertake such
271 technical programs and activities as may be required for the
272 support and operation of those programs, including maintaining
273 physical, chemical, bacteriological and radiological laboratories,
274 and may make such diagnostic tests for diseases and tests for the



275 evaluation of health hazards as may be deemed necessary for the
276 protection of the people of the state.

277 (6) (a) The State Board of Health shall administer the
278 local governments and rural water systems improvements loan
279 program in accordance with the provisions of Section 41-3-16.

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

281 (i) To enter into capitalization grant agreements
282 with the United States Environmental Protection Agency, or any
283 successor agency thereto;

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

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

289 (iv) To establish and collect fees to defray the
290 reasonable costs of administering the revolving fund or emergency
291 fund if the State Board of Health determines that those costs will
292 exceed the limitations established in the federal Safe Drinking
293 Water Act, as amended. The administration fees may be included in
294 loan amounts to loan recipients for the purpose of facilitating
295 payment to the board; however, those fees may not exceed five
296 percent (5%) of the loan amount.

297 (7) Notwithstanding any other provision to the contrary, the
298 State Department of Health shall have the following specific
299 powers: The department shall issue a license to Alexander Milne



300 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
301 construction, conversion, expansion and operation of not more than
302 forty-five (45) beds for developmentally disabled adults who have
303 been displaced from New Orleans, Louisiana, with the beds to be
304 located in a certified ICF-MR facility in the City of Laurel,
305 Mississippi. There shall be no prohibition or restrictions on
306 participation in the Medicaid program for the person receiving the
307 license under this subsection (7). The license described in this
308 subsection shall expire five (5) years from the date of its issue.
309 The license authorized by this subsection shall be issued upon the
310 initial payment by the licensee of an application fee of
311 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
312 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
313 the license, to be paid as long as the licensee continues to
314 operate. The initial and monthly licensing fees shall be
315 deposited by the State Department of Health into the special fund
316 created under Section 41-7-188.

317 (8) Notwithstanding any other provision to the contrary, the
318 State Department of Health shall have the following specific
319 powers: The State Department of Health is authorized to issue a
320 license to an existing home health agency for the transfer of a
321 county from that agency to another existing home health agency,
322 and to charge a fee for reviewing and making a determination on
323 the application for such transfer not to exceed one-half (1/2) of
324 the authorized fee assessed for the original application for the



325 home health agency, with the revenue to be deposited by the State
326 Department of Health into the special fund created under Section
327 41-7-188.

328 (9) Notwithstanding any other provision to the contrary, the
329 State Department of Health shall have the following specific
330 powers: For the period beginning July 1, 2010, through July 1,
331 2017, the State Department of Health is authorized and empowered
332 to assess a fee in addition to the fee prescribed in Section
333 41-7-188 for reviewing applications for certificates of need in an
334 amount not to exceed twenty-five one-hundredths of one percent
335 (.25 of 1%) of the amount of a proposed capital expenditure, but
336 shall be not less than Two Hundred Fifty Dollars (\$250.00)
337 regardless of the amount of the proposed capital expenditure, and
338 the maximum additional fee permitted shall not exceed Fifty
339 Thousand Dollars (\$50,000.00). Provided that the total
340 assessments of fees for certificate of need applications under
341 Section 41-7-188 and this section shall not exceed the actual cost
342 of operating the certificate of need program.

343 (10) Notwithstanding any other provision to the contrary,
344 the State Department of Health shall have the following specific
345 powers: The State Department of Health is authorized to extend
346 and renew any certificate of need that has expired, and to charge
347 a fee for reviewing and making a determination on the application
348 for such action not to exceed one-half (1/2) of the authorized fee
349 assessed for the original application for the certificate of need,



350 with the revenue to be deposited by the State Department of Health
351 into the special fund created under Section 41-7-188.

352 (11) Notwithstanding any other provision to the contrary,
353 the State Department of Health shall have the following specific
354 powers: The State Department of Health is authorized and
355 empowered, to revoke, immediately, the license and require closure
356 of any institution for the aged or infirm, including any other
357 remedy less than closure to protect the health and safety of the
358 residents of said institution or the health and safety of the
359 general public.

360 (12) Notwithstanding any other provision to the contrary,
361 the State Department of Health shall have the following specific
362 powers: The State Department of Health is authorized and
363 empowered, to require the temporary detainment of individuals for
364 disease control purposes based upon violation of any order of the
365 State Health Officer, as provided in Section 41-23-5. For the
366 purpose of enforcing such orders of the State Health Officer,
367 persons employed by the department as investigators shall have
368 general arrest powers. All law enforcement officers are
369 authorized and directed to assist in the enforcement of such
370 orders of the State Health Officer.

371 **SECTION 3.** Section 41-3-18, Mississippi Code of 1972, is
372 reenacted as follows:

373 41-3-18. (1) The board shall assess fees in the following
374 amounts and for the following purposes:



375 (a) Food establishment annual permit fee, based on the
376 assessment factors of the establishment as follows:

377	Assessment Category 1.....	\$ 30.00
378	Assessment Category 2.....	100.00
379	Assessment Category 3.....	150.00
380	Assessment Category 4.....	200.00

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

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

384 Assessment categories shall be based upon the factors to the
385 public health implications of the category and type of food
386 preparation being utilized by the food establishment, utilizing
387 the model Food Code of 1995, or as may be amended by the federal
388 Food and Drug Administration.

389 Any increase in the fees charged by the board under this
390 subsection shall be in accordance with the provisions of Section
391 41-3-65.

392 (2) The fee authorized under subsection (1) (a) of this
393 section shall not be assessed for:

394 (a) Food establishments operated by public schools,
395 public junior and community colleges, or state agencies or
396 institutions, including, without limitation, the state
397 institutions of higher learning and the State Penitentiary; and

398 (b) Persons who make infrequent casual sales of honey
399 and who pack or sell less than five hundred (500) gallons of honey



400 per year, and those persons shall not be inspected by the State
401 Department of Health unless requested by the producer.

402 (3) The fee authorized under subsection (1)(b) of this
403 section shall not be assessed for private water supplies used by
404 foster homes licensed by the Department of Human Services.

405 **SECTION 4.** Section 41-3-65, Mississippi Code of 1972, is
406 reenacted as follows:

407 41-3-65. Except as otherwise provided by law, the State
408 Board of Health or the State Department of Health may increase the
409 amount of any fee charged by the board or the department for
410 providing a service, including the issuance and renewal of
411 licenses and registrations, not more than two (2) times during the
412 period from July 1, 2016, through June 30, 2020, with the
413 percentage of each increase being not more than fifteen percent
414 (15%) of the amount of the fee in effect at the time of the
415 increase.

416 **SECTION 5.** Section 41-9-9, Mississippi Code of 1972, is
417 reenacted as follows:

418 41-9-9. (1) An application for a license shall be made to
419 the licensing agency upon forms provided by it and shall contain
420 such information as the licensing agency reasonably requires,
421 which may include affirmative evidence of ability to comply with
422 such reasonable standards, rules and regulations as are lawfully
423 prescribed under Section 41-9-17. A license, unless suspended or
424 revoked, shall be renewable annually upon payment of a renewal fee



425 of Twenty Dollars (\$20.00) for each licensed bed in the hospital,
426 which shall be paid to the licensing agency, with a minimum fee of
427 Five Hundred Dollars (\$500.00) per hospital and a maximum fee of
428 Five Thousand Dollars (\$5,000.00), and upon filing by the licensee
429 and approval by the licensing agency of an annual report upon such
430 uniform dates and containing such information in such form as the
431 licensing agency prescribes by rule or regulation. Any increase
432 in the fee charged by the licensing agency under this subsection
433 shall be in accordance with the provisions of Section 41-3-65.
434 Each license shall be issued only for the premises and person or
435 persons or other legal entity or entities named in the application
436 and shall not be transferable or assignable except with the
437 written approval of the licensing agency. Licenses shall be
438 posted in a conspicuous place on the licensed premises.

439 (2) The appropriate licensure fee, according to the schedule
440 herein, shall be paid to the licensing agency and may be paid by
441 check, draft or money order. A license shall not be issued to any
442 hospital until such fee is received by the licensing agency.

443 (3) A fee known as a "User Fee" shall be applicable and
444 shall be paid to the licensing agency as set out in subsection (2)
445 of this section. Any increase in the fee charged by the licensing
446 agency under this subsection shall be in accordance with the
447 provisions of Section 41-3-65. This user fee shall be assessed
448 for the purpose of the required reviewing and inspections of the
449 proposal of any hospital in which there are additions,



450 renovations, modernizations, expansion, alterations, conversions,
451 modifications or replacement of the entire facility involved in
452 such proposal. This fee includes the reviewing of architectural
453 plans in all steps required. There shall be a minimum user fee of
454 Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand
455 Dollars (\$5,000.00).

456 **SECTION 6.** Section 41-26-23, Mississippi Code of 1972, is
457 reenacted as follows:

458 41-26-23. (1) There is created in the State Treasury a fund
459 to be designated as the "Drinking Water Quality Analysis Fund."
460 The fund shall be treated as a special trust fund. Interest
461 earned on the principal in the fund shall be credited by the
462 Treasurer to the fund. The fund may receive monies from any
463 available public or private source, including fees, proceeds and
464 grants. The department shall expend or utilize monies in the fund
465 to pay all reasonable direct and indirect costs of water quality
466 analysis and related activities as required by the federal Safe
467 Drinking Water Act, as amended. Monies in the fund at the end of
468 the fiscal year shall be retained in the fund for use in the
469 succeeding fiscal year. Except as provided in subsection (5) of
470 this section, if the annual fees collected exceed the cost of
471 administering the water quality analysis program in that fiscal
472 year, the excess shall be applied to the cost of administering the
473 program in the succeeding fiscal year. In the succeeding fiscal
474 year, the total to be collected from fees shall be reduced by the



475 excess retained in the fund and the assessment rates shall be
476 adjusted proportionately.

477 (2) The department annually shall assess and collect fees
478 for water quality analysis and related activities as required by
479 the federal Safe Drinking Water Act, as amended, which shall not
480 exceed Three Dollars (\$3.00) per connection or Forty Thousand
481 Dollars (\$40,000.00) per system, whichever is less. Any increase
482 in the fees charged by the department under this subsection shall
483 be in accordance with the provisions of Section 41-3-65. The
484 department annually shall adopt by rule, in accordance with the
485 Administrative Procedures Law and following a public hearing, a
486 fee schedule to cover all reasonable direct and indirect costs of
487 water quality analysis and related activities as required by the
488 federal Safe Drinking Water Act, as amended. In adopting a fee
489 schedule, the department shall consider the recommendations of the
490 advisory committee created in this section, if those
491 recommendations are made in a timely manner as provided.

492 (3) An advisory committee is created to study the program
493 needs and costs for the implementation of the water quality
494 analysis program and to conduct an annual review of the needs and
495 costs of administering that program. The annual review shall
496 include an independent recommendation on an equitable fee schedule
497 for the succeeding fiscal year. Each annual review report shall
498 be due to the department by May 1. The advisory committee shall
499 consist of one (1) member appointed by the Mississippi Rural Water



500 Association, one (1) member appointed by the Mississippi Municipal
501 Association, one (1) member appointed by the Mississippi
502 Association of Supervisors and one (1) member appointed by the
503 Mississippi Water and Pollution Control Operators Association,
504 Inc.

505 (4) All suppliers of water for which water quality analysis
506 and related activities as required by the federal Safe Drinking
507 Water Act, as amended, are performed by the State Department of
508 Health shall pay the water quality analysis fee within forty-five
509 (45) days following receipt of an invoice from the department. In
510 the discretion of the department, any supplier of water required
511 to pay the fee shall be liable for a penalty equal to a maximum of
512 two (2) times the amount of fees due and payable plus an amount
513 necessary to reimburse the costs of delinquent fee collection for
514 failure to pay the fee within ninety (90) days following the
515 receipt of the invoice. Any person making sales to customers of
516 water for residential, noncommercial or nonagricultural use and
517 who recovers the fee required by this section or any portion
518 thereof from any customer shall indicate on each statement
519 rendered to customers that these fees are for water quality
520 analyses required by the federal government under the Safe
521 Drinking Water Act, as amended.

522 (5) There is created within the Drinking Water Quality
523 Analysis Fund an equipment capital expenditure account,
524 hereinafter referred to as the "account." The department may



525 transfer any excess fees, not exceeding ten percent (10%) of the
526 total fees assessed under this section, to the account. The
527 balance in the account shall not exceed Five Hundred Thousand
528 Dollars (\$500,000.00). Funds in the account shall be used by the
529 department, as appropriated by the Legislature, to defray the
530 costs of purchasing new equipment or repairing existing equipment
531 for the analysis of drinking water.

532 **SECTION 7.** Section 41-26-101, Mississippi Code of 1972, is
533 reenacted as follows:

534 41-26-101. (1) Each member elected or reelected after June
535 30, 1998, to serve on a governing board of any community public
536 water system, except systems operated by municipalities with a
537 population greater than ten thousand (10,000), shall attend a
538 minimum of eight (8) hours of management training within two (2)
539 years following the election of that board member. Any member
540 failing to complete the management training within two (2) years
541 after his election shall be subject to removal from the board by
542 the remaining members. If a board member has undergone training
543 and is reelected to the board, that board member shall not be
544 required to attend training as provided by this subsection.

545 (2) The management training shall be organized by the State
546 Department of Health, in cooperation with the Mississippi Rural
547 Water Association and other organizations. The management
548 training shall include information on water system management and
549 financing, rate setting and structures, operations and



550 maintenance, applicable laws and regulations, ethics, the duties
551 and responsibilities of a board member and other information
552 deemed necessary by the department after consultation with the
553 association and other organizations. The department shall develop
554 and provide all training materials. The department may charge a
555 fee not to exceed Seventy-five Dollars (\$75.00) per member to
556 defray the actual costs of providing the materials and training.
557 These costs shall be reimbursed to the board member as an expense
558 of the community public water system. Any increase in the fee
559 charged by the department under this subsection shall be in
560 accordance with the provisions of Section 41-3-65.

561 (3) To avoid board members having to interfere with their
562 jobs or employment, management training sessions may be divided
563 into segments and, to the greatest extent possible, shall be
564 scheduled for evening sessions. The department shall conduct
565 management training on a regional basis and shall use community
566 college or other public facilities for the convenience of board
567 members.

568 (4) The department may make exceptions to and grant
569 exemptions and variances to the requirements of this section for
570 good cause shown.

571 **SECTION 8.** Section 41-58-3, Mississippi Code of 1972, is
572 amended as follows:

573 41-58-3. (1) The department shall have full authority to
574 adopt such rules and regulations not inconsistent with the laws of



575 this state as may be necessary to effectuate the provisions of
576 this chapter, and may amend or repeal the same as may be necessary
577 for such purposes.

578 (2) There shall be established a Medical Radiation Advisory
579 Council to be appointed as provided in this section. The council
580 shall consist of * * * ten (10) members as follows:

581 (a) One (1) radiologist who is an active practitioner
582 and member of the Mississippi Radiological Society;

583 (b) One (1) licensed family physician;

584 (c) One (1) licensed practitioner;

585 (d) Two (2) registered radiologic technologists;

586 (e) One (1) nuclear medicine technologist;

587 (f) One (1) radiation therapist;

588 (g) One (1) radiation physicist;

589 (h) One (1) hospital administrator; and

590 (i) The State Health Officer, or his designee, who
591 shall serve as ex officio chairman with no voting authority.

