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SENATE BILL NO. 2070

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2070

AN ACT TO SUPPORT AND PROMOTE BREAST-FEEDING IN MISSISSIPPI THROUGH LEGISLATIVE ACKNOWLEDGEMENT OF THE MANY BENEFITS OF BREAST-FEEDING; TO AUTHORIZE HOSPITALS WITH BIRTHING FACILITIES TO HAVE A WRITTEN INFANT FEEDING POLICY THAT SUPPORTS BREAST-FEEDING WHICH ALL RELEVANT STAFF MUST BE SUFFICIENTLY TRAINED IN; TO PROVIDE THAT MATERNAL HEALTH CARE FACILITIES SHOULD MAKE EVERY REASONABLE EFFORT TO DISPLAY A "BREAST-FEEDING IN MISSISSIPPI: GUIDELINES" SIGN PUBLICLY ON THEIR PREMISES; TO DIRECT THE STATE DEPARTMENT OF HEALTH TO PREPARE A VIDEO FOR PRESENTATION IN OFFICES OF THE DEPARTMENT IN WHICH THE DEPARTMENT PROVIDES BENEFITS TO WOMEN OF CHILD-BEARING AGE, WHICH SHALL PROVIDE INFORMATION ABOUT THE IMPORTANCE OF BREAST-FEEDING INFANTS; TO PROVIDE THAT APPLICANTS FOR AND RECIPIENTS OF ANY SUCH BENEFITS PROVIDED BY THE DEPARTMENT MAY VIEW THE VIDEO IN THE OFFICES OF THE DEPARTMENT; TO AUTHORIZE THE DEPARTMENT TO PROVIDE THE VIDEO TO OTHER STATE AGENCIES THAT PROVIDE BENEFITS TO WOMEN OF CHILD-BEARING AGE, FOR APPROPRIATE USE BY THOSE AGENCIES; TO REENACT SECTIONS 57-10-701 THROUGH 57-10-709, MISSISSIPPI CODE OF 1972, WHICH CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; TO AMEND REENACTED SECTION 57-10-707, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE FUNDING OF ANY PROJECT THAT WOULD BE DIRECTLY COMPETING AGAINST AN EXISTING FOOD RETAILER; TO AMEND SECTION 57-10-711, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE SECTIONS OF LAW THAT CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Legislature of the State of Mississippi acknowledges that extensive research demonstrates the wide-ranging

and compelling benefits of breast-feeding for infants, mothers, families and communities, including:

(a) Numerous health benefits to the child, such as lower incidences of SIDS, childhood obesity, asthma, allergies and diabetes as well as increased intelligence and parental attachment;

(b) Numerous health benefits to the mother, such as decreased rates of breast cancer, ovarian cancer, postpartum hemorrhage, and reduced rates of obesity through increased postpartum weight loss; and

(c) Significant economic and social benefits to the state, such as reduced health care costs, and reduced employee absenteeism for care attributable to child illness as well as direct saving to families, as the United States Surgeon General estimates that the average family can save between One Thousand Two Hundred Dollars (\$1,200.00) and One Thousand Five Hundred Dollars (\$1,500.00) during a baby's first year of life through breast-feeding.

(2) The Legislature also recognizes, despite these numerous benefits, that Mississippi has one of the lowest breast-feeding rates in the country and acknowledges that mothers in Mississippi face many barriers to breast-feeding. One (1) of these barriers is education, which many studies and reports have found to be a significant obstacle that inhibits the practice of breast-feeding.

Many mothers are ill-informed about the benefits of breast-feeding and their rights as a breast-feeding mother.

(3) Therefore, the Legislature declares the intent of this act is to inform mothers about the benefits of breast-feeding and their rights as a breast-feeding mother in order to promote increased rates of breast-feeding in Mississippi.

SECTION 2. As used in this act, the following words and phrases have the meanings as defined in this section:

(a) "Prenatal" means the period between conception to birth.

(b) "Perinatal" means the period from twenty-two (22) weeks of gestation to twenty-eight (28) days after birth.

(c) "Public place" means a place of increased patient traffic within the maternal health care facility such as a lobby area or waiting room.

(d) "Maternal health care facility" means any facility that provides prenatal or perinatal care, including, but not limited to, hospitals, clinics and other physician facilities.

