

By: Senator(s) Wiggins

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2819

1 AN ACT TO ESTABLISH A SCREENING AND APPROVAL PROGRAM FOR THE
 2 OVER-THE-COUNTER AVAILABILITY AND RETAIL SALE OF PRODUCTS THAT
 3 CONTAIN ANY SUBSTANCE WITH THE POTENTIAL TO BE RECREATIONALLY USED
 4 OR ABUSED; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO ADMINISTER
 5 THE PROGRAM; TO REQUIRE THE STATE HEALTH OFFICER TO APPROVE OR
 6 DENY THE OVER-THE-COUNTER AVAILABILITY AND RETAIL SALE OF PRODUCTS
 7 THAT CONTAIN ANY SUBSTANCE WITH THE POTENTIAL TO BE RECREATIONALLY
 8 USED OR ABUSED; TO PROVIDE THAT A PROCESS TO APPEAL SUCH
 9 DETERMINATION SHALL BE AVAILABLE TO THE MANUFACTURER OR
 10 DISTRIBUTOR OF SUCH PRODUCT THAT WAS DENIED BY THE STATE HEALTH
 11 OFFICER; TO PROVIDE THAT THE DEPARTMENT SHALL ESTABLISH RULES AND
 12 REGULATIONS AS NECESSARY TO IMPLEMENT AND ADMINISTER THE PROGRAM;
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) For purposes of this act, the word
 16 "department" means the State Department of Health.

17 (2) There is created within the State Department of Health a
 18 screening and approval program for the over-the-counter
 19 availability and retail sale of products that contain any
 20 substance with the potential to be recreationally used or abused.
 21 The purpose of the program is to reduce the retail sale and
 22 availability of products that contain certain over-the-counter



23 substances, including, but not limited to, bath salts, kratom, and
24 tianeptine.

25 (3) Such screening and approval program shall be
26 administered by the department. The State Health Officer, or his
27 or her designee, shall approve or deny the over-the-counter
28 availability and retail sale of products that contain any
29 substance with the potential to be recreationally used or abused.
30 Such approval or denial may be based on anecdotal, scientific, or
31 any other relevant and available evidence to assist the State
32 Health Officer, or his or her designee, in making a determination.

33 (4) A process to appeal such determination shall be
34 available to the manufacturer or distributor of such product that
35 was denied by the State Health Officer. Such manufacturer or
36 distributor shall appeal directly to the State Board of Health,
37 and upon receipt of the appeal and any supporting documents from
38 the manufacturer or distributor of such substance, the State
39 Health Officer, or his or her designee, shall review all
40 information provided to determine the merit of the appeal. If the
41 State Health Officer, or his or her designee, determines that the
42 appeal lacks merit, the appeal shall be denied.

43 (5) The department shall establish rules and regulations as
44 necessary to implement and administer the program.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2023.