592 (3) The department shall, following the recommendations from
593 the appropriate professional state societies and organizations,
594 including the Mississippi Radiological Society, the Mississippi
595 Society of Radiologic Technologists, and the Mississippi State
596 Nuclear Medicine Society, and other nominations that may be
597 received from whatever source, appoint the members of the council
598 as soon as possible after * * * April 13, 1996. Any person
599 serving on the council who is a practitioner of a profession or



600 occupation required to be licensed, credentialed or certified in
601 the state shall be a holder of an appropriate license, credential
602 or certificate issued by the state. All members of the council
603 shall be residents of the State of Mississippi. The council shall
604 promulgate such rules and regulations by which it shall conduct
605 its business. Members of the council shall receive no salary for
606 services performed on the council but may be reimbursed for their
607 reasonable and necessary actual expenses incurred in the
608 performance of the same, from funds provided for such purpose.
609 The council shall assist and advise the department in the
610 development of regulations and standards to effectuate the
611 provisions of this chapter.

612 (4) A radiologic technologist, nuclear medicine technologist
613 or radiation therapist shall not apply ionizing or x-radiation or
614 administer radiopharmaceuticals to a human being or otherwise
615 engage in the practice of medical radiation technology unless the
616 person possesses a valid registration issued by the department
617 under the provisions of this chapter.

618 (5) The department may issue a temporary registration to
619 practice a specialty of medical radiation technology to any
620 applicant who has completed an approved program, who has complied
621 with the provisions of this chapter, and is awaiting examination
622 for that specialty. This registration shall convey the same
623 rights as the registration for which the applicant is awaiting
624 examination and shall be valid for one (1) six-month period.



625 (6) The department may charge a registration fee of not more
626 than Fifty Dollars (\$50.00) biennially to each person to whom it
627 issues a registration under the provisions of this chapter. Any
628 increase in the fee charged by the department under this
629 subsection shall be in accordance with the provisions of Section
630 41-3-65.

631 (7) Registration with the department is not required for:

632 (a) A student enrolled in and participating in an
633 accredited course of study approved by the department for
634 diagnostic radiologic technology, nuclear medicine technology or
635 radiation therapy, who as a part of his clinical course of study
636 applies ionizing radiation to a human being while under the
637 supervision of a licensed practitioner, registered radiologic
638 technologist, registered nuclear medicine technologist or
639 registered radiation therapist;

640 (b) Laboratory personnel who use radiopharmaceuticals
641 for in vitro studies;

642 (c) A dental hygienist or a dental assistant who is not
643 a radiologic technologist, nuclear medicine technologist or
644 radiation therapist, who possesses a radiology permit issued by
645 the Board of Dental Examiners and applies ionizing radiation under
646 the specific direction of a licensed dentist;

647 (d) A chiropractic assistant who is not a radiologic
648 technologist, nuclear medicine technologist or radiation
649 therapist, who possesses a radiology permit issued by the Board of



650 Chiropractic Examiners and applies ionizing radiation under the
651 specific direction of a licensed chiropractor;

652 (e) An individual who is permitted as a limited x-ray
653 machine operator by the State Board of Medical Licensure and
654 applies ionizing radiation in a physician's office, radiology
655 clinic or a licensed hospital in Mississippi under the specific
656 direction of a licensed practitioner; and

657 (f) A student enrolled in and participating in an
658 accredited course of study for diagnostic radiologic technology,
659 nuclear medicine technology or radiation therapy and is employed
660 by a physician's office, radiology clinic or a licensed hospital
661 in Mississippi and applies ionizing radiation under the specific
662 direction of a licensed practitioner.

663 (8) Nothing in this chapter is intended to limit, preclude,
664 or otherwise interfere with the practices of a licensed
665 practitioner who is duly licensed or registered by the appropriate
666 agency of the State of Mississippi, provided that the agency
667 specifically recognizes that the procedures covered by this
668 chapter are within the scope of practice of the licensee or
669 registrant.

670 (9) (a) If any radiologic technologist, nuclear medicine
671 technologist or radiation therapist violates any provision of this
672 chapter or the regulations adopted by the department, the
673 department shall suspend or revoke the registration and practice
674 privileges of the person or issue other disciplinary actions in



675 accordance with statutory procedures and rules and regulations of
676 the department.

677 (b) If any person violates any provision of this
678 chapter, the department shall issue a written warning to the
679 licensed practitioner or medical institution that employs the
680 person; and if that person violates any provision of this chapter
681 again within three (3) years after the first violation, the
682 department may suspend or revoke the permit or registration for
683 the x-radiation and ionizing equipment of the licensed
684 practitioner or medical institution that employs the person, in
685 accordance with statutory procedures and rules and regulations of
686 the department regarding suspension and revocation of those
687 permits or registrations.

688 (10) This section shall stand repealed on July 1, 2023.

689 **SECTION 9.** Section 41-59-11, Mississippi Code of 1972, is
690 reenacted as follows:

691 41-59-11. Application for license shall be made to the board
692 by private firms or nonfederal governmental agencies. The
693 application shall be made upon forms in accordance with procedures
694 established by the board and shall contain the following:

695 (a) The name and address of the owner of the ambulance
696 service or proposed ambulance service;

697 (b) The name in which the applicant is doing business
698 or proposes to do business;



699 (c) A description of each ambulance including the make,
700 model, year of manufacture, motor and chassis numbers, color
701 scheme, insignia, name, monogram or other distinguishing
702 characteristics to be used to designate applicant's ambulance;

703 (d) The location and description of the place or places
704 from which the ambulance service is intended to operate; and

705 (e) Such other information as the board shall deem
706 necessary.

707 Each application for a license shall be accompanied by a
708 license fee to be fixed by the board, which shall be paid to the
709 board. Any increase in the fee charged by the board under this
710 section shall be in accordance with the provisions of Section
711 41-3-65.

712 **SECTION 10.** Section 41-59-17, Mississippi Code of 1972, is
713 reenacted as follows:

714 41-59-17. (1) The board is authorized to suspend or revoke
715 a license whenever it determines that the holder no longer meets
716 the requirements prescribed for operating an ambulance service.

717 (2) A license issued under this chapter may be renewed upon
718 payment of a renewal fee to be fixed by the board, which shall be
719 paid to the board. Any increase in the fee charged by the board
720 under this subsection shall be in accordance with the provisions
721 of Section 41-3-65. Renewal of any license issued under the
722 provisions of this chapter shall require conformance with all the
723 requirements of this chapter as upon original licensing.



724 **SECTION 11.** Section 41-59-23, Mississippi Code of 1972, is
725 reenacted as follows:

726 41-59-23. (1) Before a vehicle can be operated as an
727 ambulance, its licensed owner must apply for and receive an
728 ambulance permit issued by the board for such vehicle.
729 Application shall be made upon forms and according to procedures
730 established by the board. Each application for an ambulance
731 permit shall be accompanied by a permit fee to be fixed by the
732 board, which shall be paid to the board. Any increase in the fee
733 charged by the board under this subsection shall be in accordance
734 with the provisions of Section 41-3-65. Prior to issuing an
735 original or renewal permit for an ambulance, the vehicle for which
736 the permit is issued shall be inspected and a determination made
737 that the vehicle meets all requirements as to vehicle design,
738 sanitation, construction, medical equipment and supplies set forth
739 in this chapter and regulations promulgated by the board. Permits
740 issued for ambulance shall be valid for a period not to exceed one
741 (1) year.

742 (2) The board is authorized to suspend or revoke an
743 ambulance permit any time it determines that the vehicle and/or
744 its equipment no longer meets the requirements specified by this
745 chapter and regulations promulgated by the board.

746 (3) The board may issue temporary permits valid for a period
747 not to exceed ninety (90) days for ambulances not meeting required



748 standards when it determines the public interest will thereby be
749 served.

750 (4) When a permit has been issued for an ambulance as
751 specified herein, the ambulance records relating to maintenance
752 and operation of such ambulance shall be open to inspection by a
753 duly authorized representative of the board during normal working
754 hours.

755 (5) An ambulance permit issued under this chapter may be
756 renewed upon payment of a renewal fee to be fixed by the board,
757 which shall be paid to the board. Any increase in the fee charged
758 by the board under this subsection shall be in accordance with the
759 provisions of Section 41-3-65. Renewal of any ambulance permit
760 issued under the provisions of this chapter shall require
761 conformance with all requirements of this chapter.

762 **SECTION 12.** Section 41-59-33, Mississippi Code of 1972, is
763 reenacted as follows:

764 41-59-33. (1) Any person desiring certification as an
765 emergency medical technician shall apply to the board using forms
766 prescribed by the board. Each application for an emergency
767 medical technician certificate shall be accompanied by a
768 certificate fee to be fixed by the board, which shall be paid to
769 the board. Any increase in the fee charged by the board under
770 this section shall be in accordance with the provisions of Section
771 41-3-65. Upon the successful completion of the board's approved
772 emergency medical technical training program, the board shall make



773 a determination of the applicant's qualifications as an emergency
774 medical technician as set forth in the regulations promulgated by
775 the board, and shall issue an emergency medical technician
776 certificate to the applicant.

777 (2) Any person who desires to exercise the privilege to
778 practice under the Emergency Medical Services Personnel Licensure
779 Interstate Compact must complete the terms and provisions of the
780 Compact as prescribed in Section 41-59-101.

781 **SECTION 13.** Section 41-59-35, Mississippi Code of 1972, is
782 reenacted as follows:

783 41-59-35. (1) An emergency medical technician certificate
784 so issued shall be valid for a period not exceeding two (2) years
785 from the date of issuance and may be renewed upon payment of a
786 renewal fee to be fixed by the board, which shall be paid to the
787 board, provided that the holder meets the qualifications set forth
788 in this Chapter 59 and Chapter 60 and rules and regulations
789 promulgated by the board. Any increase in the fee charged by the
790 board under this subsection shall be in accordance with the
791 provisions of Section 41-3-65.

792 (2) The board is authorized to suspend or revoke a
793 certificate so issued at any time it is determined that the holder
794 no longer meets the prescribed qualifications.

795 (3) It shall be unlawful for any person, corporation or
796 association to, in any manner, represent himself, herself or
797 itself as an Emergency Medical Technician-Basic, Emergency Medical



798 Technician-Advanced, Emergency Medical Technician-Paramedic,
799 Emergency Medical Technician-Paramedic Critical Care, or Emergency
800 Medical Services Driver, or use in connection with his or its name
801 the words or letters of EMT, emt, paramedic, critical care
802 paramedic, or any other letters, words, abbreviations or insignia
803 which would indicate or imply that he, she or it is an Emergency
804 Medical Technician-Basic, Emergency Medical Technician-Advanced,
805 Emergency Medical Technician-Paramedic, Emergency Medical
806 Technician-Paramedic Critical Care, or Emergency Medical Services
807 Driver, unless certified in accordance with Chapters 59 and 60 of
808 this title and in accordance with the rules and regulations
809 promulgated by the board; or a person who has a privilege to
810 practice under the Emergency Medical Services Personnel Licensure
811 Interstate Compact. It shall be unlawful to employ an uncertified
812 Emergency Medical Technician-Basic, Emergency Medical
813 Technician-Advanced, Emergency Medical Technician-Paramedic, or
814 Emergency Medical Technician-Paramedic Critical Care to provide
815 basic or advanced life-support services.

816 (4) An EMT, EMT-A, EMR, or Paramedic may transport a police
817 dog injured in the line of duty to a veterinary clinic, hospital
818 emergency department or similar facility if there are no persons
819 requiring medical attention or transport at that time. For the
820 purposes of this subsection, "police dog" means a dog owned or
821 used by a law enforcement department or agency in the course of
822 the department or agency's work, including a search and rescue



823 dog, service dog, accelerant detection canine, or other dog that
824 is in use by a county, municipal, or state law enforcement agency.

825 (5) Any Emergency Medical Technician-Basic, Emergency
826 Medical Technician-Advanced, Emergency Medical
827 Technician-Paramedic, Emergency Medical Technician-Paramedic
828 Critical Care, or Emergency Medical Services Driver who violates
829 or fails to comply with these statutes or the rules and
830 regulations promulgated by the board under these statutes shall be
831 subject, after due notice and hearing, to an administrative fine
832 not to exceed One Thousand Dollars (\$1,000.00).

833 **SECTION 14.** Section 41-59-65, Mississippi Code of 1972, is
834 reenacted as follows:

835 41-59-65. Either a public or private ambulance service
836 licensed and regulated by the State Board of Health desiring to
837 offer such a membership subscription program shall make
838 application for permit to conduct and implement such program to
839 the State Board of Health. The application shall be made upon
840 forms in accordance with procedures established by the board and
841 shall contain the following:

842 (a) The name and address of the owner of the ambulance
843 service;

844 (b) The name in which the applicant is doing business;

845 (c) The location and description of the place or places
846 from which the ambulance service operates;



847 (d) The places or areas in which the ambulance service
848 intends to conduct and operate a membership subscription program;
849 and

850 (e) Such other information as the board shall deem
851 necessary.

852 Each application for a permit shall be accompanied by a
853 permit fee of Five Hundred Dollars (\$500.00), which shall be paid
854 to the board. The permit shall be issued to expire the next
855 ensuing December 31. The permit issued under this section may be
856 renewed upon payment of a renewal fee of Five Hundred Dollars
857 (\$500.00), which shall be paid to the board. Renewal of any
858 permit issued under this section shall require conformance with
859 all requirements of this chapter. Any increase in the fee charged
860 by the board under this section shall be in accordance with the
861 provisions of Section 41-3-65.

862 **SECTION 15.** Section 41-59-79, Mississippi Code of 1972, is
863 reenacted as follows:

864 41-59-79. Any person desiring certification as a medical
865 first responder shall apply to the board using forms prescribed by
866 the board. Each application for a medical first responder
867 certificate shall be accompanied by a certificate fee to be fixed
868 by the board, which shall be paid to the board. Any increase in
869 the fee charged by the board under this section shall be in
870 accordance with the provisions of Section 41-3-65. Upon the
871 successful completion of the board's approved medical first



872 responder training program, the board shall make a determination
873 of the applicant's qualifications as a medical first responder as
874 set forth in the regulations promulgated by the board, and shall
875 issue a medical first responder certificate to the applicant.

876 **SECTION 16.** Section 41-67-12, Mississippi Code of 1972, is
877 reenacted as follows:

878 41-67-12. (1) The department shall assess fees in the
879 following amounts for the following purposes:

880 (a) A fee of One Hundred Dollars (\$100.00) shall be
881 levied for soil and site evaluation and recommendation of
882 individual on-site wastewater disposal systems. The department
883 may increase the amount of the fee authorized in this paragraph
884 (a) not more than two (2) times during the period from July 1,
885 2016, through June 30, 2020, with the percentage of each increase
886 being not more than five percent (5%) of the amount of the fee in
887 effect at the time of the increase.

888 (b) A fee of One Hundred Fifty Dollars (\$150.00) shall
889 be levied once every three (3) years for the certification of
890 installers and pumpers.

891 (c) A fee of Three Hundred Dollars (\$300.00) shall be
892 levied once every three (3) years for the registration of
893 manufacturers.

894 Any increase in the fee charged by the department under
895 paragraph (b) or (c) of this subsection shall be in accordance
896 with the provisions of Section 41-3-65.



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

902 (3) No fee authorized under this section shall be assessed
903 by the department for state agencies or institutions, including,
904 without limitation, foster homes licensed by the Mississippi
905 Department of Human Services.

906 **SECTION 17.** Section 41-67-25, Mississippi Code of 1972, is
907 reenacted as follows:

908 41-67-25. (1) A person may not operate as an installer of
909 individual on-site wastewater disposal systems unless that person
910 is currently certified by the department. A person who installs
911 an individual on-site wastewater disposal system on his own
912 property for his primary residence is not considered an installer
913 for purposes of this subsection.