(e) "Maternal health care provider" means any physician, nurse or other authorized practitioner that attends to pregnant women and mothers of infants.

(f) "Breast-Feeding in Mississippi: Guidelines" is the statement of rights required by Section 4 of this act.

SECTION 3. (1) Hospitals that provide birth services may adopt an infant feeding policy that promotes and supports

breast-feeding. Any infant feeding policies adopted under this section shall include guidance on the use of formula (a) for medically necessary supplementation; (b) if preferred by the mother; or (c) when exclusive breast-feeding is not advised for the mother and/or infant.

(2) Any breast-feeding infant feeding policy adopted under this section must be written down and all relevant hospital personnel, including, but not limited to, obstetric and neonatal staff, must be trained in the necessary skills to implement the adopted policy.

(3) Hospitals may make a copy of their breast-feeding infant feeding policy available to the State Department of Health.

SECTION 4. (1) The State Department of Health shall prepare a statement of rights regarding "Breast-Feeding in Mississippi: Guidelines." Maternal health care facilities in the state should make every reasonable effort to post a copy of the statement of rights conspicuously in a public place of the maternal health care facility. The statement of rights shall be of an adequate size and font so as to be easily read by all visitors and/or patients within the room or space.

(2) The State Department of Health shall make available to every maternal health care provider and maternal health care facility, via its website, a template copy of the statement of rights for use within their facilities. If they post a statement of rights, maternal health care providers and maternal health care

facilities are free to choose whether to use the Department of Health template or develop their own copy as long as it comports to the visibility requirements in subsection (1) of this section.

(3) The State Department of Health shall revise the "Breast-feeding in Mississippi: Guidelines" as needed to reflect advances in research regarding breast-feeding and to incorporate any additional rights of breast-feeding mothers as subsequently granted by the Mississippi Legislature, and hospitals may post the revised version on the "Breast-feeding in Mississippi: Guidelines" within three (3) months of its updated publishing.

(4) The State Board of Health shall adopt any rules and regulations necessary to ensure the display of these rights.

SECTION 5. The State Department of Health shall prepare a video in an appropriate medium for presentation in offices of the department in which the department provides benefits to women of child-bearing age, which shall provide information about the importance of breast-feeding infants. Applicants for and recipients of any such benefits provided by the department may view the video in the offices of the department. The department may provide the video to other state agencies that provide benefits to women of child-bearing age, for appropriate use by those agencies.

SECTION 6. Section 57-10-701, Mississippi Code of 1972, is reenacted as follows:

57-10-701. This article shall be known as the "Small Business and Grocer Investment Act."

SECTION 7. Section 57-10-703, Mississippi Code of 1972, is reenacted as follows:

57-10-703. The Legislature finds the following:

(a) Developing quality retail food outlets creates jobs, expands markets for Mississippi farmers, and supports economic vitality in underserved communities.

(b) Increasing access to retail food outlets that sell fresh fruits, vegetables and other healthy food is an important strategy for fighting the obesity epidemic and improving health. Studies have shown that people with better access to supermarkets and fresh produce tend to have healthier diets and lower levels of obesity.

(c) The program established under this article is intended to provide a dedicated source of financing for healthy food retailers operating in underserved communities in Mississippi, in both urban and rural areas; to increase access to affordable healthy food so as to improve diets and health; to promote the sale and consumption of fresh fruits and vegetables, in natural and/or frozen form, particularly those that are Mississippi grown; and to support expanded economic opportunities in low-income and rural communities.

SECTION 8. Section 57-10-705, Mississippi Code of 1972, is reenacted as follows:

57-10-705. As used in this article:

(a) "Agency" means the Mississippi Development Authority.

(b) "Funding" means grants, loans, or a combination of grants and loans.

(c) "Healthy food retailers" means retailers that sell quality fresh fruits and vegetables, in natural and/or frozen form, including, but not limited to, supermarkets, grocery stores, convenience stores and farmers' markets.

(d) "Program" means technical assistance and a public-private partnership established in the state by the Mississippi Development Authority to identify and/or provide a dedicated source of funding and other financing for food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food for Mississippi residents overseen by the Mississippi Development Authority.

