

By: Representative Moody

To: Public Health and  
Welfare; Appropriations

HOUSE BILL NO. 1226

1 AN ACT TO ESTABLISH A STATE TOBACCO PREVENTION AND CONTROL  
2 COMMISSION TO PROVIDE COORDINATION OF THE ACTIVITIES OF PUBLIC AND  
3 PRIVATE AGENCIES REGARDING THE STATE'S TOBACCO CONTROL AND  
4 PREVENTION PROGRAM; TO PROVIDE FOR THE MEMBERSHIP OF THE  
5 COMMISSION AND TO PRESCRIBE ITS POWERS AND RESPONSIBILITIES; TO  
6 CREATE THE STATE TOBACCO PREVENTION AND CONTROL FUND; AND FOR  
7 RELATED PURPOSES.

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

9 SECTION 1. For the purposes of this act, the following words  
10 shall have the meanings ascribed in this section, unless the  
11 context otherwise requires:

12 (a) "Commission" means the State Tobacco Prevention and  
13 Control Commission established in Section 2 of this act.

14 (b) "Plan" means the State Tobacco Prevention and  
15 Control Plan as adopted and incorporated as a section of the State  
16 Health Plan as defined at Section 41-7-173(s).

17 (c) "Tobacco" and "tobacco products" means any form of  
18 tobacco and any material or device used in the smoking, chewing,  
19 inhaling or other form of tobacco consumption, including, but not  
20 limited to, such products as defined at Section 97-32-27(4).

21 SECTION 2. There is created the State Tobacco Prevention and  
22 Control Commission, the purpose of which is to provide direction  
23 and coordination of the activities of state agencies, local  
24 governments, private partners, voluntary health agencies, and  
25 community-based interventions, along with the Mississippi  
26 Legislature, for the state's tobacco control and prevention  
27 efforts. The commission shall be guided by the State Tobacco  
28 Prevention and Control Plan section of the State Health Plan.

29           SECTION 3. (1) The commission shall:

30                   (a) Provide direction and coordination of tobacco  
31 prevention and control efforts of state agencies, local  
32 governments, private partners, voluntary health agencies and  
33 community-based interventions.

34                   (b) Identify agencies and organizations with expertise  
35 required for tobacco prevention and control components.

36                   (c) Coordinate and ensure access to technical  
37 assistance to agencies and organizations.

38                   (d) Serve as a liaison for agencies and organizations  
39 within Mississippi to other state and federal resources.

40                   (e) Coordinate existing tobacco prevention and control  
41 efforts conducted by agencies and organizations to maximize  
42 efficiencies and minimize duplication of efforts.

43                   (f) Ensure appropriate evaluation of tobacco prevention  
44 and control efforts conducted by agencies and organizations.

45                   (g) Report annually to the Governor, the Legislature,  
46 and to agencies and organizations on recommendations for:

47                           (i) Appropriate policies to reduce the use of  
48 tobacco products by Mississippians; and

49                           (ii) Funding and improvements in designing  
50 programs and efforts for tobacco prevention and control.

51                   (h) Serve in an advocacy and public awareness role with  
52 the general public regarding tobacco prevention and control and  
53 related health issues.

54           (2) In developing its recommendations, the commission may  
55 consult with experts and shall examine actions taken in other  
56 states and review the policy statements developed by other  
57 nationally recognized bodies and organizations related to tobacco  
58 prevention and control.

59           SECTION 4. (1) The commission shall be composed of  
60 twenty-one (21) voting members as follows:

61           (a) The Governor shall appoint eight (8) members,  
62 representing one (1) from each of the following organizations:  
63 the Mississippi State Medical Association, the Mississippi  
64 Hospital Association, the University of Mississippi Medical  
65 Center, the Mississippi Nurses' Association, the Mississippi  
66 Dental Association, the Mississippi Pharmacists Association, the  
67 Mississippi Chapter of the American Academy of Pediatrics and the  
68 Mississippi Academy of Family Physicians.

69           (b) The Chairman of the Senate Public Health and  
70 Welfare Committee, or his designee.

71           (c) The Chairman of the House Public Health and Welfare  
72 Committee, or his designee.

73           (d) The executive officers, or their designees, from  
74 the Mississippi Department of Education, the Mississippi  
75 Department of Mental Health, the Office of the Attorney General,  
76 the Division of Medicaid and the Mississippi State Department of  
77 Health.

78           (e) The executive officers, or their designees, from  
79 the Southeast Affiliate-Mississippi of the American Heart  
80 Association, the American Lung Association of Mississippi, the  
81 Mississippi Chapter of the American Cancer Society, the  
82 Partnership for a Healthy Mississippi, the Mississippi Primary  
83 Health Care Association and the Mississippi High School Activities  
84 Association.

85           (2) It is the intent of the Legislature that the commission  
86 be comprised of persons with a special interest in tobacco use  
87 prevention and control.

88           (3) Members of the commission shall serve until the  
89 appropriately designated person in each representatives' body,  
90 agency or organization selects another representative.

91           SECTION 5. (1) The chairman of the commission shall be  
92 elected annually by the commission membership. The commission  
93 shall adopt bylaws and rules for its efficient operation, which

94 may include designation of its organizational structure including  
95 other officers and committees, duties of officers and committees,  
96 a process for selecting officers, quorum requirements for  
97 committees, provisions for special or ad hoc committees, staff  
98 policies and other such procedures as may be necessary. The  
99 commission may establish committees responsible for conducting  
100 specific commission programs or activities.

101 (2) The commission shall be assigned to the State Department  
102 of Health for administrative purposes only, and the department  
103 shall designate staff to assist the commission. The commission  
104 shall have a line item in the budget of the State Department of  
105 Health and shall be financed through the department's annual  
106 appropriation. Members of the commission may receive, within the  
107 funds appropriated, reimbursement for travel expenses incurred  
108 while engaged in official business of the commission.

109 (3) The commission shall meet and conduct business at least  
110 quarterly. All meetings of the commission and any committees of  
111 the commission shall be open to the public, with opportunities for  
112 public comment provided on a regular basis. Notice of all  
113 meetings shall be given as provided in the Open Meetings Act  
114 (Section 25-41-1 et seq.) and appropriate notice also shall be  
115 given to all persons so requesting of the date, time and place of  
116 each meeting.

117 (4) The commission may apply for and expend grants or other  
118 contributions for the purpose of promoting tobacco use prevention  
119 and control in Mississippi.

120 SECTION 6. Any contributions, grants or donations from any  
121 other source, shall be deposited in a special fund created in the  
122 State Treasury and so designated. Monies deposited in this fund  
123 shall be expended by the State Tobacco Prevention and Control  
124 Commission as authorized and appropriated by the Legislature to  
125 defray the cost of coordinating tobacco use prevention and control  
126 and carrying out such other duties and responsibilities as

127 provided in this act. The fund shall be a nonlapsing, revolving  
128 special trust fund, and interest earned on the principal shall be  
129 credited to the fund. Expenditures from the fund shall be made  
130 upon requisition by the State Tobacco Prevention and Control  
131 Commission.

132 SECTION 7. This act shall take effect and be in force from  
133 and after July 1, 2001.