914 (2) An installer of advanced treatment systems or products
915 must be a factory-trained and authorized representative. The
916 manufacturer must furnish documentation to the department
917 certifying the satisfactory completion of factory training and the
918 establishment of the installer as an authorized manufacturer's
919 representative.

920 (3) The department shall issue a certification to an
921 installer if the installer:



922 (a) Completes an application form that complies with
923 this chapter and rules and regulations adopted by the board;

924 (b) Satisfactorily completes the training program for
925 installation and maintenance provided by the department;

926 (c) Pays the certification fee once every three (3)
927 years, which shall be an amount not greater than One Hundred Fifty
928 Dollars (\$150.00); any increase in the fee charged by the
929 department under this paragraph shall be in accordance with the
930 provisions of Section 41-3-65; and

931 (d) Provides proof of having a valid general business
932 liability insurance policy in effect with liability limits of at
933 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
934 least One Hundred Thousand Dollars (\$100,000.00) in total
935 aggregate amount.

936 (4) Each installer shall furnish proof of certification to a
937 property owner, lessee, the owner's representative or occupant of
938 the property on which an individual on-site wastewater disposal
939 system is to be designed, constructed, repaired or installed by
940 that installer and to the department or its authorized
941 representative, if requested.

942 (5) The department shall provide for renewal of
943 certifications once every three (3) years.

944 (6) (a) An installer's certification may be suspended or
945 revoked by the department after notice and hearing if the



946 installer violates this chapter or any rule or regulation adopted
947 under this chapter.

948 (b) The installer may appeal a suspension or revocation
949 under this section as provided by law.

950 (7) The department shall disseminate to the public an
951 official list of certified installers.

952 (8) If any person is operating in the state as an installer
953 without certification by the board, the board, after due notice
954 and opportunity for a hearing, may impose a monetary penalty not
955 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

956 (9) The department shall provide for renewal of installer
957 certifications to be applied for at the local department offices.

958 **SECTION 18.** Section 41-67-37, Mississippi Code of 1972, is
959 reenacted as follows:

960 41-67-37. (1) A person may not operate as a certified
961 professional evaluator in this state unless that person is
962 currently certified by the department or is a licensed
963 professional engineer.

964 (2) A person must meet one (1) of the following
965 requirements, in addition to the additional requirements set forth
966 in other sections of this chapter and rules and regulations of the
967 board, in order to be eligible to become a certified professional
968 evaluator:

969 (a) Be a professional geologist registered in the State
970 of Mississippi;



971 (b) Be a professional soil classifier licensed in the
972 State of Mississippi; or

973 (c) Be a person who possesses a demonstrable, adequate
974 and appropriate record of professional experience and/or training
975 as determined by the department.

976 (3) The department shall issue a certification to a
977 certified professional evaluator if the certified professional
978 evaluator:

979 (a) Completes an application form that complies with
980 this chapter and rules adopted under this chapter;

981 (b) Satisfactorily completes the certified professional
982 evaluator training program provided by the department;

983 (c) Pays the certification fee once every three (3)
984 years; any increase in the fee charged by the department under
985 this paragraph shall be in accordance with the provisions of
986 Section 41-3-65; and

987 (d) Provides proof of having an errors and omissions
988 policy or surety in effect with liability limits of at least Fifty
989 Thousand Dollars (\$50,000.00) per occurrence and at least One
990 Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

991 (4) Each certified professional evaluator shall furnish
992 proof of certification to a property owner or the owner's
993 representative of the property before performing a site evaluation
994 of the property on which an individual on-site wastewater disposal
995 system is to be designed, constructed, repaired or installed by



996 the certified professional evaluator and to the department or its
997 authorized representative, if requested.

998 (5) The department shall provide for renewal of
999 certifications once every three (3) years.

1000 (6) The department shall disseminate to the public an
1001 official list of certified professional evaluators.

1002 (7) If any person who is not a licensed professional
1003 engineer operates in the state as a certified professional
1004 evaluator without certification by the department, the department,
1005 after due notice and opportunity for a hearing, may impose a
1006 monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00)
1007 for each violation.

1008 **SECTION 19.** Section 41-67-39, Mississippi Code of 1972, is
1009 reenacted as follows:

1010 41-67-39. (1) A person may not be engaged in the business
1011 of removing and disposing of the sludge and liquid waste (septage)
1012 from individual on-site wastewater disposal systems in this state
1013 unless that person has a valid certificate issued by the
1014 department.

1015 (2) The department shall issue a certificate to a pumper if
1016 the pumper:

1017 (a) Completes an application form that complies with
1018 this chapter and rules adopted under this chapter;

1019 (b) Satisfactorily completes the certified pumper
1020 training program provided by the department;



1021 (c) Satisfactorily complies with the requirements of
1022 his/her pumping and hauling equipment;

1023 (d) Provides documentation of a disposal site approved
1024 by the Department of Environmental Quality, Office of Pollution
1025 Control;

1026 (e) Pays the license fee once every three (3) years;
1027 any increase in the fee charged by the department under this
1028 paragraph shall be in accordance with the provisions of Section
1029 41-3-65; and

1030 (f) Provides proof of having a valid general business
1031 liability insurance policy in effect with liability limits of at
1032 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
1033 least One Hundred Thousand Dollars (\$100,000.00) in total
1034 aggregate amount.

1035 (3) Each pumper or designated agent thereof, upon request,
1036 shall furnish proof of certification to an individual before
1037 entering a contract with that individual for the removing and
1038 disposing of the sludge and liquid waste (septage) from an
1039 individual on-site wastewater disposal system.

1040 (4) The department shall disseminate to the public an
1041 official list of certified pumpers.

1042 (5) If any person operates in the state as a certified
1043 pumper without a license by the board, the board, after due notice
1044 and opportunity for a hearing, may impose a monetary penalty not
1045 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.



1046 (6) The department may suspend or revoke a pumper
1047 certification if the pumper disposes of septage or other liquid
1048 waste in an unpermitted or unapproved site and/or violates this
1049 chapter or rules and regulations under this chapter.

1050 (7) A municipal wastewater treatment facility may make a
1051 site available for certified pumpers to dispose of septic or other
1052 liquid waste.

1053 (8) The department shall provide for renewal of
1054 certifications once every three (3) years.

1055 (9) The department must provide for renewal pumper
1056 certifications to be applied for at the local department offices.

1057 **SECTION 20.** Section 41-71-5, Mississippi Code of 1972, is
1058 reenacted as follows:

1059 41-71-5. An application for a license shall be made to the
1060 licensing agency upon forms provided by the agency and shall
1061 contain such information as the agency shall require, which may
1062 include affirmative evidence of ability to comply with such
1063 reasonable standards, rules and regulations as are lawfully
1064 prescribed under this chapter. A license fee of One Thousand
1065 Dollars (\$1,000.00), payable to the licensing agency, shall be
1066 submitted with each application. Any increase in the fee charged
1067 by the licensing agency under this section shall be in accordance
1068 with the provisions of Section 41-3-65.

1069 **SECTION 21.** Section 41-71-7, Mississippi Code of 1972, is
1070 reenacted as follows:



1071 41-71-7. Upon receipt of an application for a license and
1072 the license fee, and a determination by the licensing agency that
1073 the application is in compliance with Section 41-7-173 et seq. and
1074 in compliance with the provisions of this chapter, such license
1075 shall be issued. A license, unless suspended or revoked, shall be
1076 renewable annually upon payment by the licensee of a renewal fee
1077 of One Thousand Dollars (\$1,000.00) and upon approval by the
1078 licensing agency of an annual report, required to be submitted by
1079 the licensee, containing such information in such form and at such
1080 time as the licensing agency prescribes by rule or regulation.
1081 Any increase in the fee charged by the licensing agency under this
1082 section shall be in accordance with the provisions of Section
1083 41-3-65. Each license shall be issued only for the home health
1084 agency and person or persons or other legal entity or entities
1085 named in the application and shall not be transferable or
1086 assignable except with the written approval of the licensing
1087 agency. Licenses shall be posted in a conspicuous place in the
1088 designated business office of the licensee. Each licensee shall
1089 designate, in writing, one (1) individual person as the
1090 responsible party for the conducting of the business of the home
1091 health agency with the licensing agency.

1092 **SECTION 22.** Section 41-75-7, Mississippi Code of 1972, is
1093 reenacted as follows:

1094 41-75-7. An application for a license shall be made to the
1095 licensing agency upon forms provided by it and shall contain such



1096 information as the licensing agency reasonably requires, which may
1097 include affirmative evidence of ability to comply with such
1098 reasonable standards, rules and regulations as are lawfully
1099 prescribed hereunder. Each application for a license shall be
1100 accompanied by a license fee of Three Thousand Dollars
1101 (\$3,000.00), which shall be paid to the licensing agency. Any
1102 increase in the fee charged by the licensing agency under this
1103 section shall be in accordance with the provisions of Section
1104 41-3-65.

1105 **SECTION 23.** Section 41-75-9, Mississippi Code of 1972, is
1106 reenacted as follows:

1107 41-75-9. Upon receipt of an application for license and the
1108 license fee, the licensing agency shall issue a license if the
1109 applicant and the institutional facilities meet the requirements
1110 established under this chapter and the requirements of Section
1111 41-7-173 et seq. where determined by the licensing agency to be
1112 applicable. A license, unless suspended or revoked, shall be
1113 renewable annually upon payment of a renewal fee of Three Thousand
1114 Dollars (\$3,000.00), which shall be paid to the licensing agency,
1115 and upon filing by the licensee and approval by the licensing
1116 agency of an annual report upon such uniform dates and containing
1117 such information in such form as the licensing agency requires.
1118 Any increase in the fee charged by the licensing agency under this
1119 section shall be in accordance with the provisions of Section
1120 41-3-65. Each license shall be issued only for the premises and



1121 person or persons named in the application and shall not be
1122 transferable or assignable. Licenses shall be posted in a
1123 conspicuous place on the licensed premises.

1124 **SECTION 24.** Section 41-77-9, Mississippi Code of 1972, is
1125 reenacted as follows:

1126 41-77-9. An application for a license shall be made to the
1127 licensing agency upon forms provided by it and shall contain such
1128 information as the licensing agency reasonably requires, which may
1129 include affirmative evidence of ability to comply with such
1130 reasonable standards, rules and regulations as are lawfully
1131 prescribed hereunder. Each application for a license shall be
1132 accompanied by a license fee of One Thousand Dollars (\$1,000.00),
1133 which shall be paid to the licensing agency. Any increase in the
1134 fee charged by the licensing agency under this section shall be in
1135 accordance with the provisions of Section 41-3-65.

1136 **SECTION 25.** Section 41-77-25, Mississippi Code of 1972, is
1137 reenacted as follows:

1138 41-77-25. Upon receipt of an application for license and the
1139 license fee, the licensing agency shall issue a license if the
1140 applicant and the institutional facilities meet the requirements
1141 established under this chapter and the requirements of Section
1142 41-7-173 et seq., where determined by the licensing agency to be
1143 applicable. A license, unless suspended or revoked, shall be
1144 renewable annually upon payment of a renewal fee of Three Hundred
1145 Dollars (\$300.00), which shall be paid to the licensing agency,



1146 and upon filing by the licensee and approval by the licensing
1147 agency of an annual report upon such uniform dates and containing
1148 such information in such form as the licensing agency requires.
1149 Any increase in the fee charged by the licensing agency under this
1150 section shall be in accordance with the provisions of Section
1151 41-3-65. Each license shall be issued only for the premises and
1152 person or persons named in the application and shall not be
1153 transferable or assignable. Licenses shall be posted in a
1154 conspicuous place on the licensed premises.

1155 **SECTION 26.** Section 41-85-7, Mississippi Code of 1972, is
1156 reenacted as follows:

1157 41-85-7. (1) The administration of this chapter is vested
1158 in the Mississippi Department of Health, which shall:

1159 (a) Prepare and furnish all forms necessary under the
1160 provisions of this chapter in relation to applications for
1161 licensure or renewals thereof;

1162 (b) Collect in advance at the time of filing an
1163 application for a license or at the time of renewal of a license a
1164 fee of One Thousand Dollars (\$1,000.00) for each site or location
1165 of the licensee; any increase in the fee charged by the department
1166 under this paragraph shall be in accordance with the provisions of
1167 Section 41-3-65;

1168 (c) Levy a fee of Eighteen Dollars (\$18.00) per bed for
1169 the review of inpatient hospice care; any increase in the fee



1170 charged by the department under this paragraph shall be in
1171 accordance with the provisions of Section 41-3-65;

1172 (d) Conduct annual licensure inspections of all
1173 licensees which may be the same inspection as the annual Medicare
1174 certification inspection; and

1175 (e) Promulgate applicable rules and standards in
1176 furtherance of the purpose of this chapter and may amend such
1177 rules as may be necessary. The rules shall include, but not be
1178 limited to, the following:

1179 (i) The qualifications of professional and
1180 ancillary personnel in order to adequately furnish hospice care;

1181 (ii) Standards for the organization and quality of
1182 patient care;

1183 (iii) Procedures for maintaining records; and

1184 (iv) Provision for the inpatient component of
1185 hospice care and for other professional and ancillary hospice
1186 services.

1187 (2) All fees collected by the department under this section
1188 shall be used by the department exclusively for the purposes of
1189 licensure, regulation, inspection, investigations and discipline
1190 of hospices under this chapter.

1191 (3) The State Department of Health shall not process any new
1192 applications for hospice licensure or issue any new hospice
1193 licenses, except renewals; however, the department shall process
1194 applications for new hospice licenses filed during the period from



1195 and including March 27, 2017, through and until July 1, 2017, and
1196 shall issue no more than five (5) new hospice licenses in
1197 accordance with this chapter so long as the related applicant can
1198 show good cause for the issuance of the hospice license(s) for
1199 which application is made (including specifically, without
1200 limitation, the capability and capacity to provide unique or
1201 otherwise unavailable services related to serving patients under
1202 eighteen (18) years of age in the service area to which such
1203 application relates). If the applicant at the time of filing
1204 holds one or more hospice licenses, the applicant must be in good
1205 standing with the department regarding those licenses. Not more
1206 than two (2) of the new hospice licenses issued under this
1207 subsection shall be issued to the same applicant. This subsection
1208 (3) shall stand repealed on July 1, 2022.

1209 (4) The provisions of subsection (3) prohibiting the
1210 processing of any new applications for hospice licensure shall not
1211 be applicable to an application for license reinstatement by a
1212 hospice whose license was temporarily suspended as a result of a
1213 federal audit by the U.S. Department of Health and Human Services,
1214 Office of Inspector General (HHS-OIG), and the audit has been
1215 concluded without any penalty imposed by the federal agency.

1216 **SECTION 27.** Section 41-125-7, Mississippi Code of 1972, is
1217 reenacted as follows:

1218 41-125-7. (1) Separate licenses are required for PPEC
1219 centers maintained on separate premises, even though they are



1220 operated under the same management. Separate licenses are not
1221 required for separate buildings on the same grounds.

1222 (2) An applicant or licensee shall pay a fee for each
1223 license application and annual license renewal under this chapter
1224 and applicable rules. The amount of the fee shall be Twenty
1225 Dollars (\$20.00) for each licensed bed in the PPEC, with a minimum
1226 fee of Five Hundred Dollars (\$500.00) and a maximum fee of Five
1227 Thousand Dollars (\$5,000.00). Any increase in the fee charged by
1228 the licensing agency under this subsection shall be in accordance
1229 with the provisions of Section 41-3-65.

1230 (3) County-operated or municipally operated PPEC centers
1231 applying for licensure under this chapter are exempt from the
1232 payment of license fees.