(e) "Underserved community" means a geographic area that has limited access to healthy food retailers, or an area that is otherwise determined to have serious healthy food access limitations, that is located in a county that has been designated by the Department of Revenue as a Tier Two or Tier Three area under the provisions of Section 57-73-21(1).

SECTION 9. Section 57-10-707, Mississippi Code of 1972, is reenacted and amended as follows:

57-10-707. (1) To the extent funds are available, the Mississippi Development Authority, in cooperation with public and private sector partners, is authorized to establish a program modeled on comparable initiatives throughout the nation that provides grants and loans and/or promotes access to healthy food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food in underserved communities.

(2) The agency may contract with one or more qualified nonprofit organizations or community development financial institutions to administer the program described in this article through a public-private partnership, to raise matching funds, market the program statewide, evaluate applicants, make award decisions, underwrite loans and monitor compliance and impact. The agency and its partners shall coordinate with complementary nutrition assistance and education programs.

(3) Any funding provided under the program shall be provided on a competitive, one-time basis as appropriate for the eligible project. No state funds shall be directly provided as a source of funding for any food retailer under this program, but may be used by the agency for its administrative duties in carrying out the provisions of this article.

(4) (a) The program may provide technical assistance and/or funding for projects such as:

(i) New construction of healthy food retailers.

(ii) Store renovations, expansion and infrastructure upgrades that improve the availability and quality of fresh produce.

(iii) Farmers' markets and public markets, food cooperatives, mobile markets and delivery projects and distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce.

(iv) Other projects that create or improve healthy food retail outlets that meet the intent of this article as determined by the agency.

(b) Funding made available for projects included in paragraph (a) of this subsection may be used for the following purposes:

(i) Site acquisition and preparation.

(ii) Construction costs.

(iii) Equipment and furnishings.

(iv) Workforce training.

(v) Security.

(vi) Certain predevelopment costs such as market studies and appraisals.

(vii) Working capital for initial inventory and costs.

(5) An applicant for funding may include, but not be limited to, a sole proprietorship, partnership, limited liability company, corporation or cooperative.

(6) In order to be considered for funding, an applicant shall meet the following eligibility criteria:

(a) The project for which the applicant seeks funding shall benefit an underserved community.

(b) The applicant shall demonstrate a meaningful commitment to sell fresh fruits and vegetables, in natural and/or frozen form, according to a measurable standard established by the agency.

(c) The applicant shall not locate the project in an area where it would be directly competing against an existing food retailer.

(7) Applicants shall be evaluated on the following financial criteria in order to determine the funding awarded:

(a) Demonstrated capacity to successfully implement the project, including the applicant's relevant experience and the likelihood that the project will be economically self-sustaining.

(b) The ability of the applicant to repay debt.

(c) The degree to which the project requires an investment of public funding to move forward, create impact or be competitive, and the level of need in the area to be served. Additional factors that will improve or preserve retail access for low-income residents, such as proximity to public transit lines, also may be taken into account.

(d) The degree to which the project will promote sales of fresh produce, particularly Mississippi-grown fruits and vegetables.

(e) The degree to which the project will have a positive economic impact on the underserved community, including, creating or retaining jobs for local residents.

(f) Other criteria that the agency determines to be consistent with the purposes of this article.

(8) The agency shall establish program benchmarks and reporting processes to make certain that the program benefits the communities in the program area. The agency shall likewise establish monitoring and accountability mechanisms for projects receiving grants or loans, such as tracking fruit and vegetable sales data.

(9) The agency shall prepare and submit an annual report to the Legislature on any projects funded and outcome data.

(10) The agency shall establish rules for the implementation of this article.

SECTION 10. Section 57-10-709, Mississippi Code of 1972, is reenacted as follows:

57-10-709. Funding described in this article, to the extent practicable, may be used to leverage other sources of funds, including, but not limited to, New Markets Tax Credits, federal and foundation grant programs, incentives available to designated Enterprise Zones or Renewal Communities, operator equity and funds

from private sector financial institutions under the federal Community Reinvestment Act.

SECTION 11. Section 57-10-711, Mississippi Code of 1972, is amended as follows:

57-10-711. Sections 57-10-701 through 57-10-709 shall stand repealed on July 1, * * * 2019.

SECTION 12. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE SENATE
April 20, 2016



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 19, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

May 13, 2016
11:03am