

By: Senator(s) Bryan

To: Public Health and
Welfare; FinanceSENATE BILL NO. 2311
(As Sent to Governor)

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 REPEAL
15 SECTION 65, CHAPTER 510, LAWS OF 2016 WHICH PROVIDED FOR THE
16 REPEAL OF THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

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

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

20 21-27-207. Both the board and commission may adopt, modify,
21 repeal and promulgate, after due notice and hearing, and may make
22 exceptions to and grant exemptions and variances from and may
23 enforce those rules, regulations and procedures as are necessary
24 or appropriate to effectuate the duties and responsibilities of
25 these agencies arising under Sections 21-27-201 through 21-27-221.



The rules, regulations and procedures shall include, but not be limited to, the following: criteria for classifying municipal and domestic community water systems, nontransient, noncommunity water systems and wastewater facilities; qualifications for operators of community water systems, nontransient, noncommunity water systems and wastewater facilities; certification of operators of commercial Class I rubbish sites; procedures for examining or testing applicants for operator certificates; procedures and fees for issuing, reissuing, modifying, revoking or terminating operator certificates; and reciprocal certification of operators certified in other states having certification requirements not less stringent than those established by the board and commission. Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

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

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

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

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

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations



51 implementing or effectuating the powers and duties of the
52 department under any and all statutes within the department's
53 jurisdiction, and as the board may deem necessary;

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

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

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

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



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

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

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

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

89 (iv) To coordinate the activities of the various
90 offices of the department;

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



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

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

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

117 (ix) To enter into contracts, grants and
118 cooperative agreements with any federal or state agency or
119 subdivision thereof, or any public or private institution located
120 inside or outside the State of Mississippi, or any person,
121 corporation or association in connection with carrying out the
122 provisions of this chapter, if he or she finds those actions to be
123 in the public interest and the contracts or agreements do not have
124 a financial cost that exceeds the amounts appropriated for those



purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

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

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

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

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

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

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

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

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

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect



of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

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

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

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

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

(f) (i) To establish standards for, issue permits and exercise control over, any cafes, restaurants, food or drink



stands, sandwich manufacturing establishments, and all other establishments, other than churches, church-related and private schools, and other nonprofit or charitable organizations, where food or drink is regularly prepared, handled and served for pay; and

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

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

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



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

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

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

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

- (i) Maternal and child health;
- (ii) Family planning;
- (iii) Pediatric services;
- (iv) Services to crippled and disabled children;
- (v) Control of communicable and noncommunicable disease;
- (vi) Chronic disease;
- (vii) Accidental deaths and injuries;
- (viii) Child care licensure;



225 (ix) Radiological health;
226 (x) Dental health;
227 (xi) Milk sanitation;
228 (xii) Occupational safety and health;
229 (xiii) Food, vector control and general
230 sanitation;
231 (xiv) Protection of drinking water;
232 (xv) Sanitation in food handling establishments
233 open to the public;
234 (xvi) Registration of births and deaths and other
235 vital events;
236 (xvii) Such public health programs and services as
237 may be assigned to the State Board of Health by the Legislature or
238 by executive order; and
239 (xviii) Regulation of domestic and imported fish
240 for human consumption.
241 (b) The State Board of Health and State Department of
242 Health shall not be authorized to sell, transfer, alienate or
243 otherwise dispose of any of the home health agencies owned and
244 operated by the department on January 1, 1995, and shall not be
245 authorized to sell, transfer, assign, alienate or otherwise
246 dispose of the license of any of those home health agencies,
247 except upon the specific authorization of the Legislature by an
248 amendment to this section. However, this paragraph (b) shall not
249 prevent the board or the department from closing or terminating



the operation of any home health agency owned and operated by the department, or closing or terminating any office, branch office or clinic of any such home health agency, or otherwise discontinuing the providing of home health services through any such home health agency, office, branch office or clinic, if the board first demonstrates that there are other providers of home health services in the area being served by the department's home health agency, office, branch office or clinic that will be able to provide adequate home health services to the residents of the area if the department's home health agency, office, branch office or clinic is closed or otherwise discontinues the providing of home health services. This demonstration by the board that there are other providers of adequate home health services in the area shall be spread at length upon the minutes of the board at a regular or special meeting of the board at least thirty (30) days before a home health agency, office, branch office or clinic is proposed to be closed or otherwise discontinue the providing of home health services.

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



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

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

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

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

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

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

295 (7) Notwithstanding any other provision to the contrary, the
296 State Department of Health shall have the following specific
297 powers: The department shall issue a license to Alexander Milne
298 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
299 construction, conversion, expansion and operation of not more than



forty-five (45) beds for developmentally disabled adults who have been displaced from New Orleans, Louisiana, with the beds to be located in a certified ICF-MR facility in the City of Laurel, Mississippi. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the license under this subsection (7). The license described in this subsection shall expire five (5) years from the date of its issue. The license authorized by this subsection shall be issued upon the initial payment by the licensee of an application fee of Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of the license, to be paid as long as the licensee continues to operate. The initial and monthly licensing fees shall be deposited by the State Department of Health into the special fund created under Section 41-7-188.

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



Department of Health into the special fund created under Section 41-7-188.

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

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



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

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

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

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

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



373 (a) Food establishment annual permit fee, based on the
374 assessment factors of the establishment as follows:
375 Assessment Category 1.....\$ 30.00
376 Assessment Category 2..... 100.00
377 Assessment Category 3..... 150.00
378 Assessment Category 4..... 200.00
379 (b) Private water supply approval fee.....\$ 10.00

380 The board may develop such reasonable standards, rules and
381 regulations to clearly define each assessment category.
382 Assessment categories shall be based upon the factors to the
383 public health implications of the category and type of food
384 preparation being utilized by the food establishment, utilizing
385 the model Food Code of 1995, or as may be amended by the federal
386 Food and Drug Administration.

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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

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

571 41-58-3. (1) The department shall have full authority to
572 adopt such rules and regulations not inconsistent with the laws of



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

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

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

(b) One (1) licensed family physician;

(c) One (1) licensed practitioner;

(d) Two (2) registered radiologic technologists;

(e) One (1) nuclear medicine technologist;

(f) One (1) radiation therapist;

(g) One (1) radiation physicist;

(h) One (1) hospital administrator; and

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

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



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

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

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



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

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

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

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

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

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



648 Chiropractic Examiners and applies ionizing radiation under the
649 specific direction of a licensed chiropractor;

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

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

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

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



673 accordance with statutory procedures and rules and regulations of
674 the department.

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

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

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

689 41-59-11. Application for license shall be made to the board
690 by private firms or nonfederal governmental agencies. The
691 application shall be made upon forms in accordance with procedures
692 established by the board and shall contain the following:

693 (a) The name and address of the owner of the ambulance
694 service or proposed ambulance service;

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



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

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

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

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

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

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

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



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

724 41-59-23. (1) Before a vehicle can be operated as an
725 ambulance, its licensed owner must apply for and receive an
726 ambulance permit issued by the board for such vehicle.
727 Application shall be made upon forms and according to procedures
728 established by the board. Each application for an ambulance
729 permit shall be accompanied by a permit fee to be fixed by the
730 board, which shall be paid to the board. Any increase in the fee
731 charged by the board under this subsection shall be in accordance
732 with the provisions of Section 41-3-65. Prior to issuing an
733 original or renewal permit for an ambulance, the vehicle for which
734 the permit is issued shall be inspected and a determination made
735 that the vehicle meets all requirements as to vehicle design,
736 sanitation, construction, medical equipment and supplies set forth
737 in this chapter and regulations promulgated by the board. Permits
738 issued for ambulance shall be valid for a period not to exceed one
739 (1) year.

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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



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

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

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

833 41-59-65. Either a public or private ambulance service
834 licensed and regulated by the State Board of Health desiring to
835 offer such a membership subscription program shall make
836 application for permit to conduct and implement such program to
837 the State Board of Health. The application shall be made upon
838 forms in accordance with procedures established by the board and
839 shall contain the following:

840 (a) The name and address of the owner of the ambulance
841 service;

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

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



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

848 (e) Such other information as the board shall deem
849 necessary.

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

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

862 41-59-79. Any person desiring certification as a medical
863 first responder shall apply to the board using forms prescribed by
864 the board. Each application for a medical first responder
865 certificate shall be accompanied by a certificate fee to be fixed
866 by the board, which shall be paid to the board. Any increase in
867 the fee charged by the board under this section shall be in
868 accordance with the provisions of Section 41-3-65. Upon the
869 successful completion of the board's approved medical first



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

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

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

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

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

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

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



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

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

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

906 41-67-25. (1) A person may not operate as an installer of
907 individual on-site wastewater disposal systems unless that person
908 is currently certified by the department. A person who installs
909 an individual on-site wastewater disposal system on his own
910 property for his primary residence is not considered an installer
911 for purposes of this subsection.

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

918 (3) The department shall issue a certification to an
919 installer if the installer:



920 (a) Completes an application form that complies with
921 this chapter and rules and regulations adopted by the board;
922 (b) Satisfactorily completes the training program for
923 installation and maintenance provided by the department;
924 (c) Pays the certification fee once every three (3)
925 years, which shall be an amount not greater than One Hundred Fifty
926 Dollars (\$150.00); any increase in the fee charged by the
927 department under this paragraph shall be in accordance with the
928 provisions of Section 41-3-65; and
929 (d) Provides proof of having a valid general business
930 liability insurance policy in effect with liability limits of at
931 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
932 least One Hundred Thousand Dollars (\$100,000.00) in total
933 aggregate amount.

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



1019 (c) Satisfactorily complies with the requirements of
1020 his/her pumping and hauling equipment;

1021 (d) Provides documentation of a disposal site approved
1022 by the Department of Environmental Quality, Office of Pollution
1023 Control;

1024 (e) Pays the license fee once every three (3) years;
1025 any increase in the fee charged by the department under this
1026 paragraph shall be in accordance with the provisions of Section
1027 41-3-65; and

1028 (f) Provides proof of having a valid general business
1029 liability insurance policy in effect with liability limits of at
1030 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
1031 least One Hundred Thousand Dollars (\$100,000.00) in total
1032 aggregate amount.

1033 (3) Each pumper or designated agent thereof, upon request,
1034 shall furnish proof of certification to an individual before
1035 entering a contract with that individual for the removing and
1036 disposing of the sludge and liquid waste (septage) from an
1037 individual on-site wastewater disposal system.