1233 **SECTION 28.** Section 43-11-7, Mississippi Code of 1972, is
1234 reenacted as follows:

1235 43-11-7. Any person, as defined in Section 43-11-1, may
1236 apply for a license as provided in this section. An application
1237 for a license shall be made to the licensing agency upon forms
1238 provided by it and shall contain such information as the licensing
1239 agency reasonably requires, which may include affirmative evidence
1240 of ability to comply with such reasonable standards, rules and
1241 regulations as are lawfully prescribed under this chapter. Each
1242 application for a license for an institution for the aged or
1243 infirm, except for personal care homes, shall be accompanied by a
1244 license fee of Twenty Dollars (\$20.00) for each bed in the



1245 institution, with a minimum fee per institution of Two Hundred
1246 Dollars (\$200.00), which shall be paid to the licensing agency.
1247 Each application for a license for a personal care home shall be
1248 accompanied by a license fee of Fifteen Dollars (\$15.00) for each
1249 bed in the institution, with a minimum fee per institution of One
1250 Hundred Dollars (\$100.00), which shall be paid to the licensing
1251 agency.

1252 Any increase in the fee charged by the licensing agency under
1253 this section shall be in accordance with the provisions of Section
1254 41-3-65.

1255 No governmental entity or agency shall be required to pay the
1256 fee or fees set forth in this section.

1257 **SECTION 29.** Section 43-11-8, Mississippi Code of 1972, is
1258 reenacted as follows:

1259 43-11-8. (1) An application for a license for an adult
1260 foster care facility shall be made to the licensing agency upon
1261 forms provided by it and shall contain such information as the
1262 licensing agency reasonably requires, which may include
1263 affirmative evidence of ability to comply with such reasonable
1264 standards, rules and regulations as are lawfully prescribed
1265 hereunder. Each application for a license for an adult foster
1266 care facility shall be accompanied by a license fee of Ten Dollars
1267 (\$10.00) for each person or bed of licensed capacity, with a
1268 minimum fee per home or institution of Fifty Dollars (\$50.00),
1269 which shall be paid to the licensing agency. Any increase in the



1270 fee charged by the licensing agency under this subsection shall be
1271 in accordance with the provisions of Section 41-3-65.

1272 (2) A license, unless suspended or revoked, shall be
1273 renewable annually upon payment by the licensee of an adult foster
1274 care facility, except for personal care homes, of a renewal fee of
1275 Ten Dollars (\$10.00) for each person or bed of licensed capacity
1276 in the institution, with a minimum renewal fee per institution of
1277 Fifty Dollars (\$50.00), which shall be paid to the licensing
1278 agency, and upon filing by the licensee and approval by the
1279 licensing agency of an annual report upon such uniform dates and
1280 containing such information in such form as the licensing agency
1281 prescribes by regulation. Any increase in the fee charged by the
1282 licensing agency under this subsection shall be in accordance with
1283 the provisions of Section 41-3-65. Each license shall be issued
1284 only for the premises and person or persons or other legal entity
1285 or entities named in the application and shall not be transferable
1286 or assignable except with the written approval of the licensing
1287 agency. Licenses shall be posted in a conspicuous place on the
1288 licensed premises.

1289 **SECTION 30.** Section 43-11-9, Mississippi Code of 1972, is
1290 reenacted as follows:

1291 43-11-9. (1) Upon receipt of an application for license and
1292 the license fee, the licensing agency shall issue a license if the
1293 applicant and the institutional facilities meet the requirements
1294 established under this chapter and the requirements of Section



1295 41-7-173 et seq., where determined by the licensing agency to be
1296 applicable. A license, unless suspended or revoked, shall be
1297 renewable annually upon payment by (a) the licensee of an
1298 institution for the aged or infirm, except for personal care
1299 homes, of a renewal fee of Twenty Dollars (\$20.00) for each bed in
1300 the institution, with a minimum fee per institution of Two Hundred
1301 Dollars (\$200.00), or (b) the licensee of a personal care home of
1302 a renewal fee of Fifteen Dollars (\$15.00) for each bed in the
1303 institution, with a minimum fee per institution of One Hundred
1304 Dollars (\$100.00), which shall be paid to the licensing agency,
1305 and upon filing by the licensee and approval by the licensing
1306 agency of an annual report upon such uniform dates and containing
1307 such information in such form as the licensing agency prescribes
1308 by regulation. Any increase in the fee charged by the licensing
1309 agency under this subsection shall be in accordance with the
1310 provisions of Section 41-3-65. Each license shall be issued only
1311 for the premises and person or persons or other legal entity or
1312 entities named in the application and shall not be transferable or
1313 assignable except with the written approval of the licensing
1314 agency. Licenses shall be posted in a conspicuous place on the
1315 licensed premises.

1316 (2) A fee known as a "User Fee" shall be applicable and
1317 shall be paid to the licensing agency as set out in subsection (1)
1318 of this section. Any increase in the fee charged by the licensing
1319 agency under this subsection shall be in accordance with the



1320 provisions of Section 41-3-65. This user fee shall be assessed
1321 for the purpose of the required reviewing and inspections of the
1322 proposal of any institution in which there are additions,
1323 renovations, modernizations, expansion, alterations, conversions,
1324 modifications or replacement of the entire facility involved in
1325 such proposal. This fee includes the reviewing of architectural
1326 plans in all steps required. There shall be a minimum user fee of
1327 Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand
1328 Dollars (\$5,000.00).

1329 (3) No governmental entity or agency shall be required to
1330 pay the fee or fees set forth in this section.

1331 **SECTION 31.** Section 43-11-13, Mississippi Code of 1972, is
1332 reenacted as follows:

1333 43-11-13. (1) The licensing agency shall adopt, amend,
1334 promulgate and enforce such rules, regulations and standards,
1335 including classifications, with respect to all institutions for
1336 the aged or infirm to be licensed under this chapter as may be
1337 designed to further the accomplishment of the purpose of this
1338 chapter in promoting adequate care of individuals in those
1339 institutions in the interest of public health, safety and welfare.
1340 Those rules, regulations and standards shall be adopted and
1341 promulgated by the licensing agency and shall be recorded and
1342 indexed in a book to be maintained by the licensing agency in its
1343 main office in the State of Mississippi, entitled "Rules,
1344 Regulations and Minimum Standards for Institutions for the Aged or



1345 Infirm" and the book shall be open and available to all
1346 institutions for the aged or infirm and the public generally at
1347 all reasonable times. Upon the adoption of those rules,
1348 regulations and standards, the licensing agency shall mail copies
1349 thereof to all those institutions in the state that have filed
1350 with the agency their names and addresses for this purpose, but
1351 the failure to mail the same or the failure of the institutions to
1352 receive the same shall in no way affect the validity thereof. The
1353 rules, regulations and standards may be amended by the licensing
1354 agency, from time to time, as necessary to promote the health,
1355 safety and welfare of persons living in those institutions.

1356 (2) The licensee shall keep posted in a conspicuous place on
1357 the licensed premises all current rules, regulations and minimum
1358 standards applicable to fire protection measures as adopted by the
1359 licensing agency. The licensee shall furnish to the licensing
1360 agency at least once each six (6) months a certificate of approval
1361 and inspection by state or local fire authorities. Failure to
1362 comply with state laws and/or municipal ordinances and current
1363 rules, regulations and minimum standards as adopted by the
1364 licensing agency, relative to fire prevention measures, shall be
1365 prima facie evidence for revocation of license.

1366 (3) The State Board of Health shall promulgate rules and
1367 regulations restricting the storage, quantity and classes of drugs
1368 allowed in personal care homes and adult foster care facilities.
1369 Residents requiring administration of Schedule II Narcotics as



1370 defined in the Uniform Controlled Substances Law may be admitted
1371 to a personal care home. Schedule drugs may only be allowed in a
1372 personal care home if they are administered or stored utilizing
1373 proper procedures under the direct supervision of a licensed
1374 physician or nurse.

1375 (4) (a) Notwithstanding any determination by the licensing
1376 agency that skilled nursing services would be appropriate for a
1377 resident of a personal care home, that resident, the resident's
1378 guardian or the legally recognized responsible party for the
1379 resident may consent in writing for the resident to continue to
1380 reside in the personal care home, if approved in writing by a
1381 licensed physician. However, no personal care home shall allow
1382 more than two (2) residents, or ten percent (10%) of the total
1383 number of residents in the facility, whichever is greater, to
1384 remain in the personal care home under the provisions of this
1385 subsection (4). This consent shall be deemed to be appropriately
1386 informed consent as described in the regulations promulgated by
1387 the licensing agency. After that written consent has been
1388 obtained, the resident shall have the right to continue to reside
1389 in the personal care home for as long as the resident meets the
1390 other conditions for residing in the personal care home. A copy
1391 of the written consent and the physician's approval shall be
1392 forwarded by the personal care home to the licensing agency.

1393 (b) The State Board of Health shall promulgate rules
1394 and regulations restricting the handling of a resident's personal



1395 deposits by the director of a personal care home. Any funds given
1396 or provided for the purpose of supplying extra comforts,
1397 conveniences or services to any resident in any personal care
1398 home, and any funds otherwise received and held from, for or on
1399 behalf of any such resident, shall be deposited by the director or
1400 other proper officer of the personal care home to the credit of
1401 that resident in an account that shall be known as the Resident's
1402 Personal Deposit Fund. No more than one (1) month's charge for
1403 the care, support, maintenance and medical attention of the
1404 resident shall be applied from the account at any one time. After
1405 the death, discharge or transfer of any resident for whose benefit
1406 any such fund has been provided, any unexpended balance remaining
1407 in his personal deposit fund shall be applied for the payment of
1408 care, cost of support, maintenance and medical attention that is
1409 accrued. If any unexpended balance remains in that resident's
1410 personal deposit fund after complete reimbursement has been made
1411 for payment of care, support, maintenance and medical attention,
1412 and the director or other proper officer of the personal care home
1413 has been or shall be unable to locate the person or persons
1414 entitled to the unexpended balance, the director or other proper
1415 officer may, after the lapse of one (1) year from the date of that
1416 death, discharge or transfer, deposit the unexpended balance to
1417 the credit of the personal care home's operating fund.

1418 (c) The State Board of Health shall promulgate rules
1419 and regulations requiring personal care homes to maintain records



1420 relating to health condition, medicine dispensed and administered,
1421 and any reaction to that medicine. The director of the personal
1422 care home shall be responsible for explaining the availability of
1423 those records to the family of the resident at any time upon
1424 reasonable request.

1425 (5) (a) For the purposes of this subsection (5):

1426 (i) "Licensed entity" means a hospital, nursing
1427 home, personal care home, home health agency, hospice or adult
1428 foster care facility;

1429 (ii) "Covered entity" means a licensed entity or a
1430 health care professional staffing agency;

1431 (iii) "Employee" means any individual employed by
1432 a covered entity, and also includes any individual who by contract
1433 provides to the patients, residents or clients being served by the
1434 covered entity direct, hands-on, medical patient care in a
1435 patient's, resident's or client's room or in treatment or recovery
1436 rooms. The term "employee" does not include health care
1437 professional/vocational technical students performing clinical
1438 training in a licensed entity under contracts between their
1439 schools and the licensed entity, and does not include students at
1440 high schools located in Mississippi who observe the treatment and
1441 care of patients in a licensed entity as part of the requirements
1442 of an allied-health course taught in the high school, if:

1443 1. The student is under the supervision of a
1444 licensed health care provider; and



1445 2. The student has signed an affidavit that
1446 is on file at the student's school stating that he or she has not
1447 been convicted of or pleaded guilty or nolo contendere to a felony
1448 listed in paragraph (d) of this subsection (5), or that any such
1449 conviction or plea was reversed on appeal or a pardon was granted
1450 for the conviction or plea. Before any student may sign such an
1451 affidavit, the student's school shall provide information to the
1452 student explaining what a felony is and the nature of the felonies
1453 listed in paragraph (d) of this subsection (5).

1454 However, the health care professional/vocational technical
1455 academic program in which the student is enrolled may require the
1456 student to obtain criminal history record checks. In such
1457 incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does
1458 not preclude the licensing entity from processing submitted
1459 fingerprints of students from healthcare-related
1460 professional/vocational technical programs who, as part of their
1461 program of study, conduct observations and provide clinical care
1462 and services in a covered entity.

1463 (b) Under regulations promulgated by the State Board of
1464 Health, the licensing agency shall require to be performed a
1465 criminal history record check on (i) every new employee of a
1466 covered entity who provides direct patient care or services and
1467 who is employed on or after July 1, 2003, and (ii) every employee
1468 of a covered entity employed before July 1, 2003, who has a
1469 documented disciplinary action by his or her present employer. In



1470 addition, the licensing agency shall require the covered entity to
1471 perform a disciplinary check with the professional licensing
1472 agency of each employee, if any, to determine if any disciplinary
1473 action has been taken against the employee by that agency.

1474 Except as otherwise provided in paragraph (c) of this
1475 subsection (5), no such employee hired on or after July 1, 2003,
1476 shall be permitted to provide direct patient care until the
1477 results of the criminal history record check have revealed no
1478 disqualifying record or the employee has been granted a waiver.
1479 In order to determine the employee applicant's suitability for
1480 employment, the applicant shall be fingerprinted. Fingerprints
1481 shall be submitted to the licensing agency from scanning, with the
1482 results processed through the Department of Public Safety's
1483 Criminal Information Center. The fingerprints shall then be
1484 forwarded by the Department of Public Safety to the Federal Bureau
1485 of Investigation for a national criminal history record check.
1486 The licensing agency shall notify the covered entity of the
1487 results of an employee applicant's criminal history record check.
1488 If the criminal history record check discloses a felony
1489 conviction, guilty plea or plea of nolo contendere to a felony of
1490 possession or sale of drugs, murder, manslaughter, armed robbery,
1491 rape, sexual battery, sex offense listed in Section 45-33-23(h),
1492 child abuse, arson, grand larceny, burglary, gratification of lust
1493 or aggravated assault, or felonious abuse and/or battery of a
1494 vulnerable adult that has not been reversed on appeal or for which



1495 a pardon has not been granted, the employee applicant shall not be
1496 eligible to be employed by the covered entity.

1497 (c) Any such new employee applicant may, however, be
1498 employed on a temporary basis pending the results of the criminal
1499 history record check, but any employment contract with the new
1500 employee shall be voidable if the new employee receives a
1501 disqualifying criminal history record check and no waiver is
1502 granted as provided in this subsection (5).

1503 (d) Under regulations promulgated by the State Board of
1504 Health, the licensing agency shall require every employee of a
1505 covered entity employed before July 1, 2003, to sign an affidavit
1506 stating that he or she has not been convicted of or pleaded guilty
1507 or nolo contendere to a felony of possession or sale of drugs,
1508 murder, manslaughter, armed robbery, rape, sexual battery, any sex
1509 offense listed in Section 45-33-23(h), child abuse, arson, grand
1510 larceny, burglary, gratification of lust, aggravated assault, or
1511 felonious abuse and/or battery of a vulnerable adult, or that any
1512 such conviction or plea was reversed on appeal or a pardon was
1513 granted for the conviction or plea. No such employee of a covered
1514 entity hired before July 1, 2003, shall be permitted to provide
1515 direct patient care until the employee has signed the affidavit
1516 required by this paragraph (d). All such existing employees of
1517 covered entities must sign the affidavit required by this
1518 paragraph (d) within six (6) months of the final adoption of the
1519 regulations promulgated by the State Board of Health. If a person



1520 signs the affidavit required by this paragraph (d), and it is
1521 later determined that the person actually had been convicted of or
1522 pleaded guilty or nolo contendere to any of the offenses listed in
1523 this paragraph (d) and the conviction or plea has not been
1524 reversed on appeal or a pardon has not been granted for the
1525 conviction or plea, the person is guilty of perjury. If the
1526 offense that the person was convicted of or pleaded guilty or nolo
1527 contendere to was a violent offense, the person, upon a conviction
1528 of perjury under this paragraph, shall be punished as provided in
1529 Section 97-9-61. If the offense that the person was convicted of
1530 or pleaded guilty or nolo contendere to was a nonviolent offense,
1531 the person, upon a conviction of perjury under this paragraph,
1532 shall be punished by a fine of not more than Five Hundred Dollars
1533 (\$500.00), or by imprisonment in the county jail for not more than
1534 six (6) months, or by both such fine and imprisonment.

