

By: Senator(s) Huggins

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2451

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 herein, unless the context
11 otherwise requires:

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

14 (b) "Plan" shall mean 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), Mississippi Code of
17 1972.

18 (c) "Tobacco" and "tobacco products" shall mean any
19 form of tobacco and any material or device used in the smoking,
20 chewing, inhaling or other form of tobacco consumption, including,
21 but not limited to, such products as defined at Section
22 97-32-27(4).

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

29 The commission shall be guided by the State Tobacco Prevention and
30 Control Plan section of the State Health Plan.

31 SECTION 3. (1) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92 SECTION 5. (1) The chairman of the commission shall be
93 elected annually by the commission membership. The commission

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

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

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

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

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

127 and carrying out such other duties and responsibilities as
128 provided in this chapter. The fund shall be a nonlapsing,
129 revolving special trust fund, and interest earned on the principal
130 shall be credited to the fund. Expenditures from the fund shall
131 be made upon requisition by the State Tobacco Prevention and
132 Control Commission.

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