1038 (4) The department shall disseminate to the public an
1039 official list of certified pumpers.

1040 (5) If any person operates in the state as a certified
1041 pumper without a license by the board, the board, after due notice
1042 and opportunity for a hearing, may impose a monetary penalty not
1043 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.



1044 (6) The department may suspend or revoke a pumper
1045 certification if the pumper disposes of septage or other liquid
1046 waste in an unpermitted or unapproved site and/or violates this
1047 chapter or rules and regulations under this chapter.

1048 (7) A municipal wastewater treatment facility may make a
1049 site available for certified pumpers to dispose of septic or other
1050 liquid waste.

1051 (8) The department shall provide for renewal of
1052 certifications once every three (3) years.

1053 (9) The department must provide for renewal pumper
1054 certifications to be applied for at the local department offices.

1055 **SECTION 20.** Section 41-71-5, Mississippi Code of 1972, is
1056 reenacted as follows:

1057 41-71-5. An application for a license shall be made to the
1058 licensing agency upon forms provided by the agency and shall
1059 contain such information as the agency shall require, which may
1060 include affirmative evidence of ability to comply with such
1061 reasonable standards, rules and regulations as are lawfully
1062 prescribed under this chapter. A license fee of One Thousand
1063 Dollars (\$1,000.00), payable to the licensing agency, shall be
1064 submitted with each application. Any increase in the fee charged
1065 by the licensing agency under this section shall be in accordance
1066 with the provisions of Section 41-3-65.

1067 **SECTION 21.** Section 41-71-7, Mississippi Code of 1972, is
1068 reenacted as follows:



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

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

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



1094 information as the licensing agency reasonably requires, which may
1095 include affirmative evidence of ability to comply with such
1096 reasonable standards, rules and regulations as are lawfully
1097 prescribed hereunder. Each application for a license shall be
1098 accompanied by a license fee of Three Thousand Dollars
1099 (\$3,000.00), which shall be paid to the licensing agency. Any
1100 increase in the fee charged by the licensing agency under this
1101 section shall be in accordance with the provisions of Section
1102 41-3-65.

1103 **SECTION 23.** Section 41-75-9, Mississippi Code of 1972, is
1104 reenacted as follows:

1105 41-75-9. Upon receipt of an application for license and the
1106 license fee, the licensing agency shall issue a license if the
1107 applicant and the institutional facilities meet the requirements
1108 established under this chapter and the requirements of Section
1109 41-7-173 et seq. where determined by the licensing agency to be
1110 applicable. A license, unless suspended or revoked, shall be
1111 renewable annually upon payment of a renewal fee of Three Thousand
1112 Dollars (\$3,000.00), which shall be paid to the licensing agency,
1113 and upon filing by the licensee and approval by the licensing
1114 agency of an annual report upon such uniform dates and containing
1115 such information in such form as the licensing agency requires.
1116 Any increase in the fee charged by the licensing agency under this
1117 section shall be in accordance with the provisions of Section
1118 41-3-65. Each license shall be issued only for the premises and



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

(iii) Procedures for maintaining records; and

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

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

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



1193 and including March 27, 2017, through and until July 1, 2017, and
1194 shall issue no more than five (5) new hospice licenses in
1195 accordance with this chapter so long as the related applicant can
1196 show good cause for the issuance of the hospice license(s) for
1197 which application is made (including specifically, without
1198 limitation, the capability and capacity to provide unique or
1199 otherwise unavailable services related to serving patients under
1200 eighteen (18) years of age in the service area to which such
1201 application relates). If the applicant at the time of filing
1202 holds one or more hospice licenses, the applicant must be in good
1203 standing with the department regarding those licenses. Not more
1204 than two (2) of the new hospice licenses issued under this
1205 subsection shall be issued to the same applicant. This subsection
1206 (3) shall stand repealed on July 1, 2022.

1207 (4) The provisions of subsection (3) prohibiting the
1208 processing of any new applications for hospice licensure shall not
1209 be applicable to an application for license reinstatement by a
1210 hospice whose license was temporarily suspended as a result of a
1211 federal audit by the U.S. Department of Health and Human Services,
1212 Office of Inspector General (HHS-OIG), and the audit has been
1213 concluded without any penalty imposed by the federal agency.

1214 **SECTION 27.** Section 41-125-7, Mississippi Code of 1972, is
1215 reenacted as follows:

1216 41-125-7. (1) Separate licenses are required for PPEC
1217 centers maintained on separate premises, even though they are



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

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

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

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

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



1243 institution, with a minimum fee per institution of Two Hundred
1244 Dollars (\$200.00), which shall be paid to the licensing agency.
1245 Each application for a license for a personal care home shall be
1246 accompanied by a license fee of Fifteen Dollars (\$15.00) for each
1247 bed in the institution, with a minimum fee per institution of One
1248 Hundred Dollars (\$100.00), which shall be paid to the licensing
1249 agency.

1250 Any increase in the fee charged by the licensing agency under
1251 this section shall be in accordance with the provisions of Section
1252 41-3-65.

1253 No governmental entity or agency shall be required to pay the
1254 fee or fees set forth in this section.

1255 **SECTION 29.** Section 43-11-8, Mississippi Code of 1972, is
1256 reenacted as follows:

1257 43-11-8. (1) An application for a license for an adult
1258 foster care facility shall be made to the licensing agency upon
1259 forms provided by it and shall contain such information as the
1260 licensing agency reasonably requires, which may include
1261 affirmative evidence of ability to comply with such reasonable
1262 standards, rules and regulations as are lawfully prescribed
1263 hereunder. Each application for a license for an adult foster
1264 care facility shall be accompanied by a license fee of Ten Dollars
1265 (\$10.00) for each person or bed of licensed capacity, with a
1266 minimum fee per home or institution of Fifty Dollars (\$50.00),
1267 which shall be paid to the licensing agency. Any increase in the



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

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

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

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



1293 41-7-173 et seq., where determined by the licensing agency to be
1294 applicable. A license, unless suspended or revoked, shall be
1295 renewable annually upon payment by (a) the licensee of an
1296 institution for the aged or infirm, except for personal care
1297 homes, of a renewal fee of Twenty Dollars (\$20.00) for each bed in
1298 the institution, with a minimum fee per institution of Two Hundred
1299 Dollars (\$200.00), or (b) the licensee of a personal care home of
1300 a renewal fee of Fifteen Dollars (\$15.00) for each bed in the
1301 institution, with a minimum fee per institution of One Hundred
1302 Dollars (\$100.00), which shall be paid to the licensing agency,
1303 and upon filing by the licensee and approval by the licensing
1304 agency of an annual report upon such uniform dates and containing
1305 such information in such form as the licensing agency prescribes
1306 by regulation. Any increase in the fee charged by the licensing
1307 agency under this subsection shall be in accordance with the
1308 provisions of Section 41-3-65. Each license shall be issued only
1309 for the premises and person or persons or other legal entity or
1310 entities named in the application and shall not be transferable or
1311 assignable except with the written approval of the licensing
1312 agency. Licenses shall be posted in a conspicuous place on the
1313 licensed premises.

1314 (2) A fee known as a "User Fee" shall be applicable and
1315 shall be paid to the licensing agency as set out in subsection (1)
1316 of this section. Any increase in the fee charged by the licensing
1317 agency under this subsection shall be in accordance with the



1318 provisions of Section 41-3-65. This user fee shall be assessed
1319 for the purpose of the required reviewing and inspections of the
1320 proposal of any institution in which there are additions,
1321 renovations, modernizations, expansion, alterations, conversions,
1322 modifications or replacement of the entire facility involved in
1323 such proposal. This fee includes the reviewing of architectural
1324 plans in all steps required. There shall be a minimum user fee of
1325 Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand
1326 Dollars (\$5,000.00).

1327 (3) No governmental entity or agency shall be required to
1328 pay the fee or fees set forth in this section.

1329 **SECTION 31.** Section 43-11-13, Mississippi Code of 1972, is
1330 reenacted as follows:

1331 43-11-13. (1) The licensing agency shall adopt, amend,
1332 promulgate and enforce such rules, regulations and standards,
1333 including classifications, with respect to all institutions for
1334 the aged or infirm to be licensed under this chapter as may be
1335 designed to further the accomplishment of the purpose of this
1336 chapter in promoting adequate care of individuals in those
1337 institutions in the interest of public health, safety and welfare.
1338 Those rules, regulations and standards shall be adopted and
1339 promulgated by the licensing agency and shall be recorded and
1340 indexed in a book to be maintained by the licensing agency in its
1341 main office in the State of Mississippi, entitled "Rules,
1342 Regulations and Minimum Standards for Institutions for the Aged or



1343 Infirm" and the book shall be open and available to all
1344 institutions for the aged or infirm and the public generally at
1345 all reasonable times. Upon the adoption of those rules,
1346 regulations and standards, the licensing agency shall mail copies
1347 thereof to all those institutions in the state that have filed
1348 with the agency their names and addresses for this purpose, but
1349 the failure to mail the same or the failure of the institutions to
1350 receive the same shall in no way affect the validity thereof. The
1351 rules, regulations and standards may be amended by the licensing
1352 agency, from time to time, as necessary to promote the health,
1353 safety and welfare of persons living in those institutions.

1354 (2) The licensee shall keep posted in a conspicuous place on
1355 the licensed premises all current rules, regulations and minimum
1356 standards applicable to fire protection measures as adopted by the
1357 licensing agency. The licensee shall furnish to the licensing
1358 agency at least once each six (6) months a certificate of approval
1359 and inspection by state or local fire authorities. Failure to
1360 comply with state laws and/or municipal ordinances and current
1361 rules, regulations and minimum standards as adopted by the
1362 licensing agency, relative to fire prevention measures, shall be
1363 prima facie evidence for revocation of license.