1535 (e) The covered entity may, in its discretion, allow
1536 any employee who is unable to sign the affidavit required by
1537 paragraph (d) of this subsection (5) or any employee applicant
1538 aggrieved by an employment decision under this subsection (5) to
1539 appear before the covered entity's hiring officer, or his or her
1540 designee, to show mitigating circumstances that may exist and
1541 allow the employee or employee applicant to be employed by the
1542 covered entity. The covered entity, upon report and
1543 recommendation of the hiring officer, may grant waivers for those
1544 mitigating circumstances, which shall include, but not be limited



1545 to: (i) age at which the crime was committed; (ii) circumstances
1546 surrounding the crime; (iii) length of time since the conviction
1547 and criminal history since the conviction; (iv) work history; (v)
1548 current employment and character references; and (vi) other
1549 evidence demonstrating the ability of the individual to perform
1550 the employment responsibilities competently and that the
1551 individual does not pose a threat to the health or safety of the
1552 patients of the covered entity.

1553 (f) The licensing agency may charge the covered entity
1554 submitting the fingerprints a fee not to exceed Fifty Dollars
1555 (\$50.00), which covered entity may, in its discretion, charge the
1556 same fee, or a portion thereof, to the employee applicant. Any
1557 increase in the fee charged by the licensing agency under this
1558 paragraph shall be in accordance with the provisions of Section
1559 41-3-65. Any costs incurred by a covered entity implementing this
1560 subsection (5) shall be reimbursed as an allowable cost under
1561 Section 43-13-116.

1562 (g) If the results of an employee applicant's criminal
1563 history record check reveals no disqualifying event, then the
1564 covered entity shall, within two (2) weeks of the notification of
1565 no disqualifying event, provide the employee applicant with a
1566 notarized letter signed by the chief executive officer of the
1567 covered entity, or his or her authorized designee, confirming the
1568 employee applicant's suitability for employment based on his or
1569 her criminal history record check. An employee applicant may use



1570 that letter for a period of two (2) years from the date of the
1571 letter to seek employment with any covered entity without the
1572 necessity of an additional criminal history record check. Any
1573 covered entity presented with the letter may rely on the letter
1574 with respect to an employee applicant's criminal background and is
1575 not required for a period of two (2) years from the date of the
1576 letter to conduct or have conducted a criminal history record
1577 check as required in this subsection (5).

1578 (h) The licensing agency, the covered entity, and their
1579 agents, officers, employees, attorneys and representatives, shall
1580 be presumed to be acting in good faith for any employment decision
1581 or action taken under this subsection (5). The presumption of
1582 good faith may be overcome by a preponderance of the evidence in
1583 any civil action. No licensing agency, covered entity, nor their
1584 agents, officers, employees, attorneys and representatives shall
1585 be held liable in any employment decision or action based in whole
1586 or in part on compliance with or attempts to comply with the
1587 requirements of this subsection (5).

1588 (i) The licensing agency shall promulgate regulations
1589 to implement this subsection (5).

1590 (j) The provisions of this subsection (5) shall not
1591 apply to:

1592 (i) Applicants and employees of the University of
1593 Mississippi Medical Center for whom criminal history record checks



1594 and fingerprinting are obtained in accordance with Section
1595 37-115-41; or

1596 (ii) Health care professional/vocational technical
1597 students for whom criminal history record checks and
1598 fingerprinting are obtained in accordance with Section 37-29-232.

1599 (6) The State Board of Health shall promulgate rules,
1600 regulations and standards regarding the operation of adult foster
1601 care facilities.

1602 **SECTION 32.** Section 43-16-25, Mississippi Code of 1972, is
1603 reenacted as follows:

1604 43-16-25. A license issued under the provisions of this
1605 chapter shall be renewed annually upon payment of a renewal fee
1606 not to exceed One Hundred Dollars (\$100.00), and upon filing by
1607 the licensee of an annual report upon such uniform dates and upon
1608 forms provided by the licensing agency, accompanied by a current
1609 certificate of inspection and approval by the fire department and
1610 the county health department specified in Section 43-16-11.

1611 Any increase in the fee charged by the board under this
1612 section shall be in accordance with the provisions of Section
1613 41-3-65.

1614 No governmental entity or agency shall be required to pay the
1615 fee or fees set forth in this section.

1616 **SECTION 33.** Section 43-20-8, Mississippi Code of 1972, is
1617 reenacted as follows:



1618 43-20-8. (1) The licensing agency shall have powers and
1619 duties as set forth below, in addition to other duties prescribed
1620 under this chapter:

1621 (a) Promulgate rules and regulations concerning the
1622 licensing and regulation of child care facilities as defined in
1623 Section 43-20-5;

1624 (b) Have the authority to issue, deny, suspend, revoke,
1625 restrict or otherwise take disciplinary action against licensees
1626 as provided for in this chapter;

1627 (c) Set and collect fees and penalties as provided for
1628 in this chapter; any increase in the fees charged by the licensing
1629 agency under this paragraph shall be in accordance with the
1630 provisions of Section 41-3-65; and

1631 (d) Have such other powers as may be required to carry
1632 out the provisions of this chapter.

1633 (2) Child care facilities shall assure that parents have
1634 welcome access to the child care facility at all times and shall
1635 comply with the provisions of Chapter 520, Laws of 2006.

1636 (3) Each child care facility shall develop and maintain a
1637 current list of contact persons for each child provided care by
1638 that facility. An agreement may be made between the child care
1639 facility and the child's parent, guardian or contact person at the
1640 time of registration to inform the parent, guardian or contact
1641 person if the child does not arrive at the facility within a
1642 reasonable time.



1643 (4) Child care facilities shall require that, for any
1644 current or prospective caregiver, all criminal records, background
1645 and sex offender registry checks and current child abuse registry
1646 checks are obtained. In order to determine the applicant's
1647 suitability for employment, the applicant shall be fingerprinted.
1648 If no disqualifying record is identified at the state level, the
1649 fingerprints shall be forwarded by the Department of Public Safety
1650 to the FBI for a national criminal history record check.

1651 (5) The licensing agency shall require to be performed a
1652 criminal records background check and a child abuse registry check
1653 for all operators of a child care facility and any person living
1654 in a residence used for child care. The Department of Human
1655 Services shall have the authority to disclose to the State
1656 Department of Health any potential applicant whose name is listed
1657 on the Child Abuse Central Registry or has a pending
1658 administrative review. That information shall remain confidential
1659 by all parties. In order to determine the applicant's suitability
1660 for employment, the applicant shall be fingerprinted. If no
1661 disqualifying record is identified at the state level, the
1662 fingerprints shall be forwarded by the Department of Public Safety
1663 to the FBI for a national criminal history record check.

1664 (6) The licensing agency shall have the authority to exclude
1665 a particular crime or crimes or a substantiated finding of child
1666 abuse and/or neglect as disqualifying individuals or entities for
1667 prospective or current employment or licensure.



1668 (7) The licensing agency and its agents, officers,
1669 employees, attorneys and representatives shall not be held civilly
1670 liable for any findings, recommendations or actions taken under
1671 this section.

1672 (8) All fees incurred in compliance with this section shall
1673 be borne by the child care facility. The licensing agency is
1674 authorized to charge a fee that includes the amount required by
1675 the Federal Bureau of Investigation for the national criminal
1676 history record check in compliance with the Child Protection Act
1677 of 1993, as amended, and any necessary costs incurred by the
1678 licensing agency for the handling and administration of the
1679 criminal history background checks.

1680 (9) From and after January 1, 2008, the State Board of
1681 Health shall develop regulations to ensure that all children
1682 enrolled or enrolling in a state licensed child care center
1683 receive age-appropriate immunization against invasive pneumococcal
1684 disease as recommended by the Advisory Committee on immunization
1685 practices of the Centers for Disease Control and Prevention. The
1686 State Board of Health shall include, within its regulations,
1687 protocols for children under the age of twenty-four (24) months to
1688 catch up on missed doses. If the State Board of Health has
1689 adopted regulations before January 1, 2008, that would otherwise
1690 meet the requirements of this subsection, then this subsection
1691 shall stand repealed on January 1, 2008.



1692 **SECTION 34.** Section 43-20-11, Mississippi Code of 1972, is
1693 reenacted as follows:

1694 43-20-11. An application for a license under this chapter
1695 shall be made to the licensing agency upon forms provided by it,
1696 and shall contain such information as the licensing agency may
1697 reasonably require. Each application for a license shall be
1698 accompanied by a license fee not to exceed Four Hundred Dollars
1699 (\$400.00), which shall be paid to the licensing agency. Any
1700 increase in the fee charged by the licensing agency under this
1701 section shall be in accordance with the provisions of Section
1702 41-3-65. Licenses shall be granted to applicants upon the filing
1703 of properly completed application forms, accompanied by payment of
1704 the license fee, and a certificate of inspection and approval by
1705 the fire department of the municipality or other political
1706 subdivision in which the facility is located, and by a certificate
1707 of inspection and approval by the health department of the county
1708 in which the facility is located, and approval by the licensing
1709 agency; except that if no fire department exists where the
1710 facility is located, the State Fire Marshal shall certify as to
1711 the inspection for safety from fire hazards. The fire, county
1712 health department and licensing agency inspections and approvals
1713 shall be based upon regulations promulgated by the licensing
1714 agency as approved by the State Board of Health.

1715 Each license shall be issued only for the premises and person
1716 or persons named in the application and shall not be transferable



1717 or assignable except with the written approval of the licensing
1718 agency. Licenses shall be posted in a conspicuous place on the
1719 licensed premises.

1720 No governmental entity or agency shall be required to pay the
1721 fee or fees set forth in this section.

1722 **SECTION 35.** Section 43-20-13, Mississippi Code of 1972, is
1723 reenacted as follows:

1724 43-20-13. A license issued under the provisions of this
1725 chapter shall be renewed upon payment of a renewal fee not to
1726 exceed Four Hundred Dollars (\$400.00) per year, and upon filing by
1727 the licensee of a report upon such uniform dates and upon forms
1728 provided by the licensing agency, accompanied by a current
1729 certificate of inspection and approval by the fire department and
1730 the county health department specified in Section 43-20-11.

1731 Any increase in the fee charged by the licensing agency under
1732 this section shall be in accordance with the provisions of Section
1733 41-3-65.

1734 No governmental entity or agency shall be required to pay the
1735 fee or fees set forth in this section.

1736 **SECTION 36.** Section 43-20-59, Mississippi Code of 1972, is
1737 reenacted as follows:

1738 43-20-59. (1) Any person maintaining a family child care
1739 home may register such home with the State Department of Health on
1740 forms provided by the department.



1741 (2) A certificate of registration shall be issued to the
1742 applicant for registration who (a) attests to the safety of the
1743 home for the care of children, (b) submits a fee of Five Dollars
1744 (\$5.00), payable to the department, and (c) certifies that no
1745 person described in paragraph (a), (b), (c), (d) or (e) of Section
1746 43-20-57(1) resides, works or volunteers in the family child care
1747 home.

1748 Any increase in the fee charged by the department under this
1749 subsection shall be in accordance with the provisions of Section
1750 41-3-65.

1751 (3) The department shall furnish each applicant for
1752 registration a family child care home safety evaluation form to be
1753 completed by the applicant and submitted with the registration
1754 application.

1755 (4) The certificate of registration shall be renewed
1756 annually in the same manner provided for in this section.

1757 (5) A certificate of registration shall be in force for one
1758 (1) year after the date of issuance unless revoked pursuant to
1759 Sections 43-20-51 through 43-20-65. The certificate shall specify
1760 that the registrant may operate a family child care home for five
1761 (5) or fewer children. This section shall not be construed to
1762 limit the right of the department to enter a registered family
1763 child care home for the purpose of assessing compliance with
1764 Sections 43-20-51 through 43-20-65 after receiving a complaint



1765 against the registrant of such home or in conducting a periodic
1766 routine inspection.

1767 (6) The department shall adopt rules and regulations to
1768 implement the registration provisions.

1769 **SECTION 37.** Section 45-14-31, Mississippi Code of 1972, is
1770 reenacted as follows:

1771 45-14-31. (1) All initial application and registration fees
1772 and annual fees due under this section shall be paid directly to
1773 the agency for deposit into the Radiological Health Operations
1774 Fund in the State Treasury. The Mississippi State Board of Health
1775 shall submit its separate budget for carrying out the provisions
1776 of this chapter. The budget shall be subject to and shall comply
1777 with the requirements of the state budget law.

1778 (2) In order to supplement state radiological health budget
1779 allocations authorized to carry out and enforce the provisions of
1780 this chapter, the agency is authorized to charge and collect fees
1781 for the following radiological health services:

1782 (a) Radiological health services - Category 1:
1783 application fee and annual fee not to exceed.....\$3,500.00

1784 (b) Radiological health services - Category 2:
1785 application fee and annual fee not to exceed.....\$1,800.00

1786 (c) Radiological health services - Category 3:
1787 application fee and annual fee not to exceed.....\$1,800.00

1788 (d) Healing arts and veterinary medicine X-ray tubes:
1789 application fee and annual fee not to exceed.....\$150.00



1790 The radiological health services that are included in each
1791 specified category shall be determined by the agency by rules and
1792 regulations adopted by the agency.

1793 The agency may increase the amount of the fees charged under
1794 this subsection not more than two (2) times during the period from
1795 July 1, 2016, through June 30, 2020, with the percentage of each
1796 increase being not more than five percent (5%) of the amount of
1797 the fee in effect at the time of the increase.

1798 (3) The agency shall set the amount of the fees for all
1799 other radiological health services not specified in subsection (2)
1800 of this section, and any increase in the fees charged by the
1801 agency under this subsection shall be in accordance with the
1802 provisions of Section 41-3-65.

1803 **SECTION 38.** Section 45-23-23, Mississippi Code of 1972, is
1804 reenacted as follows:

1805 45-23-23. (1) The examination for chief, deputy or special
1806 inspector shall be in writing and shall be by the merit system of
1807 the board under the rules of procedure during the examination.
1808 Application for examination shall be in writing on forms provided
1809 by the board and shall be accompanied by a fee of Twenty-five
1810 Dollars (\$25.00). Any increase in the fee charged by the board
1811 under this subsection shall be in accordance with the provisions
1812 of Section 41-3-65. Such examination shall be confined to
1813 questions, the answers to which will aid in determining the
1814 fitness and competency of the applicant for the intended service.



1815 (2) In case an applicant for an inspector's license fails to
1816 pass the examination, he may appeal to the merit system of the
1817 board for another examination which shall be given by the board
1818 within ninety (90) days.

1819 (3) The record of an applicant's examination shall be
1820 accessible to the applicant and his employer.

