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

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

SECTION 1. For the purposes of this act, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

(a) "Commission" shall mean State Tobacco Prevention and Control Commission established in Section 2 of this act.

(b) "Plan" shall mean the State Tobacco Prevention and Control Plan as adopted and incorporated as a section of the State Health Plan as defined at Section 41-7-173(s), Mississippi Code of 1972.

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

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

SECTION 3. (1) The commission shall:

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

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

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

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

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

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

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

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

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

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

(2) In developing its recommendations, the commission may consult with experts and shall examine actions taken in other states and review the policy statements developed by other nationally recognized bodies and organizations related to tobacco prevention and control.
SECTION 4. (1) The commission shall be composed of twenty-one (21) voting members appointed as follows:

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

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

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

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

(e) The executive officers, or their designees, from the Mississippi Chapter of the American Heart Association, the American Lung Association of Mississippi, the Mississippi Chapter of the American Cancer Society, the Partnership for a Healthy Mississippi, the Mississippi Primary Health Care Association and the Mississippi High School Activities Association.

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

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

SECTION 5. (1) The chairman of the commission shall be elected annually by the commission membership. The commission
shall adopt bylaws and rules for its efficient operation, which
may include designation of its organizational structure including
other officers and committees, duties of officers and committees,
a process for selecting officers, quorum requirements for
committees, provisions for special or ad hoc committees, staff
policies and other such procedures as may be necessary. The
commission may establish committees responsible for conducting
specific commission programs or activities.

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

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

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

SECTION 6. Any contributions, grants or donations from any
other source, shall be deposited in a special fund created in the
State Treasury and so designated. Monies deposited in this fund
shall be expended by the State Tobacco Prevention and Control
Commission as authorized and appropriated by the Legislature to
defray the cost of coordinating tobacco use prevention and control
and carrying out such other duties and responsibilities as
provided in this chapter. The fund shall be a nonlapsing,
revolving special trust fund, and interest earned on the principal
shall be credited to the fund. Expenditures from the fund shall
be made upon requisition by the State Tobacco Prevention and
Control Commission.

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