1364 (3) The State Board of Health shall promulgate rules and
1365 regulations restricting the storage, quantity and classes of drugs
1366 allowed in personal care homes and adult foster care facilities.
1367 Residents requiring administration of Schedule II Narcotics as



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

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

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



1393 deposits by the director of a personal care home. Any funds given
1394 or provided for the purpose of supplying extra comforts,
1395 conveniences or services to any resident in any personal care
1396 home, and any funds otherwise received and held from, for or on
1397 behalf of any such resident, shall be deposited by the director or
1398 other proper officer of the personal care home to the credit of
1399 that resident in an account that shall be known as the Resident's
1400 Personal Deposit Fund. No more than one (1) month's charge for
1401 the care, support, maintenance and medical attention of the
1402 resident shall be applied from the account at any one time. After
1403 the death, discharge or transfer of any resident for whose benefit
1404 any such fund has been provided, any unexpended balance remaining
1405 in his personal deposit fund shall be applied for the payment of
1406 care, cost of support, maintenance and medical attention that is
1407 accrued. If any unexpended balance remains in that resident's
1408 personal deposit fund after complete reimbursement has been made
1409 for payment of care, support, maintenance and medical attention,
1410 and the director or other proper officer of the personal care home
1411 has been or shall be unable to locate the person or persons
1412 entitled to the unexpended balance, the director or other proper
1413 officer may, after the lapse of one (1) year from the date of that
1414 death, discharge or transfer, deposit the unexpended balance to
1415 the credit of the personal care home's operating fund.

1416 (c) The State Board of Health shall promulgate rules
1417 and regulations requiring personal care homes to maintain records



1418 relating to health condition, medicine dispensed and administered,
1419 and any reaction to that medicine. The director of the personal
1420 care home shall be responsible for explaining the availability of
1421 those records to the family of the resident at any time upon
1422 reasonable request.

1423 (5) (a) For the purposes of this subsection (5):

1424 (i) "Licensed entity" means a hospital, nursing
1425 home, personal care home, home health agency, hospice or adult
1426 foster care facility;

1427 (ii) "Covered entity" means a licensed entity or a
1428 health care professional staffing agency;

1429 (iii) "Employee" means any individual employed by
1430 a covered entity, and also includes any individual who by contract
1431 provides to the patients, residents or clients being served by the
1432 covered entity direct, hands-on, medical patient care in a
1433 patient's, resident's or client's room or in treatment or recovery
1434 rooms. The term "employee" does not include health care
1435 professional/vocational technical students performing clinical
1436 training in a licensed entity under contracts between their
1437 schools and the licensed entity, and does not include students at
1438 high schools located in Mississippi who observe the treatment and
1439 care of patients in a licensed entity as part of the requirements
1440 of an allied-health course taught in the high school, if:

1441 1. The student is under the supervision of a
1442 licensed health care provider; and



1443 2. The student has signed an affidavit that
1444 is on file at the student's school stating that he or she has not
1445 been convicted of or pleaded guilty or nolo contendere to a felony
1446 listed in paragraph (d) of this subsection (5), or that any such
1447 conviction or plea was reversed on appeal or a pardon was granted
1448 for the conviction or plea. Before any student may sign such an
1449 affidavit, the student's school shall provide information to the
1450 student explaining what a felony is and the nature of the felonies
1451 listed in paragraph (d) of this subsection (5).

1452 However, the health care professional/vocational technical
1453 academic program in which the student is enrolled may require the
1454 student to obtain criminal history record checks. In such
1455 incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does
1456 not preclude the licensing entity from processing submitted
1457 fingerprints of students from healthcare-related
1458 professional/vocational technical programs who, as part of their
1459 program of study, conduct observations and provide clinical care
1460 and services in a covered entity.

1461 (b) Under regulations promulgated by the State Board of
1462 Health, the licensing agency shall require to be performed a
1463 criminal history record check on (i) every new employee of a
1464 covered entity who provides direct patient care or services and
1465 who is employed on or after July 1, 2003, and (ii) every employee
1466 of a covered entity employed before July 1, 2003, who has a
1467 documented disciplinary action by his or her present employer. In



1468 addition, the licensing agency shall require the covered entity to
1469 perform a disciplinary check with the professional licensing
1470 agency of each employee, if any, to determine if any disciplinary
1471 action has been taken against the employee by that agency.

1472 Except as otherwise provided in paragraph (c) of this
1473 subsection (5), no such employee hired on or after July 1, 2003,
1474 shall be permitted to provide direct patient care until the
1475 results of the criminal history record check have revealed no
1476 disqualifying record or the employee has been granted a waiver.
1477 In order to determine the employee applicant's suitability for
1478 employment, the applicant shall be fingerprinted. Fingerprints
1479 shall be submitted to the licensing agency from scanning, with the
1480 results processed through the Department of Public Safety's
1481 Criminal Information Center. The fingerprints shall then be
1482 forwarded by the Department of Public Safety to the Federal Bureau
1483 of Investigation for a national criminal history record check.
1484 The licensing agency shall notify the covered entity of the
1485 results of an employee applicant's criminal history record check.
1486 If the criminal history record check discloses a felony
1487 conviction, guilty plea or plea of nolo contendere to a felony of
1488 possession or sale of drugs, murder, manslaughter, armed robbery,
1489 rape, sexual battery, sex offense listed in Section 45-33-23(h),
1490 child abuse, arson, grand larceny, burglary, gratification of lust
1491 or aggravated assault, or felonious abuse and/or battery of a
1492 vulnerable adult that has not been reversed on appeal or for which



1493 a pardon has not been granted, the employee applicant shall not be
1494 eligible to be employed by the covered entity.

1495 (c) Any such new employee applicant may, however, be
1496 employed on a temporary basis pending the results of the criminal
1497 history record check, but any employment contract with the new
1498 employee shall be voidable if the new employee receives a
1499 disqualifying criminal history record check and no waiver is
1500 granted as provided in this subsection (5).

1501 (d) Under regulations promulgated by the State Board of
1502 Health, the licensing agency shall require every employee of a
1503 covered entity employed before July 1, 2003, to sign an affidavit
1504 stating that he or she has not been convicted of or pleaded guilty
1505 or nolo contendere to a felony of possession or sale of drugs,
1506 murder, manslaughter, armed robbery, rape, sexual battery, any sex
1507 offense listed in Section 45-33-23(h), child abuse, arson, grand
1508 larceny, burglary, gratification of lust, aggravated assault, or
1509 felonious abuse and/or battery of a vulnerable adult, or that any
1510 such conviction or plea was reversed on appeal or a pardon was
1511 granted for the conviction or plea. No such employee of a covered
1512 entity hired before July 1, 2003, shall be permitted to provide
1513 direct patient care until the employee has signed the affidavit
1514 required by this paragraph (d). All such existing employees of
1515 covered entities must sign the affidavit required by this
1516 paragraph (d) within six (6) months of the final adoption of the
1517 regulations promulgated by the State Board of Health. If a person



1518 signs the affidavit required by this paragraph (d), and it is
1519 later determined that the person actually had been convicted of or
1520 pleaded guilty or nolo contendere to any of the offenses listed in
1521 this paragraph (d) and the conviction or plea has not been
1522 reversed on appeal or a pardon has not been granted for the
1523 conviction or plea, the person is guilty of perjury. If the
1524 offense that the person was convicted of or pleaded guilty or nolo
1525 contendere to was a violent offense, the person, upon a conviction
1526 of perjury under this paragraph, shall be punished as provided in
1527 Section 97-9-61. If the offense that the person was convicted of
1528 or pleaded guilty or nolo contendere to was a nonviolent offense,
1529 the person, upon a conviction of perjury under this paragraph,
1530 shall be punished by a fine of not more than Five Hundred Dollars
1531 (\$500.00), or by imprisonment in the county jail for not more than
1532 six (6) months, or by both such fine and imprisonment.

1533 (e) The covered entity may, in its discretion, allow
1534 any employee who is unable to sign the affidavit required by
1535 paragraph (d) of this subsection (5) or any employee applicant
1536 aggrieved by an employment decision under this subsection (5) to
1537 appear before the covered entity's hiring officer, or his or her
1538 designee, to show mitigating circumstances that may exist and
1539 allow the employee or employee applicant to be employed by the
1540 covered entity. The covered entity, upon report and
1541 recommendation of the hiring officer, may grant waivers for those
1542 mitigating circumstances, which shall include, but not be limited



1543 to: (i) age at which the crime was committed; (ii) circumstances
1544 surrounding the crime; (iii) length of time since the conviction
1545 and criminal history since the conviction; (iv) work history; (v)
1546 current employment and character references; and (vi) other
1547 evidence demonstrating the ability of the individual to perform
1548 the employment responsibilities competently and that the
1549 individual does not pose a threat to the health or safety of the
1550 patients of the covered entity.

1551 (f) The licensing agency may charge the covered entity
1552 submitting the fingerprints a fee not to exceed Fifty Dollars
1553 (\$50.00), which covered entity may, in its discretion, charge the
1554 same fee, or a portion thereof, to the employee applicant. Any
1555 increase in the fee charged by the licensing agency under this
1556 paragraph shall be in accordance with the provisions of Section
1557 41-3-65. Any costs incurred by a covered entity implementing this
1558 subsection (5) shall be reimbursed as an allowable cost under
1559 Section 43-13-116.

1560 (g) If the results of an employee applicant's criminal
1561 history record check reveals no disqualifying event, then the
1562 covered entity shall, within two (2) weeks of the notification of
1563 no disqualifying event, provide the employee applicant with a
1564 notarized letter signed by the chief executive officer of the
1565 covered entity, or his or her authorized designee, confirming the
1566 employee applicant's suitability for employment based on his or
1567 her criminal history record check. An employee applicant may use



1568 that letter for a period of two (2) years from the date of the
1569 letter to seek employment with any covered entity without the
1570 necessity of an additional criminal history record check. Any
1571 covered entity presented with the letter may rely on the letter
1572 with respect to an employee applicant's criminal background and is
1573 not required for a period of two (2) years from the date of the
1574 letter to conduct or have conducted a criminal history record
1575 check as required in this subsection (5).

1576 (h) The licensing agency, the covered entity, and their
1577 agents, officers, employees, attorneys and representatives, shall
1578 be presumed to be acting in good faith for any employment decision
1579 or action taken under this subsection (5). The presumption of
1580 good faith may be overcome by a preponderance of the evidence in
1581 any civil action. No licensing agency, covered entity, nor their
1582 agents, officers, employees, attorneys and representatives shall
1583 be held liable in any employment decision or action based in whole
1584 or in part on compliance with or attempts to comply with the
1585 requirements of this subsection (5).

1586 (i) The licensing agency shall promulgate regulations
1587 to implement this subsection (5).