1821 **SECTION 39.** Section 45-23-41, Mississippi Code of 1972, is
1822 reenacted as follows:

1823 45-23-41. Each company employing special inspectors, except
1824 a company operating boilers and/or pressure vessels covered by
1825 owner or user inspection service meeting the requirements of
1826 Section 45-23-21(b) shall, within thirty (30) days following each
1827 certificate inspection made by such inspectors, file a report of
1828 such inspection with the chief inspector upon appropriate forms as
1829 promulgated by the board. If such report shows that a boiler or
1830 pressure vessel is found to comply with the rules and regulations
1831 of the board, the owner or user thereof shall pay directly to the
1832 board the fee of Twenty Dollars (\$20.00) for an annual certificate
1833 or Thirty Dollars (\$30.00) for a biennial certificate, and the
1834 chief inspector or his duly authorized representative shall issue
1835 to such owner or user an inspection certificate bearing the date
1836 of inspection and specifying the maximum pressure under which the
1837 boiler or pressure vessel may be operated. Any increase in the
1838 fee charged by the board under this section shall be in accordance
1839 with the provisions of Section 41-3-65.



1840 Such inspection certificate shall be valid for not more than
1841 fourteen (14) months from its date in the case of power boilers
1842 and high pressure, high temperature water boilers, and for not
1843 more than twenty-six (26) months in the case of heating boilers
1844 and pressure vessels.

1845 In the case of those boilers and pressure vessels covered by
1846 Section 45-23-33(a), (b), (c) and (d) for which the board has
1847 established or extended the operating period between required
1848 inspections, pursuant to the provisions of Section 45-23-33(g) or
1849 (h), the certificate shall be valid for a period not more than two
1850 (2) months beyond the period set by the board.

1851 Certificates shall be posted under glass in the room
1852 containing the boiler or pressure vessel inspected. If the boiler
1853 or pressure vessel is not located within the building, the
1854 certificate shall be posted in a location convenient to the boiler
1855 or pressure vessel inspected, or in any place where it will be
1856 accessible to interested parties.

1857 Air tanks used to inflate automobile tires shall be exempt
1858 from the inspection requirements of this section.

1859 **SECTION 40.** Section 45-23-45, Mississippi Code of 1972, is
1860 reenacted as follows:

1861 45-23-45. Each such company shall, in addition, file
1862 annually with the board a statement, signed by the engineer having
1863 supervision over the inspections made during the period covered
1864 thereby, stating the number of vessels covered by this chapter



1865 inspected during the year and certifying that each such inspection
1866 was conducted pursuant to the inspection requirements provided for
1867 by this chapter. Such annual statement shall be accompanied by a
1868 filing fee in accordance with the following schedule:

1869 (a) For statements covering not more than twenty-five
1870 (25) vessels - Three Dollars (\$3.00) per vessel.

1871 (b) For statements covering more than twenty-five (25)
1872 but less than one hundred one (101) vessels - Seventy-five Dollars
1873 (\$75.00).

1874 (c) For statements covering more than one hundred (100)
1875 but less than five hundred one (501) vessels - One Hundred Fifty
1876 Dollars (\$150.00).

1877 (d) For statements covering more than five hundred
1878 (500) vessels - Three Hundred Dollars (\$300.00).

1879 Any increase in the fee charged by the board under this
1880 section shall be in accordance with the provisions of Section
1881 41-3-65.

1882 **SECTION 41.** Section 45-23-53, Mississippi Code of 1972, is
1883 reenacted as follows:

1884 45-23-53. The owner or user of a boiler or pressure vessel
1885 required by this chapter to be inspected by the chief inspector,
1886 of his deputy inspector, shall pay directly to the board, upon
1887 completion of inspection, fees as specified by the board in the
1888 rules and regulations.



1889 (a) Fee schedules set by the board shall be reasonable
1890 and practical, but shall be set at a level which, in conjunction
1891 with the fees collected under Sections 45-23-41 through 45-23-45,
1892 will make this activity reasonably self-supporting. Any increase
1893 in the fees set by the board under this paragraph shall be in
1894 accordance with the provisions of Section 41-3-65.

1895 (b) A group of pressure vessels, such as the rolls of a
1896 paper machine or dryer operating as a single machine or unit,
1897 shall be considered as one (1) pressure vessel.

1898 (c) Not more than one (1) fee shall be charged or
1899 collected for any and all inspections of any pressure vessel in
1900 any required inspection period.

1901 (d) When it is necessary to make a special trip to
1902 witness the application of a hydrostatic test, an additional fee
1903 based on the scale of fees applicable to a certificate inspection
1904 of the boiler or pressure vessel shall be charged.

1905 **SECTION 42.** Section 73-7-71, Mississippi Code of 1972, is
1906 reenacted as follows:

1907 73-7-71. (1) For the purpose of this section, the term
1908 "hair braiding" means the use of techniques that result in tension
1909 on hair strands or roots by twisting, wrapping, weaving,
1910 extending, locking or braiding of the hair by hand or mechanical
1911 device, but does not include the application of dyes, reactive
1912 chemicals, or other preparations to alter the color of the hair or
1913 to straighten, curl or alter the structure of the hair.



1914 (2) No person shall engage in hair braiding for compensation
1915 in the State of Mississippi without first registering with the
1916 State Department of Health. The department may charge each
1917 registrant a fee of not more than Twenty-five Dollars (\$25.00) to
1918 cover the department's costs in registering the person and
1919 providing the person with the brochure prepared under subsection
1920 (3) of this section, which fee shall be uniform for all
1921 registrants. Any increase in the fee charged by the board under
1922 this subsection shall be in accordance with the provisions of
1923 Section 41-3-65. The purpose of this registration is only to
1924 maintain a listing of those persons who engage in hair braiding
1925 for compensation in the state, and does not authorize the
1926 department to license or regulate the practice of hair braiding in
1927 the state, except as provided in subsection (4) of this section.

1928 (3) The State Department of Health shall develop and prepare
1929 a brochure containing information about infection control
1930 techniques that are appropriate for hair braiding in or outside of
1931 a salon setting. The brochure shall be made available through the
1932 department's website or by mail, upon request, for a fee to cover
1933 the department's mailing costs. The brochure shall contain a
1934 self-test with questions on the information contained in the
1935 brochure. For a person engaged in hair braiding to be exempt from
1936 the cosmetology licensure law, Section 73-7-1 et seq., the person
1937 shall complete the self-test part of the brochure and keep the



1938 brochure and completed self-test available at the location at
1939 which the person is engaged in hair braiding.

1940 (4) Representatives of the department may visit any facility
1941 or premises in which hair braiding is performed at any time during
1942 business hours to determine if the brochure and completed
1943 self-test are available at the facility or premises.

1944 (5) This section does not apply to cosmetologists, or
1945 barbers licensed to practice in Mississippi in their respective
1946 fields.

1947 **SECTION 43.** Section 73-10-9, Mississippi Code of 1972, is
1948 reenacted as follows:

1949 73-10-9. (1) An applicant for a license as a dietitian
1950 shall file a written application on forms provided by the board,
1951 showing to the satisfaction of the board that he or she meets the
1952 following requirement.

1953 (2) Applicants shall provide evidence of current
1954 registration as a registered dietitian by the Commission on
1955 Dietetic Registration.

1956 (3) Applicants shall pay a fee as established by the board.
1957 Any increase in the fee charged by the board under this subsection
1958 shall be in accordance with the provisions of Section 41-3-65.

1959 (4) Each application or filing made under this section shall
1960 include the social security number(s) of the applicant in
1961 accordance with Section 93-11-64.



1962 **SECTION 44.** Section 73-10-11, Mississippi Code of 1972, is
1963 reenacted as follows:

1964 73-10-11. (1) The board may issue a provisional license to
1965 any resident dietitian who presents evidence to the advisory
1966 council of the successful completion of the education and
1967 experience requirements of subsections (2) and (3) of this section
1968 for licensure. Such a provisional license may be issued to such a
1969 person before he or she has taken the examination to become a
1970 registered dietitian as given by the Commission on Dietetic
1971 Registration (CDR). A provisional license may be issued for a
1972 period not exceeding one (1) year and may be renewed from year to
1973 year not to exceed five (5) years.

1974 (2) An applicant for provisional licensure as a dietitian
1975 shall present evidence satisfactory to the board of having
1976 received a baccalaureate or post-baccalaureate degree from a
1977 college or university accredited through the United States
1978 Department of Education, Office of Postsecondary Education, with a
1979 major in dietetics or an equivalent major course of study as
1980 approved by the board.

1981 (3) An applicant for licensure as a dietitian shall submit
1982 to the board evidence of having successfully completed a board
1983 approved planned program of dietetics experience under the
1984 supervision of a licensed or registered dietitian.



1985 (4) A provisional license shall permit the holder to
1986 practice only under the direct technical supervision of a
1987 dietitian.

1988 (5) A fee for a provisional license and for each renewal
1989 shall be established by the board. Any increase in the fee
1990 charged by the board under this subsection shall be in accordance
1991 with the provisions of Section 41-3-65.

1992 **SECTION 45.** Section 73-10-21, Mississippi Code of 1972, is
1993 reenacted as follows:

1994 73-10-21. (1) Rules, regulations and standards.

1995 (a) The board is empowered, authorized and directed to
1996 adopt, amend, promulgate and enforce such rules, regulations and
1997 standards governing dietitians as may be necessary to further the
1998 accomplishment of the purpose of the governing law, and in so
1999 doing shall utilize as the basis thereof the corresponding
2000 recommendations of the advisory council. The rules, regulations
2001 and minimum standards for licensing of dietitians may be amended
2002 by the board as deemed necessary. In so doing, the board shall
2003 utilize as the basis thereof the corresponding recommendations of
2004 the advisory council.

2005 (b) The board shall publish and disseminate to all
2006 licensees, in appropriate manner, the licensure standards
2007 prescribed by this chapter, any amendments thereto, and such rules
2008 and regulations as the board may adopt under the authority vested
2009 by Section 73-38-13, within sixty (60) days of their adoption.



2010 (2) The board shall adopt a code of ethics for dietitians
2011 using as the basis thereof the ADA "Code of Ethics for the
2012 Profession of Dietetics."

2013 (3) Issuance and renewal of licenses.

2014 (a) The board shall issue a license to any person who
2015 meets the requirements of this chapter upon payment of the license
2016 fee prescribed.

2017 (b) Except as provided in Section 33-1-39, licenses
2018 under this chapter shall be valid for two (2) calendar years and
2019 shall be subject to renewal and shall expire unless renewed in the
2020 manner prescribed by the rules and regulations of the board, upon
2021 the payment of a biennial renewal fee to be set at the discretion
2022 of the board, but not to exceed One Hundred Dollars (\$100.00), and
2023 the presentation of evidence satisfactory to the board that the
2024 licensee has met such continuing education requirements as the
2025 board may require. Any increase in the fee charged by the board
2026 under this paragraph shall be in accordance with the provisions of
2027 Section 41-3-65. An applicant for license renewal shall
2028 demonstrate to the board evidence of satisfactory completion of
2029 the continuing education requirements established by the American
2030 Dietetic Association and/or other continuing education
2031 requirements as may be required by the board.

2032 (c) The board may provide for the late renewal of a
2033 license upon the payment of a late fee in accordance with its
2034 rules and regulations, but no such late renewal of a license may



2035 be granted more than one (1) year after its expiration. Any
2036 increase in the fee charged by the board under this paragraph
2037 shall be in accordance with the provisions of Section 41-3-65.

2038 (d) A suspended license shall be subject to expiration
2039 and may be renewed as provided in this section, but such renewal
2040 shall not entitle the licensee, while the license remains
2041 suspended and until it is reinstated, to engage in the licensed
2042 activity, or in any other conduct or activity in violation of the
2043 order of judgment by which the license was suspended. If a
2044 license revoked on disciplinary grounds is reinstated, the
2045 licensee, as a condition of reinstatement, shall pay the renewal
2046 fee and any late fee that may be applicable.

2047 (4) Denial or revocation of license.

2048 (a) The board may deny or refuse to renew a license, or
2049 suspend or revoke a license, or issue orders to cease or desist
2050 from certain conduct, or issue warnings or reprimands where the
2051 licensee or applicant for license has been convicted of unlawful
2052 conduct or has demonstrated unprofessional conduct which has
2053 endangered or is likely to endanger the health, welfare or safety
2054 of the public. Such conduct includes:

2055 (i) Obtaining a license by means of fraud,
2056 misrepresentation or concealment of material facts;

2057 (ii) Being guilty of unprofessional conduct as
2058 defined by the rules and established by the board or violating the
2059 Code of Ethics of the American Dietetic Association;



2060 (iii) Being convicted of a crime in any court
2061 other than a misdemeanor;

2062 (iv) Violating any lawful order, rule or
2063 regulation rendered or adopted by the board; or

2064 (v) Violating any provision of this chapter.

2065 (b) Such denial, refusal to renew, suspension,
2066 revocation, order to cease and desist from designated conduct, or
2067 warning or reprimand may be ordered by the board in a decision
2068 made after a hearing in the manner provided by the rules and
2069 regulations adopted by the board. One (1) year from the date of
2070 the revocation of a license, application may be made to the board
2071 for reinstatement. The board shall have discretion to accept or
2072 reject an application for reinstatement and may, but shall not be
2073 required to, hold a hearing to consider such reinstatement.

2074 (c) In addition to the reasons specified in paragraph
2075 (a) of this subsection (4), the board shall be authorized to
2076 suspend the license of any licensee for being out of compliance
2077 with an order for support, as defined in Section 93-11-153. The
2078 procedure for suspension of a license for being out of compliance
2079 with an order for support, and the procedure for the reissuance or
2080 reinstatement of a license suspended for that purpose, and the
2081 payment of any fees for the reissuance or reinstatement of a
2082 license suspended for that purpose, shall be governed by Section
2083 93-11-157 or 93-11-163, as the case may be. If there is any
2084 conflict between any provision of Section 93-11-157 or 93-11-163



2085 and any provision of this chapter, the provisions of Section
2086 93-11-157 or 93-11-163, as the case may be, shall control.

2087 (5) Establish fees.

2088 (a) A person licensed under this chapter shall pay to
2089 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
2090 be set by the board for the issuance of a license.

2091 (b) Such fees shall be set in such an amount as to
2092 reimburse the state to the extent feasible for the cost of the
2093 services rendered.

2094 (c) Any increase in the fee charged by the board under
2095 this subsection shall be in accordance with the provisions of
2096 Section 41-3-65.

2097 (6) Collect funds.

2098 (a) The administration of the provisions of this
2099 chapter shall be financed from income accruing from fees, licenses
2100 and other charges assessed and collected by the board in
2101 administering this chapter.

2102 (b) The board shall receive and account for all funds
2103 received and shall keep such funds in a separate fund.

2104 (c) Funds collected under the provisions of this
2105 chapter shall be used solely for the expenses of the advisory
2106 council and the board to administer the provisions of this
2107 chapter. Such funds shall be subject to audit by the State
2108 Auditor.



2109 (d) Members of the advisory council shall receive no
2110 compensation for services performed on the council, but may be
2111 reimbursed for necessary and actual expenses incurred in
2112 connection with attendance at meetings of the council or for
2113 authorized business of the council from funds made available for
2114 such purpose, as provided in Section 25-3-41.

2115 (7) Receive and process complaints.

2116 (a) The board shall have full authority to investigate
2117 and evaluate each and every applicant applying for a license to
2118 practice dietetics, with the advice of the advisory council.

2119 (b) The board shall have the authority to issue
2120 subpoenas, examine witnesses and administer oaths, and shall, at
2121 its discretion, investigate allegations or practices violating the
2122 provisions of this chapter, and in so doing shall have power to
2123 seek injunctive relief to prohibit any person from providing
2124 professional dietetic services as defined in Section 73-10-3(1)(j)
2125 without being licensed as provided herein.

2126 (8) A license certificate issued by the board is the
2127 property of the board and must be surrendered on demand.

