



Mr. Jim Craig
Office of Health Protection
Mississippi State Department of Health
570 East Woodrow Wilson
Jackson, MS 39215-1700

Dear Mr. Craig:

This letter is to inquire about regulations impacted by Mississippi Senate Bill 2781 from this session. This bill, referred to as the "Fresh Start Act," impacts occupational licensing regulations for a number of professions in the state of Mississippi. We appreciate the Department's work to update regulations for most of their licensed occupations. Based on our review of the bill, the regulations regarding licensure for Emergency Medical Technicians are also impacted by this new law and have not yet been updated.

The relevant language in SB 2781 requires state regulatory boards to revise these requirements to ensure that:

"no person shall be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime, unless the crime for which an applicant was convicted directly relates to the duties and responsibilities for the licensed occupation."

Laws 2019, Ch. 470 (S.B. 2781), eff. July 1, 2019

Based on our review of the requirements for Emergency Medical Technicians, it appears that the grounds for revocation or suspension of licensing for this occupation have not yet been updated to comply with the new law. Specifically, the following regulations governing this license appear to contradict the new law by requiring a lower standard for consideration of criminal convictions:

"Grounds for suspension or revocation include

...10. Conviction of any crime which is substantially related to the qualification, functions, and duties of pre-hospital personnel. The record of conviction or certified copy thereof will be conclusive evidence of such conviction."

15 Miss. Admin. Code Pt. 12, Subpt. 31, R. 6.14

The language of SB 2781 seems to indicate that this provision should be revised to exclude only convictions which are "directly related" as opposed to the current rule which includes any convictions "substantially related" to the profession.

We see that the Department has updated administrative regulations for other licensed occupations, but it appears that this one has not yet been changed. We are writing to inquire as to whether the Department of Health is planning to revise these requirements to comply with the new standard required. Based on our reading of the bill and the regulations, it appears that the new law would require the revision of these rules to exclude only criminal offenses which are directly related to the profession, as opposed to those that are substantially related.

To the extent we can be helpful, we stand willing and ready to assist with the revision process. Thank you for your work to protect the health and safety of Mississippians.

Sincerely,

A handwritten signature in blue ink that reads "J. Robertson". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Robertson
Director of Employability and Criminal Justice Reform, Empower Mississippi

A handwritten signature in blue ink that reads "Aaron Rice". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Aaron Rice
Director, Mississippi Justice Institute

A handwritten signature in blue ink that reads "Dr. Jameson Taylor". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Dr. Jameson Taylor
Vice President for Policy, Mississippi Center for Public Policy



Mr. Chris Hawkins
Office of Land and Water Resources
Mississippi Department of Environmental Quality
700 North State Street
Jackson, MS 39202

Dear Mr. Hawkins:

This letter is to inform you about the recent legal changes implemented by SB 2781 this session. This bill, referred to as the "Fresh Start Act," impacts occupational licensing regulations for a number of professions in the state of Mississippi. Based on our review of the bill, the licensing regulations for Water Well Contractors, and Specialty Driller or Pump Installer are impacted by this legislation but have not yet been updated to comply with these new requirements.

The relevant language in SB 2781 requires state regulatory boards to revise these requirements.

"Absent applicable state law, licensing authorities shall not have in any rulemaking for their qualifications for licensure vague or generic terms including, but not limited to, "moral turpitude," "any felony," and "good character."

Laws 2019, Ch. 470 (S.B. 2781), eff. July 1, 2019

Based on our review of the current licensing regulations, it appears that the requirements for Water Well Contractors and Specialty Diller or Pump Installers have not yet been updated to comply with the new law.

Specifically, the regulations found in 11 Miss. Admin. Code Pt. 7, R. 2.3 governing these licensed occupations appear to contradict the new law by requiring that applicants "*Be of good moral character*" in Sections A(2) and B(2).

We are writing to inquire as to whether the Department of Environmental Quality is planning to revise these requirements to comply with the new standard required. Based on our reading of the bill and the regulations, it appears that the new law would require the revision of these rules to remove these requirements.

To the extent we can be helpful, we stand willing and ready to assist with the revision process. Thank you for your work to protect the health and safety of Mississippians and our natural resources.

Sincerely,

A handwritten signature in blue ink that reads "J. Robertson". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James Robertson
Director of Employability and Criminal Justice Reform, Empower Mississippi

A handwritten signature in black ink that reads "Aaron Rice". The signature is stylized and cursive, with a large initial "A" and a long, sweeping underline.

Aaron Rice
Director, Mississippi Justice Institute

A handwritten signature in blue ink that reads "Dr. Jameson Taylor". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dr. Jameson Taylor
Vice President for Policy, Mississippi Center for Public Policy