



DELBERT HOSEMANN  
Secretary of State

**ECONOMIC IMPACT STATEMENT**

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A **PDF** document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 601-576-7847
ADDRESS 570 East Woodrow Wilson	CITY Jackson	STATE MS
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Specific Legal Authority Authorizing the promulgation of Rule: Section 41-3-15	Reference to Rules repealed, amended or suspended by the Proposed Rule: none	

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

1. Describe the need for the proposed action:

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.

2. Describe the benefits which will likely accrue as the result of the proposed action:

This regulation amendment will allow the MS State Department of Health to continue the sanitation inspections of correctional facilities in compliance with a court order. Benefits will include, but are not limited to, safe and sanitary facilities and ensuring compliance with the court order and a continued inspection program.

3. 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. Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:

There will be no additional cost to other state entities, but there will be additional cost to local governments that own and operate local jails. There will be no increase in paperwork and no effect on state or local revenues.

5. Estimate the cost or economic benefit to all persons directly affected by the proposed action:

This proposed fee will impact all non-state owned jails/prisons in the state. This fee will allow the continued inspections of these facilities in accordance with the court order.

6. Provide an analysis of the impact of the proposed rule on small business: See 5 above.

- a. Identify and estimate the number of small businesses subject to the proposed regulation:

No small businesses will be affected.

- b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:

None

- c. State the probable effect on impacted small businesses:

No impact on small businesses.

- d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:

- i. The establishment of less stringent compliance or reporting requirements for small businesses;
- ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
- iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:

The MSDH is under a court order to inspect correctional facilities twice per year. There are no less intrusive or less costly alternative methods to achieving the purpose of the proposed regulations. If we do not establish an inspection fee, the MSDH will not be able to continue the inspection program and would be in violation of the court order. Additionally, without the inspection program, facilities would be at greater risk for the spread of disease.

7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:

If the rule is not adopted, MSDH could not perform the inspection required by the court order and would be in violation of said order.

8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:

It has been determined that there are no less costly methods for achieving the purpose of the proposed rule. The schedule of fees was determined by conducting a workload analysis of cost to

the agency to conduct inspections and maintain the program and through the direction to agencies in 2016 HB 289.

9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:

There are no other reasonable alternative methods. By not adopting the proposed action our office will not be able to continue to conduct the inspections and actions required by the court order.

10. State reasons for rejecting alternative methods that were described in #9 above:

Not applicable.

11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:

Fees were determined through a detailed workload analysis. Calculations included time to conduct activity (FTE hourly costs), cost of travel, IT support, equipment, calibration, supervisory approval, administrative review, training, and overhead.