2128 **SECTION 46.** Section 73-14-17, Mississippi Code of 1972, is
2129 reenacted as follows:

2130 73-14-17. An applicant for a license shall pay a fee of One
2131 Hundred Dollars (\$100.00) and shall show to the satisfaction of
2132 the board that he:

2133 (a) Is twenty-one (21) years of age or older.



2134 (b) Has an education equivalent to a four-year course
2135 in an accredited high school.

2136 Any increase in the fee charged by the board under this
2137 section shall be in accordance with the provisions of Section
2138 41-3-65.

2139 No governmental entity or agency shall be required to pay the
2140 fee or fees set forth in this section.

2141 Each application or filing made under this section shall
2142 include the social security number(s) of the applicant in
2143 accordance with Section 93-11-64.

2144 **SECTION 47.** Section 73-14-19, Mississippi Code of 1972, is
2145 reenacted as follows:

2146 73-14-19. An applicant for a license who is notified by the
2147 board that he has fulfilled the requirements of Section 73-14-17
2148 and upon paying a testing fee determined by the department as
2149 necessary to cover the expense of the administration of the
2150 examination not to exceed One Hundred Fifty Dollars (\$150.00),
2151 shall appear at a time, place and before such persons as the board
2152 may designate, to be examined by written and practical test in
2153 order to demonstrate that he is qualified to practice the fitting,
2154 dispensing and selling of hearing aids. Any increase in the fee
2155 charged by the department under this section shall be in
2156 accordance with the provisions of Section 41-3-65.

2157 **SECTION 48.** Section 73-14-27, Mississippi Code of 1972, is
2158 reenacted as follows:



2159 73-14-27. (1) An applicant who fulfills the requirements of
2160 Section 73-14-17 and who has not previously applied to take the
2161 examination provided under Section 73-14-19 may apply to the board
2162 for a temporary license.

2163 (2) Upon receiving an application provided under subsection
2164 (1) of this section, the board shall issue a temporary license
2165 which shall entitle the applicant to practice the fitting and
2166 dispensing of hearing aids for a period ending thirty (30) days
2167 after the conclusion of the next examination given after the date
2168 of issue.

2169 (3) No temporary license shall be issued by the board under
2170 this section unless the applicant shows to the satisfaction of the
2171 board that he is or will be supervised and trained by a person
2172 who:

2173 (a) Holds a current and valid document of being
2174 National Board Certified in Hearing Instrument Sciences by the
2175 International Hearing Society (IHS) or its successor; or

2176 (b) Holds a current and valid Certificate of Clinical
2177 Competence in Audiology from the American Speech-Language-Hearing
2178 Association (ASHA); or

2179 (c) Has had a minimum of three (3) years' experience in
2180 the testing of hearing, fitting of hearing aids and dispensing of
2181 hearing aids.

2182 (4) If a person who holds a temporary license issued under
2183 this section does not take the next examination given after the



2184 date of issue, the temporary license shall not be renewed, except
2185 for good cause shown to the satisfaction of the board.

2186 (5) If a person who holds a temporary license issued under
2187 this section takes and fails to pass the next examination given
2188 after the date of issue, the board may renew the temporary license
2189 for a period ending thirty (30) days after the date of renewal is
2190 announced. In no event shall more than one (1) renewal be
2191 permitted. The fee for renewal shall be Fifty Dollars (\$50.00),
2192 and any increase in the fee charged by the board under this
2193 subsection shall be in accordance with the provisions of Section
2194 41-3-65.

2195 **SECTION 49.** Section 73-14-31, Mississippi Code of 1972, is
2196 reenacted as follows:

2197 73-14-31. Except as provided in Section 33-1-39, a person
2198 who practices the fitting and dispensing of hearing aids shall
2199 biennially pay to the board a fee of Two Hundred Dollars (\$200.00)
2200 for a renewal of his license. A grace period of thirty (30) days
2201 shall be allowed after the expiration of a license, during which
2202 the same may be renewed on payment of a fee of Two Hundred Dollars
2203 (\$200.00) to the board. The license of any person who fails to
2204 have his license renewed by the expiration of the grace period of
2205 thirty (30) days shall be considered to have lapsed. After the
2206 expiration of the grace period, the board may reinstate a license
2207 upon payment of a fee of Two Hundred Fifty Dollars (\$250.00) to
2208 the board. No person who applies for reinstatement, whose license



2209 was suspended for the sole reason of failure to renew, shall be
2210 required to submit to any examination as a condition of
2211 reinstatement, provided such person applies for reinstatement
2212 within one (1) year from the date of lapse of the license.

2213 The board shall require the applicant for license renewal to
2214 present evidence of the satisfactory completion of continuing
2215 education requirements as determined by the board.

2216 In the event that any licensee shall fail to meet the annual
2217 educational requirement, his license shall not be renewed by the
2218 board, but the board may renew the license upon the presentation
2219 of satisfactory evidence of educational study of a standard
2220 approved by the board and upon the payment of all fees due. No
2221 governmental entity or agency shall be required to pay the fee or
2222 fees set forth in this section.

2223 Any increase in the fees charged by the board under this
2224 section shall be in accordance with the provisions of Section
2225 41-3-65.

2226 **SECTION 50.** Section 73-24-29, Mississippi Code of 1972, is
2227 reenacted as follows:

2228 73-24-29. (1) The board is empowered to prescribe and
2229 publish reasonable fees for the following purposes:

- 2230 (a) Application fee which is nonrefundable;
- 2231 (b) Initial license fee;
- 2232 (c) Renewal of license fee;
- 2233 (d) Late renewal fee;



- 2234 (e) Limited permit fee;
- 2235 (f) Reinstatement of license fee;
- 2236 (g) Inactive license fee.

2237 (2) Such fees shall be commensurate to the extent feasible
2238 with the cost of fulfilling the duties of the board and council as
2239 defined by this chapter; however, no individual fee shall exceed
2240 One Hundred Fifty Dollars (\$150.00).

2241 (3) Any increase in the fees charged by the board under this
2242 section shall be in accordance with the provisions of Section
2243 41-3-65.

2244 **SECTION 51.** Section 73-38-31, Mississippi Code of 1972, is
2245 reenacted as follows:

2246 73-38-31. (1) The board shall assess fees for the following
2247 purposes:

- 2248 (a) Initial licensing;
- 2249 (b) Renewal of licensure;
- 2250 (c) License issued after expiration date;
- 2251 (d) Late renewal payment penalty;
- 2252 (e) Temporary license;
- 2253 (f) Renewal of temporary license; and
- 2254 (g) Registration of aides.

2255 (2) Every person to whom a license is issued pursuant to
2256 this chapter shall, as a condition precedent to its issuance, and
2257 in addition to any application, examination or other fee, pay the
2258 prescribed initial license fee.



2259 (3) Fees prescribed in subsection (1) of this section shall
2260 be exclusive and no municipality shall have the right to require
2261 any person licensed under this chapter to furnish any bond, pass
2262 any examination, or pay any license fee or occupational tax.

2263 (4) Fees listed in subsection (1) of this section shall be
2264 commensurate to the extent feasible with the cost of fulfilling
2265 the duties of the board and council as defined by this chapter;
2266 however, no individual fee shall exceed One Hundred Dollars
2267 (\$100.00).

2268 (5) Any increase in the fees charged by the board under this
2269 section shall be in accordance with the provisions of Section
2270 41-3-65.

2271 **SECTION 52.** Section 73-55-13, Mississippi Code of 1972, is
2272 reenacted as follows:

2273 73-55-13. (1) Except as provided in Section 33-1-39, a
2274 person licensed as an athletic trainer under this chapter shall
2275 pay to the board a fee not to exceed Three Hundred Dollars
2276 (\$300.00) for every three-year period for a renewal of his
2277 license. Any increase in the fee charged by the board under this
2278 subsection shall be in accordance with the provisions of Section
2279 41-3-65.

2280 (2) Continuing education requirements for license renewal
2281 shall be fulfilled during three-year periods running concurrently
2282 with the requirement to maintain certification through the BOC,
2283 Inc. Proof of the completion of continuing education as required



2284 by this section shall be turned in to the board at the time of
2285 renewal of license.

2286 **SECTION 53.** Section 73-57-19, Mississippi Code of 1972, is
2287 reenacted as follows:

2288 73-57-19. (1) Examinations for the licensure in respiratory
2289 care will be conducted not less than two (2) times a year and at
2290 such places as may be determined by the board.

2291 (2) An applicant applying for license to practice
2292 respiratory care shall pay an administrative fee to the board. A
2293 fee shall be required for each examination or reexamination. If
2294 an applicant fails to complete the requirements for licensing
2295 within two (2) years from the date of filing, the application is
2296 deemed to be abandoned.

2297 (3) A fee shall be required for each re-registration.

2298 (4) Any increase in the fees charged by the board under this
2299 section shall be in accordance with the provisions of Section
2300 41-3-65.

2301 **SECTION 54.** Section 73-57-21, Mississippi Code of 1972, is
2302 reenacted as follows:

2303 73-57-21. Upon payment of a fee, the board may issue a
2304 temporary permit to practice respiratory care for a period of six
2305 (6) months to an applicant for licensing who is a student in an
2306 approved respiratory care education program who expects to
2307 graduate within the next thirty (30) calendar days and who is
2308 eligible to sit for the CRT, RRT, or their successor examination.



2309 Any increase in the fee charged by the board under this section
2310 shall be in accordance with the provisions of Section 41-3-65.

2311 **SECTION 55.** Section 73-57-27, Mississippi Code of 1972, is
2312 reenacted as follows:

2313 73-57-27. (1) A license shall be renewed biennially
2314 beginning with the first renewal term after the issuance of the
2315 license, except as herein provided. The board shall provide
2316 notice of renewal at least thirty (30) calendar days prior to
2317 expiration for renewal of license to every person to whom a
2318 license was issued or renewed during the preceding renewal period.
2319 The notice of renewal shall indicate the renewal process and
2320 required fees required to be completed before the date of
2321 expiration.

2322 (2) Upon receipt of the notice of renewal and the renewal
2323 fee, the board shall verify its contents and shall issue the
2324 licensee a license for the current renewal period, which shall be
2325 valid for the period stated thereon. The board, with the advice
2326 of the council, shall establish continuing education requirements
2327 for biennial renewal of the license, which shall include proof of
2328 completion of at least fifteen (15) clock hours approved by the
2329 board for continuing education credit. Any increase in the fee
2330 charged by the board under this subsection shall be in accordance
2331 with the provisions of Section 41-3-65.

2332 (3) A licensee who allows his license to lapse by failing to
2333 renew it may be reinstated by the board upon payment of the



2334 renewal fee and the reinstatement fee, provided that such request
2335 for reinstatement is made within two (2) years of the end of the
2336 renewal period. Any increase in the fee charged by the board
2337 under this subsection shall be in accordance with the provisions
2338 of Section 41-3-65.

2339 (4) A respiratory care practitioner who does not engage in
2340 the practice of respiratory care during the succeeding renewal
2341 period is not required to pay the renewal fee as long as he
2342 remains inactive. If he desires to resume the practice of
2343 respiratory care, he shall notify the board of his intent and
2344 shall satisfy the current requirements of the board in addition to
2345 remitting the renewal fee for the current renewal period and the
2346 reinstatement fee.

2347 (5) The board is authorized to establish fees for
2348 replacement and duplicate licenses, and any increase in the fees
2349 charged by the board under this subsection shall be in accordance
2350 with the provisions of Section 41-3-65.

2351 **SECTION 56.** Section 73-57-29, Mississippi Code of 1972, is
2352 reenacted as follows:

2353 73-57-29. All fees established by the board under this
2354 chapter shall be set in such an amount as is necessary to
2355 reimburse the state for the cost of services rendered, not to
2356 exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be
2357 paid by any individual. Any increase in the fees charged by the
2358 board under this chapter shall be in accordance with the



2359 provisions of Section 41-3-65. Fees received by the board and
2360 monies collected under this chapter shall be deposited in the
2361 State Treasury to the credit of the Respiratory Care Fund.
2362 Expenses incurred in the performance of this chapter shall be paid
2363 in accordance with the accounting laws of the state.

2364 **SECTION 57.** Section 73-61-1, Mississippi Code of 1972, is
2365 reenacted as follows:

2366 73-61-1. (1) No person shall place a tattoo upon the body
2367 of a human for compensation within the State of Mississippi
2368 without first registering with the State Department of Health.
2369 The facility or premises in which tattooing is to be performed
2370 shall be specified in the registration, and the registered person
2371 shall be authorized to perform tattooing only in the specified
2372 facility or premises. For the purposes of this section,
2373 "tattooing" means to make indelible marks or designs on or visible
2374 through the skin of a human by puncturing or pricking the skin
2375 with a needle or other instrument and inserting ink or other
2376 pigments, and "tattoo" means the indelible mark or design so
2377 produced. Registrations shall be valid for one (1) year, and each
2378 person registered under this section shall pay an annual
2379 registration fee to the department in an amount set by the
2380 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
2381 which fee shall be uniform for all registered persons. Any
2382 increase in the fee charged by the department under this



2383 subsection shall be in accordance with the provisions of Section
2384 41-3-65.

2385 (2) The State Board of Health shall promulgate rules and
2386 regulations relating to:

2387 (a) Health, cleanliness and general sanitation of the
2388 facilities or premises in which tattooing is performed or to be
2389 performed;

2390 (b) Sterilization of tattooing apparatus and safe
2391 disposal of tattooing apparatus;

2392 (c) Procedures to prevent the transmission of disease
2393 or infection during or relating to tattooing procedures,
2394 specifically including, but not limited to, transmission of
2395 Hepatitis B and the human immunodeficiency virus (HIV); and

2396 (d) Such other administrative provisions as may be
2397 necessary to protect public health or properly administer the
2398 requirements of this section.

2399 (3) Representatives of the department may visit any facility
2400 or premises in which tattooing is performed at any time during
2401 business hours to ensure compliance with the requirements of this
2402 section and the rules and regulations promulgated under this
2403 section. Representatives of the department shall visit each
2404 facility or premises in which tattooing is performed not less than
2405 once each year to inspect for such compliance. The department may
2406 suspend or revoke the registration of any person found to be



2407 violating any of the rules or regulations promulgated under this
2408 section.

2409 (4) It shall be unlawful for any person to place a tattoo
2410 upon the body of any person under the age of eighteen (18) years.

2411 (5) Any person who places a tattoo upon the body of a human
2412 for compensation without first registering with the department or
2413 after his registration has been suspended or revoked by the
2414 department, or any person who places a tattoo upon the body of any
2415 person in violation of subsection (4) of this section, is guilty
2416 of a misdemeanor and, upon conviction, shall be punished by a fine
2417 of not less than One Hundred Dollars (\$100.00) nor more than Five
2418 Hundred Dollars (\$500.00).

2419 (6) The department is authorized to bring an action for an
2420 injunction under the provisions of Sections 73-51-1 through
2421 73-51-5 to prohibit any person who is required to be registered
2422 under this section from performing tattooing without first
2423 registering with the department or after his registration has been
2424 suspended or revoked by the department.

2425 (7) This section shall not apply to physicians licensed to
2426 practice medicine in Mississippi in the performance of their
2427 professional duties.

2428 **SECTION 58.** Section 73-61-3, Mississippi Code of 1972, is
2429 reenacted as follows:

2430 73-61-3. (1) For the purposes of this section, the term
2431 "body piercing" means the creation of an opening in any part of



2432 the human body, other than the outer perimeter or lobe of the ear,
2433 for the purpose of inserting jewelry or other decorative object,
2434 or for some other nonmedical purpose.