1588 (j) The provisions of this subsection (5) shall not
1589 apply to:

1590 (i) Applicants and employees of the University of
1591 Mississippi Medical Center for whom criminal history record checks



1592 and fingerprinting are obtained in accordance with Section
1593 37-115-41; or

1594 (ii) Health care professional/vocational technical
1595 students for whom criminal history record checks and
1596 fingerprinting are obtained in accordance with Section 37-29-232.

1597 (6) The State Board of Health shall promulgate rules,
1598 regulations and standards regarding the operation of adult foster
1599 care facilities.

1600 **SECTION 32.** Section 43-16-25, Mississippi Code of 1972, is
1601 reenacted as follows:

1602 43-16-25. A license issued under the provisions of this
1603 chapter shall be renewed annually upon payment of a renewal fee
1604 not to exceed One Hundred Dollars (\$100.00), and upon filing by
1605 the licensee of an annual report upon such uniform dates and upon
1606 forms provided by the licensing agency, accompanied by a current
1607 certificate of inspection and approval by the fire department and
1608 the county health department specified in Section 43-16-11.

1609 Any increase in the fee charged by the board under this
1610 section shall be in accordance with the provisions of Section
1611 41-3-65.

1612 No governmental entity or agency shall be required to pay the
1613 fee or fees set forth in this section.

1614 **SECTION 33.** Section 43-20-8, Mississippi Code of 1972, is
1615 reenacted as follows:



1616 43-20-8. (1) The licensing agency shall have powers and
1617 duties as set forth below, in addition to other duties prescribed
1618 under this chapter:

1619 (a) Promulgate rules and regulations concerning the
1620 licensing and regulation of child care facilities as defined in
1621 Section 43-20-5;

1622 (b) Have the authority to issue, deny, suspend, revoke,
1623 restrict or otherwise take disciplinary action against licensees
1624 as provided for in this chapter;

1625 (c) Set and collect fees and penalties as provided for
1626 in this chapter; any increase in the fees charged by the licensing
1627 agency under this paragraph shall be in accordance with the
1628 provisions of Section 41-3-65; and

1629 (d) Have such other powers as may be required to carry
1630 out the provisions of this chapter.

1631 (2) Child care facilities shall assure that parents have
1632 welcome access to the child care facility at all times and shall
1633 comply with the provisions of Chapter 520, Laws of 2006.

1634 (3) Each child care facility shall develop and maintain a
1635 current list of contact persons for each child provided care by
1636 that facility. An agreement may be made between the child care
1637 facility and the child's parent, guardian or contact person at the
1638 time of registration to inform the parent, guardian or contact
1639 person if the child does not arrive at the facility within a
1640 reasonable time.



1641 (4) Child care facilities shall require that, for any
1642 current or prospective caregiver, all criminal records, background
1643 and sex offender registry checks and current child abuse registry
1644 checks are obtained. In order to determine the applicant's
1645 suitability for employment, the applicant shall be fingerprinted.
1646 If no disqualifying record is identified at the state level, the
1647 fingerprints shall be forwarded by the Department of Public Safety
1648 to the FBI for a national criminal history record check.

1649 (5) The licensing agency shall require to be performed a
1650 criminal records background check and a child abuse registry check
1651 for all operators of a child care facility and any person living
1652 in a residence used for child care. The Department of Human
1653 Services shall have the authority to disclose to the State
1654 Department of Health any potential applicant whose name is listed
1655 on the Child Abuse Central Registry or has a pending
1656 administrative review. That information shall remain confidential
1657 by all parties. In order to determine the applicant's suitability
1658 for employment, the applicant shall be fingerprinted. If no
1659 disqualifying record is identified at the state level, the
1660 fingerprints shall be forwarded by the Department of Public Safety
1661 to the FBI for a national criminal history record check.

1662 (6) The licensing agency shall have the authority to exclude
1663 a particular crime or crimes or a substantiated finding of child
1664 abuse and/or neglect as disqualifying individuals or entities for
1665 prospective or current employment or licensure.



1666 (7) The licensing agency and its agents, officers,
1667 employees, attorneys and representatives shall not be held civilly
1668 liable for any findings, recommendations or actions taken under
1669 this section.

1670 (8) All fees incurred in compliance with this section shall
1671 be borne by the child care facility. The licensing agency is
1672 authorized to charge a fee that includes the amount required by
1673 the Federal Bureau of Investigation for the national criminal
1674 history record check in compliance with the Child Protection Act
1675 of 1993, as amended, and any necessary costs incurred by the
1676 licensing agency for the handling and administration of the
1677 criminal history background checks.

1678 (9) From and after January 1, 2008, the State Board of
1679 Health shall develop regulations to ensure that all children
1680 enrolled or enrolling in a state licensed child care center
1681 receive age-appropriate immunization against invasive pneumococcal
1682 disease as recommended by the Advisory Committee on immunization
1683 practices of the Centers for Disease Control and Prevention. The
1684 State Board of Health shall include, within its regulations,
1685 protocols for children under the age of twenty-four (24) months to
1686 catch up on missed doses. If the State Board of Health has
1687 adopted regulations before January 1, 2008, that would otherwise
1688 meet the requirements of this subsection, then this subsection
1689 shall stand repealed on January 1, 2008.



1690 **SECTION 34.** Section 43-20-11, Mississippi Code of 1972, is
1691 reenacted as follows:

1692 43-20-11. An application for a license under this chapter
1693 shall be made to the licensing agency upon forms provided by it,
1694 and shall contain such information as the licensing agency may
1695 reasonably require. Each application for a license shall be
1696 accompanied by a license fee not to exceed Four Hundred Dollars
1697 (\$400.00), which shall be paid to the licensing agency. Any
1698 increase in the fee charged by the licensing agency under this
1699 section shall be in accordance with the provisions of Section
1700 41-3-65. Licenses shall be granted to applicants upon the filing
1701 of properly completed application forms, accompanied by payment of
1702 the license fee, and a certificate of inspection and approval by
1703 the fire department of the municipality or other political
1704 subdivision in which the facility is located, and by a certificate
1705 of inspection and approval by the health department of the county
1706 in which the facility is located, and approval by the licensing
1707 agency; except that if no fire department exists where the
1708 facility is located, the State Fire Marshal shall certify as to
1709 the inspection for safety from fire hazards. The fire, county
1710 health department and licensing agency inspections and approvals
1711 shall be based upon regulations promulgated by the licensing
1712 agency as approved by the State Board of Health.

1713 Each license shall be issued only for the premises and person
1714 or persons named in the application and shall not be transferable



1715 or assignable except with the written approval of the licensing
1716 agency. Licenses shall be posted in a conspicuous place on the
1717 licensed premises.

1718 No governmental entity or agency shall be required to pay the
1719 fee or fees set forth in this section.

1720 **SECTION 35.** Section 43-20-13, Mississippi Code of 1972, is
1721 reenacted as follows:

1722 43-20-13. A license issued under the provisions of this
1723 chapter shall be renewed upon payment of a renewal fee not to
1724 exceed Four Hundred Dollars (\$400.00) per year, and upon filing by
1725 the licensee of a report upon such uniform dates and upon forms
1726 provided by the licensing agency, accompanied by a current
1727 certificate of inspection and approval by the fire department and
1728 the county health department specified in Section 43-20-11.

1729 Any increase in the fee charged by the licensing agency under
1730 this section shall be in accordance with the provisions of Section
1731 41-3-65.

1732 No governmental entity or agency shall be required to pay the
1733 fee or fees set forth in this section.

1734 **SECTION 36.** Section 43-20-59, Mississippi Code of 1972, is
1735 reenacted as follows:

1736 43-20-59. (1) Any person maintaining a family child care
1737 home may register such home with the State Department of Health on
1738 forms provided by the department.



1739 (2) A certificate of registration shall be issued to the
1740 applicant for registration who (a) attests to the safety of the
1741 home for the care of children, (b) submits a fee of Five Dollars
1742 (\$5.00), payable to the department, and (c) certifies that no
1743 person described in paragraph (a), (b), (c), (d) or (e) of Section
1744 43-20-57(1) resides, works or volunteers in the family child care
1745 home.

1746 Any increase in the fee charged by the department under this
1747 subsection shall be in accordance with the provisions of Section
1748 41-3-65.

1749 (3) The department shall furnish each applicant for
1750 registration a family child care home safety evaluation form to be
1751 completed by the applicant and submitted with the registration
1752 application.

1753 (4) The certificate of registration shall be renewed
1754 annually in the same manner provided for in this section.

1755 (5) A certificate of registration shall be in force for one
1756 (1) year after the date of issuance unless revoked pursuant to
1757 Sections 43-20-51 through 43-20-65. The certificate shall specify
1758 that the registrant may operate a family child care home for five
1759 (5) or fewer children. This section shall not be construed to
1760 limit the right of the department to enter a registered family
1761 child care home for the purpose of assessing compliance with
1762 Sections 43-20-51 through 43-20-65 after receiving a complaint



1763 against the registrant of such home or in conducting a periodic
1764 routine inspection.

1765 (6) The department shall adopt rules and regulations to
1766 implement the registration provisions.

1767 **SECTION 37.** Section 45-14-31, Mississippi Code of 1972, is
1768 reenacted as follows:

1769 45-14-31. (1) All initial application and registration fees
1770 and annual fees due under this section shall be paid directly to
1771 the agency for deposit into the Radiological Health Operations
1772 Fund in the State Treasury. The Mississippi State Board of Health
1773 shall submit its separate budget for carrying out the provisions
1774 of this chapter. The budget shall be subject to and shall comply
1775 with the requirements of the state budget law.

1776 (2) In order to supplement state radiological health budget
1777 allocations authorized to carry out and enforce the provisions of
1778 this chapter, the agency is authorized to charge and collect fees
1779 for the following radiological health services:

1780 (a) Radiological health services - Category 1:
1781 application fee and annual fee not to exceed.....\$3,500.00

1782 (b) Radiological health services - Category 2:
1783 application fee and annual fee not to exceed.....\$1,800.00

1784 (c) Radiological health services - Category 3:
1785 application fee and annual fee not to exceed.....\$1,800.00

1786 (d) Healing arts and veterinary medicine X-ray tubes:
1787 application fee and annual fee not to exceed.....\$150.00



1788 The radiological health services that are included in each
1789 specified category shall be determined by the agency by rules and
1790 regulations adopted by the agency.

