

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MSDH		CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 6015767847	
ADDRESS 570 East Woodrow Wilson		CITY Jackson	STATE MS	ZIP 39216
EMAIL Ingrid.williams@msdh.state.ms.us	SUBMIT DATE 5/25/16	Name or number of rule(s): Title 15, Part 14, Subpart 70, General Sanitation Regulations		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amend the regulation Title 15, Part 14, Subpart 70, General Sanitation Regulations to add Chapter 7-Fees to include an inspection fee for correctional facilities.

Specific legal authority authorizing the promulgation of rule: MS Code of 1972, Annotated, Sections 41-3-15

List all rules repealed, amended, or suspended by the proposed rule: General Sanitation Regulations - Chapter 7.

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: June 13, 2016 Time: 0955 Place: Osborne Auditorium MSDH Campus
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Mitchell Adcock, Deputy State Health Officer, Chief Administrative Officer

Signature of person authorized to file rules: *Mitchell Adcock*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <u><i>[Signature]</i></u> #21983	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mitchell Adcock		TELEPHONE NUMBER 601-576-7847
ADDRESS 570 E Woodrow Wilson Ave	CITY Jackson	STATE MS	ZIP 39215
EMAIL Ingrid.williams@msdh.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Title 15-, Part 14, Subpart 70, General Sanitation Regulations, Chapter 7 - Fees		
Specific Legal Authority Authorizing the promulgation of Rule: Section 41-3-15	Reference to Rules repealed, amended or suspended by the Proposed Rule: none		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

This regulation amendment will allow the MS State Department of Health to continue the sanitation inspections of correctional facilities in compliance with a US District Court order by US Magistrate Jerry Davis in Gates v. Barbour, June 2011. Benefits will include, but are not limited to, safe and sanitary facilities and ensuring compliance with the court order and a continued inspection program.

2. Briefly describe the need for the proposed rule:

Create the fee schedule in accordance with 2016 HB 289 to continue to meet the requirements for the court order and to provide safe and sanitary correctional facilities.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The proposed action will provide for better overall health, safety, and welfare of individuals incarcerated in Mississippi's jails and prisons.

4. Estimated Cost of implementing proposed action:

- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
 Nothing Minimal Moderate Substantial Excessive
- d. Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:

Nothing Minimal Moderate Substantial Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: Approximately 118 prisons/jails – no small businesses
- b. Projected costs for small businesses to comply: No cost to small businesses.
- c. Statement of probable effect on impacted small businesses: No effect to small business.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

Substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

yes no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
N/A

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Fees were determined using a workload analysis and direction from the legislature on 2016 HB 289 allowing the creation of new fees.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? An Oral Proceeding is scheduled for June 13, 2016, at 0955 at the Osborne Auditorium, 570 E Woodrow Wilson Ave, Jackson, MS.

SIGNATURE 	TITLE Mitchell Adcock, Chief Administrative Officer
DATE 5/25/16	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing