

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

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Insurance Department		CONTACT PERSON Stephanie Ganucheau		TELEPHONE NUMBER (601) 359-3577	
ADDRESS P.O. Box 79		CITY Jackson		STATE MS	ZIP 39205
EMAIL Stephanie.ganucheau@mid.state.ms.us	SUBMIT DATE 3-24-11	Name or number of rule(s): Establishment of Insurer Safety Programs, No. 2011-1			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: **To require that all insurance companies in Mississippi providing worker compensation insurance establish safety programs, including a drug and alcohol testing policy, for the health and benefit of the employees of its insureds.**

Specific legal authority authorizing the promulgation of rule: **Miss. Code Ann. §71-3-121 (Rev. 2000)**

List all rules repealed, amended, or suspended by the proposed rule:

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: **February 10, 2011** Time: **10:00 a.m.** Place: **MID Offices, 10th Floor, Woolfolk Building, 501 No. West Street, Jackson, MS 39201.**

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
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: 1-13-11 Action taken: _____ Adopted with no changes in text <input checked="" type="checkbox"/> Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: **Stephanie L. Ganucheau, Special Assistant Attorney General**

Signature of person authorized to file rules: *Stephanie L. Ganucheau* **3-24-11**

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**MISSISSIPPI DEPARTMENT OF INSURANCE
REGULATION 2011-1**

ESTABLISHMENT OF INSURER SAFETY PROGRAMS

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Section 1. Authority

This regulation is promulgated by the Commissioner of Insurance (hereinafter "Commissioner") pursuant to the authority granted to him by Miss. Code Ann. §71-3-121 (Rev. 2000).

Section 2. Purpose

The purpose of this Regulation is to implement the requirements of Miss. Code Ann. §71-3-121 (Rev. 2000).

Section 3. Scope

This Regulation shall apply to all insurance companies authorized in this state to provide coverage for an employer's liability for injuries, disability or death to persons in their employment, without regard to fault, as prescribed by state worker's compensation laws.

Section 4. Definitions

For the purposes of this Regulation, the definitions found in Miss. Code Ann. §§71-3-3 and 71-7-1, as they may be amended from time to time, will control.

Section 5. Safety Program Required

- A. Every insurer shall establish a safety program for the health and benefit of the employees of its insureds. An insurer may use any reasonable methods to (i) notify its insureds of the availability of the materials that comprise its program, and (ii) deliver those materials upon the request of an insured.
- B. Insurer safety programs shall include an explanation of an employee's rights under the Workers' Compensation Law, Miss. Code Ann. §71-3-1, et seq., and the Rules of the Mississippi Workers' Compensation Commission which the insureds may make readily available to their employees.
- C. Insurer safety programs shall make available to insured employers notice of the employer's right to implement and maintain a written policy for drug and alcohol testing in the workplace. The notice shall inform the employer that such policy shall comply with the requirements of Miss. Code Ann. §§71-7-1 et seq. and the rules and regulations for drug and alcohol testing of employees and job applicants by public and private employers promulgated by the Mississippi State Board of Health. Pursuant to §71-7-1, et seq., the election of a public or private employer to conduct drug and alcohol testing is voluntary.

Section 6. Filings

Within 120 days of the effective date of this Regulation, each insurer shall file a copy of its safety program with the Commissioner of Insurance, for informational purposes only, in order to verify compliance with this regulation.

Section 7. Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Section 8. Effective Date

This Regulation shall become effective upon adoption.