1791 The agency may increase the amount of the fees charged under
1792 this subsection not more than two (2) times during the period from
1793 July 1, 2016, through June 30, 2020, with the percentage of each
1794 increase being not more than five percent (5%) of the amount of
1795 the fee in effect at the time of the increase.

1796 (3) The agency shall set the amount of the fees for all
1797 other radiological health services not specified in subsection (2)
1798 of this section, and any increase in the fees charged by the
1799 agency under this subsection shall be in accordance with the
1800 provisions of Section 41-3-65.

1801 **SECTION 38.** Section 45-23-23, Mississippi Code of 1972, is
1802 reenacted as follows:

1803 45-23-23. (1) The examination for chief, deputy or special
1804 inspector shall be in writing and shall be by the merit system of
1805 the board under the rules of procedure during the examination.
1806 Application for examination shall be in writing on forms provided
1807 by the board and shall be accompanied by a fee of Twenty-five
1808 Dollars (\$25.00). Any increase in the fee charged by the board
1809 under this subsection shall be in accordance with the provisions
1810 of Section 41-3-65. Such examination shall be confined to
1811 questions, the answers to which will aid in determining the
1812 fitness and competency of the applicant for the intended service.



1813 (2) In case an applicant for an inspector's license fails to
1814 pass the examination, he may appeal to the merit system of the
1815 board for another examination which shall be given by the board
1816 within ninety (90) days.

1817 (3) The record of an applicant's examination shall be
1818 accessible to the applicant and his employer.

1819 **SECTION 39.** Section 45-23-41, Mississippi Code of 1972, is
1820 reenacted as follows:

1821 45-23-41. Each company employing special inspectors, except
1822 a company operating boilers and/or pressure vessels covered by
1823 owner or user inspection service meeting the requirements of
1824 Section 45-23-21(b) shall, within thirty (30) days following each
1825 certificate inspection made by such inspectors, file a report of
1826 such inspection with the chief inspector upon appropriate forms as
1827 promulgated by the board. If such report shows that a boiler or
1828 pressure vessel is found to comply with the rules and regulations
1829 of the board, the owner or user thereof shall pay directly to the
1830 board the fee of Twenty Dollars (\$20.00) for an annual certificate
1831 or Thirty Dollars (\$30.00) for a biennial certificate, and the
1832 chief inspector or his duly authorized representative shall issue
1833 to such owner or user an inspection certificate bearing the date
1834 of inspection and specifying the maximum pressure under which the
1835 boiler or pressure vessel may be operated. Any increase in the
1836 fee charged by the board under this section shall be in accordance
1837 with the provisions of Section 41-3-65.



1838 Such inspection certificate shall be valid for not more than
1839 fourteen (14) months from its date in the case of power boilers
1840 and high pressure, high temperature water boilers, and for not
1841 more than twenty-six (26) months in the case of heating boilers
1842 and pressure vessels.

1843 In the case of those boilers and pressure vessels covered by
1844 Section 45-23-33(a), (b), (c) and (d) for which the board has
1845 established or extended the operating period between required
1846 inspections, pursuant to the provisions of Section 45-23-33(g) or
1847 (h), the certificate shall be valid for a period not more than two
1848 (2) months beyond the period set by the board.

1849 Certificates shall be posted under glass in the room
1850 containing the boiler or pressure vessel inspected. If the boiler
1851 or pressure vessel is not located within the building, the
1852 certificate shall be posted in a location convenient to the boiler
1853 or pressure vessel inspected, or in any place where it will be
1854 accessible to interested parties.

1855 Air tanks used to inflate automobile tires shall be exempt
1856 from the inspection requirements of this section.

1857 **SECTION 40.** Section 45-23-45, Mississippi Code of 1972, is
1858 reenacted as follows:

1859 45-23-45. Each such company shall, in addition, file
1860 annually with the board a statement, signed by the engineer having
1861 supervision over the inspections made during the period covered
1862 thereby, stating the number of vessels covered by this chapter



1863 inspected during the year and certifying that each such inspection
1864 was conducted pursuant to the inspection requirements provided for
1865 by this chapter. Such annual statement shall be accompanied by a
1866 filing fee in accordance with the following schedule:

1867 (a) For statements covering not more than twenty-five
1868 (25) vessels - Three Dollars (\$3.00) per vessel.

1869 (b) For statements covering more than twenty-five (25)
1870 but less than one hundred one (101) vessels - Seventy-five Dollars
1871 (\$75.00).

1872 (c) For statements covering more than one hundred (100)
1873 but less than five hundred one (501) vessels - One Hundred Fifty
1874 Dollars (\$150.00).

1875 (d) For statements covering more than five hundred
1876 (500) vessels - Three Hundred Dollars (\$300.00).

1877 Any increase in the fee charged by the board under this
1878 section shall be in accordance with the provisions of Section
1879 41-3-65.

1880 **SECTION 41.** Section 45-23-53, Mississippi Code of 1972, is
1881 reenacted as follows:

1882 45-23-53. The owner or user of a boiler or pressure vessel
1883 required by this chapter to be inspected by the chief inspector,
1884 of his deputy inspector, shall pay directly to the board, upon
1885 completion of inspection, fees as specified by the board in the
1886 rules and regulations.



1887 (a) Fee schedules set by the board shall be reasonable
1888 and practical, but shall be set at a level which, in conjunction
1889 with the fees collected under Sections 45-23-41 through 45-23-45,
1890 will make this activity reasonably self-supporting. Any increase
1891 in the fees set by the board under this paragraph shall be in
1892 accordance with the provisions of Section 41-3-65.

1893 (b) A group of pressure vessels, such as the rolls of a
1894 paper machine or dryer operating as a single machine or unit,
1895 shall be considered as one (1) pressure vessel.

1896 (c) Not more than one (1) fee shall be charged or
1897 collected for any and all inspections of any pressure vessel in
1898 any required inspection period.

1899 (d) When it is necessary to make a special trip to
1900 witness the application of a hydrostatic test, an additional fee
1901 based on the scale of fees applicable to a certificate inspection
1902 of the boiler or pressure vessel shall be charged.

1903 **SECTION 42.** Section 73-7-71, Mississippi Code of 1972, is
1904 reenacted as follows:

1905 73-7-71. (1) For the purpose of this section, the term
1906 "hair braiding" means the use of techniques that result in tension
1907 on hair strands or roots by twisting, wrapping, weaving,
1908 extending, locking or braiding of the hair by hand or mechanical
1909 device, but does not include the application of dyes, reactive
1910 chemicals, or other preparations to alter the color of the hair or
1911 to straighten, curl or alter the structure of the hair.



1912 (2) No person shall engage in hair braiding for compensation
1913 in the State of Mississippi without first registering with the
1914 State Department of Health. The department may charge each
1915 registrant a fee of not more than Twenty-five Dollars (\$25.00) to
1916 cover the department's costs in registering the person and
1917 providing the person with the brochure prepared under subsection
1918 (3) of this section, which fee shall be uniform for all
1919 registrants. Any increase in the fee charged by the board under
1920 this subsection shall be in accordance with the provisions of
1921 Section 41-3-65. The purpose of this registration is only to
1922 maintain a listing of those persons who engage in hair braiding
1923 for compensation in the state, and does not authorize the
1924 department to license or regulate the practice of hair braiding in
1925 the state, except as provided in subsection (4) of this section.

1926 (3) The State Department of Health shall develop and prepare
1927 a brochure containing information about infection control
1928 techniques that are appropriate for hair braiding in or outside of
1929 a salon setting. The brochure shall be made available through the
1930 department's website or by mail, upon request, for a fee to cover
1931 the department's mailing costs. The brochure shall contain a
1932 self-test with questions on the information contained in the
1933 brochure. For a person engaged in hair braiding to be exempt from
1934 the cosmetology licensure law, Section 73-7-1 et seq., the person
1935 shall complete the self-test part of the brochure and keep the



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

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

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

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

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

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

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

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



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

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

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

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



1983 (4) A provisional license shall permit the holder to
1984 practice only under the direct technical supervision of a
1985 dietitian.

1986 (5) A fee for a provisional license and for each renewal
1987 shall be established by the board. Any increase in the fee
1988 charged by the board under this subsection shall be in accordance
1989 with the provisions of Section 41-3-65.

1990 **SECTION 45.** Section 73-10-21, Mississippi Code of 1972, is
1991 reenacted as follows:

1992 73-10-21. (1) Rules, regulations and standards.

1993 (a) The board is empowered, authorized and directed to
1994 adopt, amend, promulgate and enforce such rules, regulations and
1995 standards governing dietitians as may be necessary to further the
1996 accomplishment of the purpose of the governing law, and in so
1997 doing shall utilize as the basis thereof the corresponding
1998 recommendations of the advisory council. The rules, regulations
1999 and minimum standards for licensing of dietitians may be amended
2000 by the board as deemed necessary. In so doing, the board shall
2001 utilize as the basis thereof the corresponding recommendations of
2002 the advisory council.

2003 (b) The board shall publish and disseminate to all
2004 licensees, in appropriate manner, the licensure standards
2005 prescribed by this chapter, any amendments thereto, and such rules
2006 and regulations as the board may adopt under the authority vested
2007 by Section 73-38-13, within sixty (60) days of their adoption.



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

(3) Issuance and renewal of licenses.

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

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

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



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

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

(4) Denial or revocation of license.

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

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

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



2058 (iii) Being convicted of a crime in any court
2059 other than a misdemeanor;

2060 (iv) Violating any lawful order, rule or
2061 regulation rendered or adopted by the board; or

2062 (v) Violating any provision of this chapter.

2063 (b) Such denial, refusal to renew, suspension,
2064 revocation, order to cease and desist from designated conduct, or
2065 warning or reprimand may be ordered by the board in a decision
2066 made after a hearing in the manner provided by the rules and
2067 regulations adopted by the board. One (1) year from the date of
2068 the revocation of a license, application may be made to the board
2069 for reinstatement. The board shall have discretion to accept or
2070 reject an application for reinstatement and may, but shall not be
2071 required to, hold a hearing to consider such reinstatement.