2435 (2) No person shall perform body piercing upon any person
2436 for compensation within the State of Mississippi without first
2437 registering with the State Department of Health. The facility or
2438 premises in which body piercing is to be performed shall be
2439 specified in the registration, and the registered person shall be
2440 authorized to perform body piercing only in the specified facility
2441 or premises. Except as provided in Section 33-1-39, registrations
2442 shall be valid for one (1) year, and each person registered under
2443 this section shall pay an annual registration fee to the
2444 department in an amount set by the department, but not to exceed
2445 One Hundred Fifty Dollars (\$150.00), which fee shall be uniform
2446 for all registered persons. Any increase in the fee charged by
2447 the department under this subsection shall be in accordance with
2448 the provisions of Section 41-3-65.

2449 (3) The State Board of Health shall promulgate rules and
2450 regulations relating to:

2451 (a) Health, cleanliness and general sanitation of the
2452 facilities or premises in which body piercing is performed or to
2453 be performed;

2454 (b) Sterilization of body piercing apparatus and safe
2455 disposal of body piercing apparatus;



2456 (c) Procedures to prevent the transmission of disease
2457 or infection during or relating to body piercing procedures,
2458 specifically including, but not limited to, transmission of
2459 Hepatitis B and the human immunodeficiency virus (HIV); and

2460 (d) Such other administrative provisions as may be
2461 necessary to protect public health or properly administer the
2462 requirements of this section.

2463 (4) Representatives of the department may visit any facility
2464 or premises in which body piercing is performed at any time during
2465 business hours to ensure compliance with the requirements of this
2466 section and the rules and regulations promulgated under this
2467 section. Representatives of the department shall visit each
2468 facility or premises in which body piercing is performed not less
2469 than once each year to inspect for such compliance. The
2470 department may suspend or revoke the registration of any person
2471 found to be violating any of the rules or regulations promulgated
2472 under this section.

2473 (5) It shall be unlawful for any person to perform body
2474 piercing upon any person under the age of eighteen (18) years.

2475 (6) Any person who performs body piercing for compensation
2476 without first registering with the department or after his
2477 registration has been suspended or revoked by the department, or
2478 any person who performs body piercing upon any person in violation
2479 of subsection (5) of this section, is guilty of a misdemeanor and,
2480 upon conviction, shall be punished by a fine of not less than One



2481 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
2482 (\$500.00).

2483 (7) The department is authorized to bring an action for an
2484 injunction under the provisions of Sections 73-51-1 through
2485 73-51-5 to prohibit any person who is required to be registered
2486 under this section from performing body piercing without first
2487 registering with the department or after his registration has been
2488 suspended or revoked by the department.

2489 (8) This section shall not apply to physicians licensed to
2490 practice medicine in Mississippi in the performance of their
2491 professional duties.

2492 **SECTION 59.** Section 73-65-5, Mississippi Code of 1972, is
2493 reenacted as follows:

2494 73-65-5. The board shall:

2495 (a) Promulgate regulations necessary to carry out the
2496 provisions of this chapter;

2497 (b) Require that all applicants register for, take and
2498 pass the Art Therapy Credentials Board Examination as administered
2499 by the Art Therapy Credentials Board, Inc.;

2500 (c) Establish the application deadline for and score
2501 required to pass the examination;

2502 (d) Process applications and review the required
2503 examinations;

2504 (e) Issue licenses to applicants who meet the
2505 requirements of Section 73-65-7 or 73-65-9;



- 2506 (f) Deny, suspend or revoke a license to practice art
2507 therapy;
- 2508 (g) Censure, reprimand, or place a license holder or
2509 applicant on probation for a period not to exceed one (1) year;
- 2510 (h) Maintain a current register of license holders as a
2511 matter of public record;
- 2512 (i) Establish criteria for continuing education;
- 2513 (j) Establish procedures for receiving, investigating
2514 and resolving complaints against license holders;
- 2515 (k) Approve the level of supervision and experience
2516 required for persons seeking licensure;
- 2517 (l) Assess fees for the issuance and renewal of
2518 licenses to cover expenses of the board in administering this
2519 chapter; any increase in the fees charged by the board under this
2520 paragraph shall be in accordance with the provisions of Section
2521 41-3-65;
- 2522 (m) Implement an impaired professional art therapist
2523 treatment program; and
- 2524 (n) Adopt a code of ethics as established by the Art
2525 Therapy Credentials Board, Inc.

2526 **SECTION 60.** Section 73-65-9, Mississippi Code of 1972, is
2527 reenacted as follows:

2528 73-65-9. (1) Except as provided in Section 33-1-39, each
2529 license holder shall renew the license to practice art therapy
2530 biennially by submitting a renewal application on a form provided



2531 by the board, paying a license renewal fee, and producing evidence
2532 of completion of relevant professional continuing education
2533 experience satisfactory to the board, not to exceed forty (40)
2534 hours per renewal cycle.

2535 (2) A ninety-day grace period shall be allowed for each
2536 license holder after the licensure period, during which time the
2537 license may be renewed upon payment of the renewal fee, the late
2538 fee, and compliance with all renewal requirements.

2539 (3) Any license granted by the board shall be automatically
2540 suspended if the holder fails to apply for the license renewal
2541 pursuant to this section within a period of three (3) months after
2542 the renewal deadline; however, any suspended license may be
2543 restored by the board upon payment of a reinstatement fee not to
2544 exceed One Hundred Dollars (\$100.00), in addition to any unpaid
2545 renewal or late fees. Any increase in the fee charged by the
2546 board under this subsection shall be in accordance with the
2547 provisions of Section 41-3-65. Failure to renew a license within
2548 three (3) months from the date of suspension as provided in this
2549 section shall cause the license to be automatically revoked.
2550 Reinstatement of a revoked license shall require the license
2551 holder to reapply and meet all current standards for licensure.

2552 (4) A person licensed under the provisions of Section
2553 73-65-7 who intends to retire as a licensed professional art
2554 therapist shall notify the board in writing before the expiration
2555 of his current licensure. If, within a period of five (5) years



2556 from the year of retirement, the license holder wishes to resume
2557 practice as a licensed professional art therapist, he shall notify
2558 the board in writing, and upon giving proof of completing the
2559 required continuing education and the payment of an amount
2560 equivalent to elapsed renewal fees, the license shall be restored
2561 in full effect.

2562 **SECTION 61.** Section 73-65-11, Mississippi Code of 1972, is
2563 reenacted as follows:

2564 73-65-11. The board shall set the amount of the fees
2565 required to be paid by applicants for licensure and license
2566 holders including, but not limited to, the following:

2567 (a) For an application for initial licensure, the fee
2568 shall be nonrefundable and shall not exceed Two Hundred Dollars
2569 (\$200.00);

2570 (b) For renewal of a license, the fee shall not exceed
2571 Two Hundred Dollars (\$200.00);

2572 (c) For a duplicate or replacement license, the fee
2573 shall not exceed Twenty-five Dollars (\$25.00);

2574 (d) For failure to renew a license within the allotted
2575 grace period pursuant to Section 73-65-9, the fee shall not exceed
2576 One Hundred Dollars (\$100.00); and

2577 (e) Other reasonable fees for administrative services.

2578 Any increase in the fees charged by the board under this
2579 section shall be in accordance with the provisions of Section
2580 41-3-65.



2581 **SECTION 62.** Section 75-29-805, Mississippi Code of 1972, is
2582 reenacted as follows:

2583 75-29-805. The board shall assess a fee in the following
2584 amount and for the following purpose:

2585 Annual bottled drinking water certification fee.....\$200.00

2586 Any increase in the fee charged by the board under this
2587 section shall be in accordance with the provisions of Section
2588 41-3-65.

2589 **SECTION 63.** Section 75-31-65, Mississippi Code of 1972, is
2590 reenacted as follows:

2591 75-31-65. (1) The State Board of Health shall:

2592 (a) Exercise general supervision over the production,
2593 processing and sale of milk and milk products and the processing
2594 and sale of frozen desserts.

2595 (b) Adopt, modify, repeal and promulgate rules and
2596 regulations, after due notice and hearing, and, where not
2597 otherwise prohibited by federal law or state law, make exceptions
2598 to, grant exemptions from and enforce rules and regulations
2599 implementing or effectuating the duties of the board under this
2600 section to protect the public health.

2601 (c) Use the most current edition of the Pasteurized
2602 Milk Ordinance, or its successor, as the basis for regulation of
2603 Grade "A" milk and milk products. Unless as otherwise provided by
2604 law, the board, in its discretion, may amend, modify or make
2605 additions to the Pasteurized Milk Ordinance if the board



2606 determines that such amendment, modification or addition is in the
2607 best interest of public health.

2608 (2) The board shall assess fees in the following amount and
2609 for the following purpose:

2610 Milk product processing plant annual permit fee.....\$300.00

2611 Frozen dessert processing plant annual permit fee.....\$300.00

2612 Any increase in the fees charged by the board under this
2613 subsection shall be in accordance with the provisions of Section
2614 41-3-65.

2615 The fees authorized under this subsection shall not be
2616 assessed for milk or frozen dessert processing plants operated by
2617 public schools, by public junior colleges or by state agencies or
2618 institutions, including, without limitation, the state
2619 institutions of higher learning.

2620 (3) Incidental sales of raw goat milk shall be legal if:

2621 (a) The milk is sold directly to the consumer on the
2622 premises where the milk is produced;

2623 (b) No more than nine (9) producing goats are located
2624 on the premises where the milk is produced;

2625 (c) The person selling the milk does not advertise the
2626 milk for sale; and

2627 (d) The following conditions, which apply to the
2628 milking of goats involved in legal incidental sales of raw goat
2629 milk, are satisfied:



2630 (i) The milking takes place in a clean environment
2631 on a cement or comparable floor;

2632 (ii) The milking place is enclosed by a wall
2633 and/or a screen to prevent insects from entering the milking area;

2634 (iii) A fly strap is located in the milking area;
2635 and

2636 (iv) Sterile containers are used in the milking
2637 process and for storage.

2638 It shall not be unlawful to store raw goat milk in a separate
2639 sterile place from pasteurized goat milk. The Cooperative
2640 Extension Service at Alcorn State University shall publish and
2641 make available literature on the requirements of this subsection,
2642 and other related milk-goat maintenance, explaining the
2643 recommended care of milk goats and the process of goat milk
2644 production and other related subjects. For the purposes of this
2645 subsection, the term "incidental sales" means sales from a farm
2646 where not more than nine (9) goats are producing milk.

2647 (4) For purposes of this section, the term "person" includes
2648 an individual, firm, partnership, association or corporation,
2649 foreign or domestic.

2650 (5) All fees collected by the board under this section shall
2651 be paid into a special fund within the Department of Health to be
2652 used by the department to discharge its duties under this section.

2653 (6) Any person coming within the provisions of this section
2654 who fails to comply with or violates any of the provisions of this



2655 section or regulations promulgated thereunder, unless otherwise
2656 specifically provided in this section, is guilty of a misdemeanor
2657 and, upon conviction, shall be fined not more than One Hundred
2658 Dollars (\$100.00) or confined in jail for not more than sixty (60)
2659 days, or both.

2660 (7) Any person who sells or offers for sale adulterated milk
2661 or milk products or cream or frozen desserts or any milk or cream
2662 having therein any foreign substance or coloring matter or any
2663 chemicals or preservatives, whether for the purpose of increasing
2664 the quantity of milk or cream or for improving its appearance or
2665 for the purpose of preserving the condition of sweetness thereof,
2666 or for any other purpose whatsoever, or unpasteurized milk or milk
2667 products except as otherwise authorized by law, is guilty of a
2668 misdemeanor, and, upon conviction, shall be fined not more than
2669 Five Hundred Dollars (\$500.00) or confined in jail not more than
2670 sixty (60) days, or both; however, nothing in this subsection
2671 shall be construed to prevent the addition of vitamins to milk or
2672 milk products in accordance with the rules and regulations
2673 promulgated by the board or to prohibit the sale of pasteurized
2674 milk or cream or frozen desserts except unlawful cream or unlawful
2675 milk products or unlawful frozen desserts as defined in the rules
2676 and regulations promulgated by the board.

2677 (8) (a) Any person doing business in the State of
2678 Mississippi and engaged in the production, manufacture, sale or
2679 distribution of any dairy products that, for the purpose of



2680 destroying the business of a competitor in any locality or
2681 creating a monopoly, discriminates between different sections,
2682 localities, communities, cities or towns of the state by selling
2683 such commodity at a lower rate or price in one (1) section,
2684 locality, community, city or town than such commodity is sold by
2685 such person in any other section, locality, community, city or
2686 town, after making due allowance for the difference, if any, in
2687 the grade or quality and in the actual cost of the transportation
2688 from the point of production or purchase, if a raw product, to the
2689 place of sale, storage or distribution, is guilty of unfair
2690 discrimination, which is prohibited and declared unlawful;
2691 however, prices made to meet competition in such section,
2692 locality, community, city or town shall not be in violation of
2693 this subsection.

2694 (b) Any person doing business in the State of
2695 Mississippi and engaged in the business of purchasing for
2696 manufacture, storage, sale or distribution of any dairy product,
2697 that, for the purpose of destroying the business of a competitor
2698 or creating a monopoly, discriminates between different sections,
2699 localities, communities, cities or towns in the state by
2700 purchasing such commodity at a higher rate or price in one (1)
2701 section, locality, community, city or town than is paid for such
2702 commodity by such person in any other section, locality,
2703 community, city or town, after making due allowance for the
2704 difference, if any, in the grade or quality, and in the actual



2705 cost of transportation from the point of purchase to the point of
2706 manufacture, sale or distribution or storage, is guilty of unfair
2707 discrimination, which is prohibited and declared to be unlawful;
2708 however, prices made to meet competition in such locality,
2709 section, community, city or town shall not be a violation of this
2710 subsection.

2711 (c) Any person convicted of a violation of this
2712 subsection, shall be fined not less than Five Hundred Dollars
2713 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
2714 be imprisoned in jail not more than twelve (12) months, or both.

2715 (9) Nothing in this section shall be construed to apply to
2716 any person who does not sell his milk, cream, butter or other
2717 products mentioned herein to others.

2718 **SECTION 64.** Section 75-74-11, Mississippi Code of 1972, is
2719 reenacted as follows:

2720 75-74-11. No person or organization may operate or sponsor a
2721 youth camp in Mississippi without first holding a valid license
2722 under this chapter and without complying with the provisions of
2723 this chapter and with any rule, regulation or order of the State
2724 Board of Health.

2725 Each application for a license to operate or sponsor a youth
2726 camp shall be accompanied by a license fee of One Hundred Fifty
2727 Dollars (\$150.00), which shall be paid to the board. A license
2728 issued under this chapter may be renewed upon payment of a renewal



2729 fee of One Hundred Fifty Dollars (\$150.00), which shall be paid to
2730 the board.

2731 Any increase in the fees charged by the board under this
2732 section shall be in accordance with the provisions of Section
2733 41-3-65.

2734 No governmental entity or agency shall be required to pay the
2735 fee or fees set forth in this section.

2736 **SECTION 65.** The following shall be codified as Section
2737 41-3-67, Mississippi Code of 1972:

2738 41-3-67. Sections 21-27-207, 41-3-15, 41-3-18, 41-3-65,
2739 41-3-67, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17,
2740 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12,
2741 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9,
2742 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9,
2743 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59,
2744 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71,
2745 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27,
2746 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21,
2747 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11,
2748 75-29-805, 75-31-65 and 75-74-11, Mississippi Code of 1972, which
2749 authorize the State Board of Health to assess fees for certain
2750 services, shall stand repealed on July 1, 2024.

2751 **SECTION 66.** Section 65, Chapter 510, Laws of 2016, which
2752 provided for the repeal of the reenacted provisions, is repealed.



2753 **SECTION 67.** This act shall take effect and be in force from
2754 and after July 1, 2020, and shall stand repealed on June 30, 2020.

