

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Fire Marshal		CONTACT PERSON Mark Lampton, Senior Attorney	TELEPHONE NUMBER (601)359-1074	
ADDRESS P.O. Box 79		CITY Jackson	STATE MS	ZIP 39205
EMAIL Mark.Lampton@mid.ms.gov	SUBMIT DATE 07/02/24	Name or number of rule(s): Miss. Admin. Code, Title 19, Part 7, Chapter 7 (Rules and Regulations for the Mississippi Fire Prevention Code)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule changes (1) update applicable codes to the most current version; (2) provide additional criteria for Special Local Inspectors; (3) clarify codes applicable to pyrotechnic displays; (4) amend procedure for administrative appeal; (5) update codes applicable to sale of burglar bars; and (6) stylistic amendments and updated source citations.

Specific legal authority authorizing the promulgation of rule: Miss. Code § 45-11-101 and § 45-11-105.

List all rules repealed, amended, or suspended by the proposed rule: Miss. Admin. Code, Title 19, Part 7, Chapter 7, Rules 7.02.1, 7.02.3, 7.04, 7.05.4, 7.05.6, 7.09, 7.11.

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

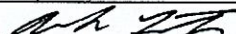
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) 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.

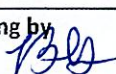
ECONOMIC IMPACT STATEMENT:

☒ 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: _____ New rule(s) ☒ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing ☒ Other (specify): 01/01/2025	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mark Lampton, Senior Attorney

Signature of person authorized to file rules: /s/ Mark Lampton 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by _____	 Accepted for filing by <u>27579</u> 	Accepted for filing by _____

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



DELBERT HOSEMAN
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 Fire Marshal	CONTACT PERSON Mark Lampton, Senior Attorney	TELEPHONE NUMBER (601)359-1074	
ADDRESS P.O. Box 79	CITY Jackson	STATE MS	ZIP 39205
EMAIL Mark.Lampton@mid.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Miss. Admin. Code, Title 19, Part 7, Chapter 7 (Rules and Regulations for the Mississippi Fire Prevention Code)		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code § 45-11-101 and § 45-11-105		Reference to Rules repealed, amended or suspended by the Proposed Rule: Rules 7.02.1, 7.02.3, 7.04, 7.05.4, 7.05.6, 7.09, 7.11	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The Amendments proposed (1) update applicable codes to the most current version; (2) provide additional criteria for Special Local Inspectors; (3) clarify codes applicable to pyrotechnic displays; (4) amend procedure for administrative appeal; (5) update codes applicable to sale of burglar bars; The benefit to the industry is clarification of the legal requirements and expectations placed upon them. Consumers will benefit from improved professionalism by safety improvements flowing from use of the most recent code versions.
2. Briefly describe the need for the proposed rule: The amendments are needed to clarify application of updated versions of the Fire Code, provide for additional criteria for those appointed as Special Local Inspectors, and ensure the availability of a meaningful procedure for administrative appeal of agency decisions.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The Amendment of the rules will benefit public health, safety and welfare by ensuring that the most up to date codes meeting current safety requirements are effectuated.
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:
All business locations and buildings that must be in conformity with the Mississippi Fire Prevention Code will be subject to the proposed amended regulations. The number is large and incapable of specific determination.
- b. Projected costs for small businesses to comply:
Fire Codes have been implemented by small businesses for years. No new expense is anticipated in application of the updated versions of the codes.
- c. Statement of probable effect on impacted small businesses:
The most probable effect of the proposed amendments will be a better understanding of the applicable version of Fire Codes, as well as the creation of a more streamlined and accessible method for administrative appeal of agency decisions.
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.)

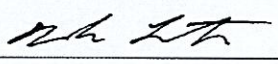
C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form: These Estimates were derived from records on file with the Mississippi State Fire Marshal's Office, and through consultation with representatives in the fire code enforcement industry.

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? A person may send comments, suggestions, and a request for an oral proceeding to:

Mississippi Insurance Dept.
Attn: Mark Lampton, Senior Attorney
P.O. Box 79
Jackson, MS 39205-0079
Email: Mark.Lampton@mid.ms.gov

SIGNATURE /s/ Mark Lampton 	TITLE Senior Attorney
DATE July 2, 2024	PROPOSED EFFECTIVE DATE OF RULE January 1, 2025