2072 (c) In addition to the reasons specified in paragraph
2073 (a) of this subsection (4), the board shall be authorized to
2074 suspend the license of any licensee for being out of compliance
2075 with an order for support, as defined in Section 93-11-153. The
2076 procedure for suspension of a license for being out of compliance
2077 with an order for support, and the procedure for the reissuance or
2078 reinstatement of a license suspended for that purpose, and the
2079 payment of any fees for the reissuance or reinstatement of a
2080 license suspended for that purpose, shall be governed by Section
2081 93-11-157 or 93-11-163, as the case may be. If there is any
2082 conflict between any provision of Section 93-11-157 or 93-11-163



2083 and any provision of this chapter, the provisions of Section
2084 93-11-157 or 93-11-163, as the case may be, shall control.

2085 (5) Establish fees.

2086 (a) A person licensed under this chapter shall pay to
2087 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
2088 be set by the board for the issuance of a license.

2089 (b) Such fees shall be set in such an amount as to
2090 reimburse the state to the extent feasible for the cost of the
2091 services rendered.

2092 (c) Any increase in the fee charged by the board under
2093 this subsection shall be in accordance with the provisions of
2094 Section 41-3-65.

2095 (6) Collect funds.

2096 (a) The administration of the provisions of this
2097 chapter shall be financed from income accruing from fees, licenses
2098 and other charges assessed and collected by the board in
2099 administering this chapter.

2100 (b) The board shall receive and account for all funds
2101 received and shall keep such funds in a separate fund.

2102 (c) Funds collected under the provisions of this
2103 chapter shall be used solely for the expenses of the advisory
2104 council and the board to administer the provisions of this
2105 chapter. Such funds shall be subject to audit by the State
2106 Auditor.



2107 (d) Members of the advisory council shall receive no
2108 compensation for services performed on the council, but may be
2109 reimbursed for necessary and actual expenses incurred in
2110 connection with attendance at meetings of the council or for
2111 authorized business of the council from funds made available for
2112 such purpose, as provided in Section 25-3-41.

2113 (7) Receive and process complaints.

2114 (a) The board shall have full authority to investigate
2115 and evaluate each and every applicant applying for a license to
2116 practice dietetics, with the advice of the advisory council.

2117 (b) The board shall have the authority to issue
2118 subpoenas, examine witnesses and administer oaths, and shall, at
2119 its discretion, investigate allegations or practices violating the
2120 provisions of this chapter, and in so doing shall have power to
2121 seek injunctive relief to prohibit any person from providing
2122 professional dietetic services as defined in Section 73-10-3(1)(j)
2123 without being licensed as provided herein.

2124 (8) A license certificate issued by the board is the
2125 property of the board and must be surrendered on demand.

2126 **SECTION 46.** Section 73-14-17, Mississippi Code of 1972, is
2127 reenacted as follows:

2128 73-14-17. An applicant for a license shall pay a fee of One
2129 Hundred Dollars (\$100.00) and shall show to the satisfaction of
2130 the board that he:

2131 (a) Is twenty-one (21) years of age or older.



2132 (b) Has an education equivalent to a four-year course
2133 in an accredited high school.

2134 Any increase in the fee charged by the board under this
2135 section shall be in accordance with the provisions of Section
2136 41-3-65.

2137 No governmental entity or agency shall be required to pay the
2138 fee or fees set forth in this section.

2139 Each application or filing made under this section shall
2140 include the social security number(s) of the applicant in
2141 accordance with Section 93-11-64.

2142 **SECTION 47.** Section 73-14-19, Mississippi Code of 1972, is
2143 reenacted as follows:

2144 73-14-19. An applicant for a license who is notified by the
2145 board that he has fulfilled the requirements of Section 73-14-17
2146 and upon paying a testing fee determined by the department as
2147 necessary to cover the expense of the administration of the
2148 examination not to exceed One Hundred Fifty Dollars (\$150.00),
2149 shall appear at a time, place and before such persons as the board
2150 may designate, to be examined by written and practical test in
2151 order to demonstrate that he is qualified to practice the fitting,
2152 dispensing and selling of hearing aids. Any increase in the fee
2153 charged by the department under this section shall be in
2154 accordance with the provisions of Section 41-3-65.

2155 **SECTION 48.** Section 73-14-27, Mississippi Code of 1972, is
2156 reenacted as follows:



2157 73-14-27. (1) An applicant who fulfills the requirements of
2158 Section 73-14-17 and who has not previously applied to take the
2159 examination provided under Section 73-14-19 may apply to the board
2160 for a temporary license.

2161 (2) Upon receiving an application provided under subsection
2162 (1) of this section, the board shall issue a temporary license
2163 which shall entitle the applicant to practice the fitting and
2164 dispensing of hearing aids for a period ending thirty (30) days
2165 after the conclusion of the next examination given after the date
2166 of issue.

2167 (3) No temporary license shall be issued by the board under
2168 this section unless the applicant shows to the satisfaction of the
2169 board that he is or will be supervised and trained by a person
2170 who:

2171 (a) Holds a current and valid document of being
2172 National Board Certified in Hearing Instrument Sciences by the
2173 International Hearing Society (IHS) or its successor; or

2174 (b) Holds a current and valid Certificate of Clinical
2175 Competence in Audiology from the American Speech-Language-Hearing
2176 Association (ASHA); or

2177 (c) Has had a minimum of three (3) years' experience in
2178 the testing of hearing, fitting of hearing aids and dispensing of
2179 hearing aids.

2180 (4) If a person who holds a temporary license issued under
2181 this section does not take the next examination given after the



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

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

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

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



2207 was suspended for the sole reason of failure to renew, shall be
2208 required to submit to any examination as a condition of
2209 reinstatement, provided such person applies for reinstatement
2210 within one (1) year from the date of lapse of the license.

2211 The board shall require the applicant for license renewal to
2212 present evidence of the satisfactory completion of continuing
2213 education requirements as determined by the board.

2214 In the event that any licensee shall fail to meet the annual
2215 educational requirement, his license shall not be renewed by the
2216 board, but the board may renew the license upon the presentation
2217 of satisfactory evidence of educational study of a standard
2218 approved by the board and upon the payment of all fees due. No
2219 governmental entity or agency shall be required to pay the fee or
2220 fees set forth in this section.

2221 Any increase in the fees charged by the board under this
2222 section shall be in accordance with the provisions of Section
2223 41-3-65.

2224 **SECTION 50.** Section 73-24-29, Mississippi Code of 1972, is
2225 reenacted as follows:

2226 73-24-29. (1) The board is empowered to prescribe and
2227 publish reasonable fees for the following purposes:

- 2228 (a) Application fee which is nonrefundable;
- 2229 (b) Initial license fee;
- 2230 (c) Renewal of license fee;
- 2231 (d) Late renewal fee;



2232 (e) Limited permit fee;

2233 (f) Reinstatement of license fee;

2234 (g) Inactive license fee.

2235 (2) Such fees shall be commensurate to the extent feasible
2236 with the cost of fulfilling the duties of the board and council as
2237 defined by this chapter; however, no individual fee shall exceed
2238 One Hundred Fifty Dollars (\$150.00).

2239 (3) Any increase in the fees charged by the board under this
2240 section shall be in accordance with the provisions of Section
2241 41-3-65.

2242 **SECTION 51.** Section 73-38-31, Mississippi Code of 1972, is
2243 reenacted as follows:

2244 73-38-31. (1) The board shall assess fees for the following
2245 purposes:

2246 (a) Initial licensing;

2247 (b) Renewal of licensure;

2248 (c) License issued after expiration date;

2249 (d) Late renewal payment penalty;

2250 (e) Temporary license;

2251 (f) Renewal of temporary license; and

2252 (g) Registration of aides.

2253 (2) Every person to whom a license is issued pursuant to
2254 this chapter shall, as a condition precedent to its issuance, and
2255 in addition to any application, examination or other fee, pay the
2256 prescribed initial license fee.



2257 (3) Fees prescribed in subsection (1) of this section shall
2258 be exclusive and no municipality shall have the right to require
2259 any person licensed under this chapter to furnish any bond, pass
2260 any examination, or pay any license fee or occupational tax.

2261 (4) Fees listed in subsection (1) of this section shall be
2262 commensurate to the extent feasible with the cost of fulfilling
2263 the duties of the board and council as defined by this chapter;
2264 however, no individual fee shall exceed One Hundred Dollars
2265 (\$100.00).

2266 (5) Any increase in the fees charged by the board under this
2267 section shall be in accordance with the provisions of Section
2268 41-3-65.

2269 **SECTION 52.** Section 73-55-13, Mississippi Code of 1972, is
2270 reenacted as follows:

2271 73-55-13. (1) Except as provided in Section 33-1-39, a
2272 person licensed as an athletic trainer under this chapter shall
2273 pay to the board a fee not to exceed Three Hundred Dollars
2274 (\$300.00) for every three-year period for a renewal of his
2275 license. Any increase in the fee charged by the board under this
2276 subsection shall be in accordance with the provisions of Section
2277 41-3-65.

2278 (2) Continuing education requirements for license renewal
2279 shall be fulfilled during three-year periods running concurrently
2280 with the requirement to maintain certification through the BOC,
2281 Inc. Proof of the completion of continuing education as required



2282 by this section shall be turned in to the board at the time of
2283 renewal of license.

2284 **SECTION 53.** Section 73-57-19, Mississippi Code of 1972, is
2285 reenacted as follows:

2286 73-57-19. (1) Examinations for the licensure in respiratory
2287 care will be conducted not less than two (2) times a year and at
2288 such places as may be determined by the board.

2289 (2) An applicant applying for license to practice
2290 respiratory care shall pay an administrative fee to the board. A
2291 fee shall be required for each examination or reexamination. If
2292 an applicant fails to complete the requirements for licensing
2293 within two (2) years from the date of filing, the application is
2294 deemed to be abandoned.

2295 (3) A fee shall be required for each re-registration.

2296 (4) Any increase in the fees charged by the board under this
2297 section shall be in accordance with the provisions of Section
2298 41-3-65.

2299 **SECTION 54.** Section 73-57-21, Mississippi Code of 1972, is
2300 reenacted as follows:

2301 73-57-21. Upon payment of a fee, the board may issue a
2302 temporary permit to practice respiratory care for a period of six
2303 (6) months to an applicant for licensing who is a student in an
2304 approved respiratory care education program who expects to
2305 graduate within the next thirty (30) calendar days and who is
2306 eligible to sit for the CRT, RRT, or their successor examination.



2307 Any increase in the fee charged by the board under this section
2308 shall be in accordance with the provisions of Section 41-3-65.

2309 **SECTION 55.** Section 73-57-27, Mississippi Code of 1972, is
2310 reenacted as follows:

2311 73-57-27. (1) A license shall be renewed biennially
2312 beginning with the first renewal term after the issuance of the
2313 license, except as herein provided. The board shall provide
2314 notice of renewal at least thirty (30) calendar days prior to
2315 expiration for renewal of license to every person to whom a
2316 license was issued or renewed during the preceding renewal period.
2317 The notice of renewal shall indicate the renewal process and
2318 required fees required to be completed before the date of
2319 expiration.

2320 (2) Upon receipt of the notice of renewal and the renewal
2321 fee, the board shall verify its contents and shall issue the
2322 licensee a license for the current renewal period, which shall be
2323 valid for the period stated thereon. The board, with the advice
2324 of the council, shall establish continuing education requirements
2325 for biennial renewal of the license, which shall include proof of
2326 completion of at least fifteen (15) clock hours approved by the
2327 board for continuing education credit. Any increase in the fee
2328 charged by the board under this subsection shall be in accordance
2329 with the provisions of Section 41-3-65.

2330 (3) A licensee who allows his license to lapse by failing to
2331 renew it may be reinstated by the board upon payment of the



2332 renewal fee and the reinstatement fee, provided that such request
2333 for reinstatement is made within two (2) years of the end of the
2334 renewal period. Any increase in the fee charged by the board
2335 under this subsection shall be in accordance with the provisions
2336 of Section 41-3-65.

2337 (4) A respiratory care practitioner who does not engage in
2338 the practice of respiratory care during the succeeding renewal
2339 period is not required to pay the renewal fee as long as he
2340 remains inactive. If he desires to resume the practice of
2341 respiratory care, he shall notify the board of his intent and
2342 shall satisfy the current requirements of the board in addition to
2343 remitting the renewal fee for the current renewal period and the
2344 reinstatement fee.

2345 (5) The board is authorized to establish fees for
2346 replacement and duplicate licenses, and any increase in the fees
2347 charged by the board under this subsection shall be in accordance
2348 with the provisions of Section 41-3-65.

2349 **SECTION 56.** Section 73-57-29, Mississippi Code of 1972, is
2350 reenacted as follows:

2351 73-57-29. All fees established by the board under this
2352 chapter shall be set in such an amount as is necessary to
2353 reimburse the state for the cost of services rendered, not to
2354 exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be
2355 paid by any individual. Any increase in the fees charged by the
2356 board under this chapter shall be in accordance with the



2357 provisions of Section 41-3-65. Fees received by the board and
2358 monies collected under this chapter shall be deposited in the
2359 State Treasury to the credit of the Respiratory Care Fund.
2360 Expenses incurred in the performance of this chapter shall be paid
2361 in accordance with the accounting laws of the state.

2362 **SECTION 57.** Section 73-61-1, Mississippi Code of 1972, is
2363 reenacted as follows:

2364 73-61-1. (1) No person shall place a tattoo upon the body
2365 of a human for compensation within the State of Mississippi
2366 without first registering with the State Department of Health.
2367 The facility or premises in which tattooing is to be performed
2368 shall be specified in the registration, and the registered person
2369 shall be authorized to perform tattooing only in the specified
2370 facility or premises. For the purposes of this section,
2371 "tattooing" means to make indelible marks or designs on or visible
2372 through the skin of a human by puncturing or pricking the skin
2373 with a needle or other instrument and inserting ink or other
2374 pigments, and "tattoo" means the indelible mark or design so
2375 produced. Registrations shall be valid for one (1) year, and each
2376 person registered under this section shall pay an annual
2377 registration fee to the department in an amount set by the
2378 department, but not to exceed One Hundred Fifty Dollars (\$150.00),
2379 which fee shall be uniform for all registered persons. Any
2380 increase in the fee charged by the department under this



2381 subsection shall be in accordance with the provisions of Section
2382 41-3-65.

2383 (2) The State Board of Health shall promulgate rules and
2384 regulations relating to:

2385 (a) Health, cleanliness and general sanitation of the
2386 facilities or premises in which tattooing is performed or to be
2387 performed;

2388 (b) Sterilization of tattooing apparatus and safe
2389 disposal of tattooing apparatus;

2390 (c) Procedures to prevent the transmission of disease
2391 or infection during or relating to tattooing procedures,
2392 specifically including, but not limited to, transmission of
2393 Hepatitis B and the human immunodeficiency virus (HIV); and

2394 (d) Such other administrative provisions as may be
2395 necessary to protect public health or properly administer the
2396 requirements of this section.

2397 (3) Representatives of the department may visit any facility
2398 or premises in which tattooing is performed at any time during
2399 business hours to ensure compliance with the requirements of this
2400 section and the rules and regulations promulgated under this
2401 section. Representatives of the department shall visit each
2402 facility or premises in which tattooing is performed not less than
2403 once each year to inspect for such compliance. The department may
2404 suspend or revoke the registration of any person found to be



2405 violating any of the rules or regulations promulgated under this
2406 section.

2407 (4) It shall be unlawful for any person to place a tattoo
2408 upon the body of any person under the age of eighteen (18) years.

2409 (5) Any person who places a tattoo upon the body of a human
2410 for compensation without first registering with the department or
2411 after his registration has been suspended or revoked by the
2412 department, or any person who places a tattoo upon the body of any
2413 person in violation of subsection (4) of this section, is guilty
2414 of a misdemeanor and, upon conviction, shall be punished by a fine
2415 of not less than One Hundred Dollars (\$100.00) nor more than Five
2416 Hundred Dollars (\$500.00).

2417 (6) The department is authorized to bring an action for an
2418 injunction under the provisions of Sections 73-51-1 through
2419 73-51-5 to prohibit any person who is required to be registered
2420 under this section from performing tattooing without first
2421 registering with the department or after his registration has been
2422 suspended or revoked by the department.

2423 (7) This section shall not apply to physicians licensed to
2424 practice medicine in Mississippi in the performance of their
2425 professional duties.

2426 **SECTION 58.** Section 73-61-3, Mississippi Code of 1972, is
2427 reenacted as follows:

2428 73-61-3. (1) For the purposes of this section, the term
2429 "body piercing" means the creation of an opening in any part of



2430 the human body, other than the outer perimeter or lobe of the ear,
2431 for the purpose of inserting jewelry or other decorative object,
2432 or for some other nonmedical purpose.

2433 (2) No person shall perform body piercing upon any person
2434 for compensation within the State of Mississippi without first
2435 registering with the State Department of Health. The facility or
2436 premises in which body piercing is to be performed shall be
2437 specified in the registration, and the registered person shall be
2438 authorized to perform body piercing only in the specified facility
2439 or premises. Except as provided in Section 33-1-39, registrations
2440 shall be valid for one (1) year, and each person registered under
2441 this section shall pay an annual registration fee to the
2442 department in an amount set by the department, but not to exceed
2443 One Hundred Fifty Dollars (\$150.00), which fee shall be uniform
2444 for all registered persons. Any increase in the fee charged by
2445 the department under this subsection shall be in accordance with
2446 the provisions of Section 41-3-65.

2447 (3) The State Board of Health shall promulgate rules and
2448 regulations relating to:

2449 (a) Health, cleanliness and general sanitation of the
2450 facilities or premises in which body piercing is performed or to
2451 be performed;

2452 (b) Sterilization of body piercing apparatus and safe
2453 disposal of body piercing apparatus;



2454 (c) Procedures to prevent the transmission of disease
2455 or infection during or relating to body piercing procedures,
2456 specifically including, but not limited to, transmission of
2457 Hepatitis B and the human immunodeficiency virus (HIV); and

2458 (d) Such other administrative provisions as may be
2459 necessary to protect public health or properly administer the
2460 requirements of this section.

2461 (4) Representatives of the department may visit any facility
2462 or premises in which body piercing is performed at any time during
2463 business hours to ensure compliance with the requirements of this
2464 section and the rules and regulations promulgated under this
2465 section. Representatives of the department shall visit each
2466 facility or premises in which body piercing is performed not less
2467 than once each year to inspect for such compliance. The
2468 department may suspend or revoke the registration of any person
2469 found to be violating any of the rules or regulations promulgated
2470 under this section.

2471 (5) It shall be unlawful for any person to perform body
2472 piercing upon any person under the age of eighteen (18) years.

2473 (6) Any person who performs body piercing for compensation
2474 without first registering with the department or after his
2475 registration has been suspended or revoked by the department, or
2476 any person who performs body piercing upon any person in violation
2477 of subsection (5) of this section, is guilty of a misdemeanor and,
2478 upon conviction, shall be punished by a fine of not less than One



2479 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
2480 (\$500.00).

2481 (7) The department is authorized to bring an action for an
2482 injunction under the provisions of Sections 73-51-1 through
2483 73-51-5 to prohibit any person who is required to be registered
2484 under this section from performing body piercing without first
2485 registering with the department or after his registration has been
2486 suspended or revoked by the department.

2487 (8) This section shall not apply to physicians licensed to
2488 practice medicine in Mississippi in the performance of their
2489 professional duties.

2490 **SECTION 59.** Section 73-65-5, Mississippi Code of 1972, is
2491 reenacted as follows:

2492 73-65-5. The board shall:

2493 (a) Promulgate regulations necessary to carry out the
2494 provisions of this chapter;

2495 (b) Require that all applicants register for, take and
2496 pass the Art Therapy Credentials Board Examination as administered
2497 by the Art Therapy Credentials Board, Inc.;

2498 (c) Establish the application deadline for and score
2499 required to pass the examination;

2500 (d) Process applications and review the required
2501 examinations;

2502 (e) Issue licenses to applicants who meet the
2503 requirements of Section 73-65-7 or 73-65-9;



2504 (f) Deny, suspend or revoke a license to practice art
2505 therapy;
2506 (g) Censure, reprimand, or place a license holder or
2507 applicant on probation for a period not to exceed one (1) year;
2508 (h) Maintain a current register of license holders as a
2509 matter of public record;
2510 (i) Establish criteria for continuing education;
2511 (j) Establish procedures for receiving, investigating
2512 and resolving complaints against license holders;
2513 (k) Approve the level of supervision and experience
2514 required for persons seeking licensure;
2515 (l) Assess fees for the issuance and renewal of
2516 licenses to cover expenses of the board in administering this
2517 chapter; any increase in the fees charged by the board under this
2518 paragraph shall be in accordance with the provisions of Section
2519 41-3-65;
2520 (m) Implement an impaired professional art therapist
2521 treatment program; and
2522 (n) Adopt a code of ethics as established by the Art
2523 Therapy Credentials Board, Inc.

2524 **SECTION 60.** Section 73-65-9, Mississippi Code of 1972, is
2525 reenacted as follows:

2526 73-65-9. (1) Except as provided in Section 33-1-39, each
2527 license holder shall renew the license to practice art therapy
2528 biennially by submitting a renewal application on a form provided



2529 by the board, paying a license renewal fee, and producing evidence
2530 of completion of relevant professional continuing education
2531 experience satisfactory to the board, not to exceed forty (40)
2532 hours per renewal cycle.

2533 (2) A ninety-day grace period shall be allowed for each
2534 license holder after the licensure period, during which time the
2535 license may be renewed upon payment of the renewal fee, the late
2536 fee, and compliance with all renewal requirements.

2537 (3) Any license granted by the board shall be automatically
2538 suspended if the holder fails to apply for the license renewal
2539 pursuant to this section within a period of three (3) months after
2540 the renewal deadline; however, any suspended license may be
2541 restored by the board upon payment of a reinstatement fee not to
2542 exceed One Hundred Dollars (\$100.00), in addition to any unpaid
2543 renewal or late fees. Any increase in the fee charged by the
2544 board under this subsection shall be in accordance with the
2545 provisions of Section 41-3-65. Failure to renew a license within
2546 three (3) months from the date of suspension as provided in this
2547 section shall cause the license to be automatically revoked.
2548 Reinstatement of a revoked license shall require the license
2549 holder to reapply and meet all current standards for licensure.

2550 (4) A person licensed under the provisions of Section
2551 73-65-7 who intends to retire as a licensed professional art
2552 therapist shall notify the board in writing before the expiration
2553 of his current licensure. If, within a period of five (5) years



2554 from the year of retirement, the license holder wishes to resume
2555 practice as a licensed professional art therapist, he shall notify
2556 the board in writing, and upon giving proof of completing the
2557 required continuing education and the payment of an amount
2558 equivalent to elapsed renewal fees, the license shall be restored
2559 in full effect.

2560 **SECTION 61.** Section 73-65-11, Mississippi Code of 1972, is
2561 reenacted as follows:

2562 73-65-11. The board shall set the amount of the fees
2563 required to be paid by applicants for licensure and license
2564 holders including, but not limited to, the following:

2565 (a) For an application for initial licensure, the fee
2566 shall be nonrefundable and shall not exceed Two Hundred Dollars
2567 (\$200.00);

2568 (b) For renewal of a license, the fee shall not exceed
2569 Two Hundred Dollars (\$200.00);

2570 (c) For a duplicate or replacement license, the fee
2571 shall not exceed Twenty-five Dollars (\$25.00);

2572 (d) For failure to renew a license within the allotted
2573 grace period pursuant to Section 73-65-9, the fee shall not exceed
2574 One Hundred Dollars (\$100.00); and

2575 (e) Other reasonable fees for administrative services.

2576 Any increase in the fees charged by the board under this
2577 section shall be in accordance with the provisions of Section
2578 41-3-65.



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

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

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

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

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

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

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

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

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



2604 determines that such amendment, modification or addition is in the
2605 best interest of public health.

2606 (2) The board shall assess fees in the following amount and
2607 for the following purpose:

2608 Milk product processing plant annual permit fee.....\$300.00

2609 Frozen dessert processing plant annual permit fee.....\$300.00

2610 Any increase in the fees charged by the board under this
2611 subsection shall be in accordance with the provisions of Section
2612 41-3-65.

2613 The fees authorized under this subsection shall not be
2614 assessed for milk or frozen dessert processing plants operated by
2615 public schools, by public junior colleges or by state agencies or
2616 institutions, including, without limitation, the state
2617 institutions of higher learning.

2618 (3) Incidental sales of raw goat milk shall be legal if:

2619 (a) The milk is sold directly to the consumer on the
2620 premises where the milk is produced;

2621 (b) No more than nine (9) producing goats are located
2622 on the premises where the milk is produced;

2623 (c) The person selling the milk does not advertise the
2624 milk for sale; and

2625 (d) The following conditions, which apply to the
2626 milking of goats involved in legal incidental sales of raw goat
2627 milk, are satisfied:



2628 (i) The milking takes place in a clean environment
2629 on a cement or comparable floor;

2630 (ii) The milking place is enclosed by a wall
2631 and/or a screen to prevent insects from entering the milking area;

2632 (iii) A fly strap is located in the milking area;
2633 and

2634 (iv) Sterile containers are used in the milking
2635 process and for storage.

2636 It shall not be unlawful to store raw goat milk in a separate
2637 sterile place from pasteurized goat milk. The Cooperative
2638 Extension Service at Alcorn State University shall publish and
2639 make available literature on the requirements of this subsection,
2640 and other related milk-goat maintenance, explaining the
2641 recommended care of milk goats and the process of goat milk
2642 production and other related subjects. For the purposes of this
2643 subsection, the term "incidental sales" means sales from a farm
2644 where not more than nine (9) goats are producing milk.

2645 (4) For purposes of this section, the term "person" includes
2646 an individual, firm, partnership, association or corporation,
2647 foreign or domestic.

2648 (5) All fees collected by the board under this section shall
2649 be paid into a special fund within the Department of Health to be
2650 used by the department to discharge its duties under this section.

2651 (6) Any person coming within the provisions of this section
2652 who fails to comply with or violates any of the provisions of this



2653 section or regulations promulgated thereunder, unless otherwise
2654 specifically provided in this section, is guilty of a misdemeanor
2655 and, upon conviction, shall be fined not more than One Hundred
2656 Dollars (\$100.00) or confined in jail for not more than sixty (60)
2657 days, or both.

2658 (7) Any person who sells or offers for sale adulterated milk
2659 or milk products or cream or frozen desserts or any milk or cream
2660 having therein any foreign substance or coloring matter or any
2661 chemicals or preservatives, whether for the purpose of increasing
2662 the quantity of milk or cream or for improving its appearance or
2663 for the purpose of preserving the condition of sweetness thereof,
2664 or for any other purpose whatsoever, or unpasteurized milk or milk
2665 products except as otherwise authorized by law, is guilty of a
2666 misdemeanor, and, upon conviction, shall be fined not more than
2667 Five Hundred Dollars (\$500.00) or confined in jail not more than
2668 sixty (60) days, or both; however, nothing in this subsection
2669 shall be construed to prevent the addition of vitamins to milk or
2670 milk products in accordance with the rules and regulations
2671 promulgated by the board or to prohibit the sale of pasteurized
2672 milk or cream or frozen desserts except unlawful cream or unlawful
2673 milk products or unlawful frozen desserts as defined in the rules
2674 and regulations promulgated by the board.

2675 (8) (a) Any person doing business in the State of
2676 Mississippi and engaged in the production, manufacture, sale or
2677 distribution of any dairy products that, for the purpose of



2678 destroying the business of a competitor in any locality or
2679 creating a monopoly, discriminates between different sections,
2680 localities, communities, cities or towns of the state by selling
2681 such commodity at a lower rate or price in one (1) section,
2682 locality, community, city or town than such commodity is sold by
2683 such person in any other section, locality, community, city or
2684 town, after making due allowance for the difference, if any, in
2685 the grade or quality and in the actual cost of the transportation
2686 from the point of production or purchase, if a raw product, to the
2687 place of sale, storage or distribution, is guilty of unfair
2688 discrimination, which is prohibited and declared unlawful;
2689 however, prices made to meet competition in such section,
2690 locality, community, city or town shall not be in violation of
2691 this subsection.

2692 (b) Any person doing business in the State of
2693 Mississippi and engaged in the business of purchasing for
2694 manufacture, storage, sale or distribution of any dairy product,
2695 that, for the purpose of destroying the business of a competitor
2696 or creating a monopoly, discriminates between different sections,
2697 localities, communities, cities or towns in the state by
2698 purchasing such commodity at a higher rate or price in one (1)
2699 section, locality, community, city or town than is paid for such
2700 commodity by such person in any other section, locality,
2701 community, city or town, after making due allowance for the
2702 difference, if any, in the grade or quality, and in the actual



2703 cost of transportation from the point of purchase to the point of
2704 manufacture, sale or distribution or storage, is guilty of unfair
2705 discrimination, which is prohibited and declared to be unlawful;
2706 however, prices made to meet competition in such locality,
2707 section, community, city or town shall not be a violation of this
2708 subsection.

2709 (c) Any person convicted of a violation of this
2710 subsection, shall be fined not less than Five Hundred Dollars
2711 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall
2712 be imprisoned in jail not more than twelve (12) months, or both.

2713 (9) Nothing in this section shall be construed to apply to
2714 any person who does not sell his milk, cream, butter or other
2715 products mentioned herein to others.

2716 **SECTION 64.** Section 75-74-11, Mississippi Code of 1972, is
2717 reenacted as follows:

2718 75-74-11. No person or organization may operate or sponsor a
2719 youth camp in Mississippi without first holding a valid license
2720 under this chapter and without complying with the provisions of
2721 this chapter and with any rule, regulation or order of the State
2722 Board of Health.

2723 Each application for a license to operate or sponsor a youth
2724 camp shall be accompanied by a license fee of One Hundred Fifty
2725 Dollars (\$150.00), which shall be paid to the board. A license
2726 issued under this chapter may be renewed upon payment of a renewal



2727 fee of One Hundred Fifty Dollars (\$150.00), which shall be paid to
2728 the board.

2729 Any increase in the fees charged by the board under this
2730 section shall be in accordance with the provisions of Section
2731 41-3-65.

2732 No governmental entity or agency shall be required to pay the
2733 fee or fees set forth in this section.

2734 **SECTION 65.** Section 65, Chapter 510, Laws of 2016, which
2735 provided for the repeal of the reenacted provisions, is repealed.

2736 **SECTION 66.** This act shall take effect and be in force from
2737 and after July 1, 2020.

