

By: Representative Hobgood-Wilkes

To: Drug Policy; Public
Health and Human Services

HOUSE BILL NO. 1120

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 DEFINE CERTAIN TERMS; TO REQUIRE THE STATE
5 DEPARTMENT OF HEALTH TO ADMINISTER THE PROGRAM; TO REQUIRE THE
6 STATE HEALTH OFFICER TO APPROVE OR DENY THE OVER-THE-COUNTER
7 AVAILABILITY AND RETAIL SALE OF PRODUCTS THAT CONTAIN ANY
8 SUBSTANCE WITH THE POTENTIAL TO BE RECREATIONALLY USED OR ABUSED;
9 TO ESTABLISH AN APPEALS PROCESS AVAILABLE TO THE MANUFACTURER OR
10 DISTRIBUTOR OF A PRODUCT THAT WAS DENIED BY THE STATE HEALTH
11 OFFICER; TO REQUIRE THE DEPARTMENT TO ESTABLISH RULES AND
12 REGULATIONS NECESSARY TO IMPLEMENT AND ADMINISTER THE PROGRAM; TO
13 PROVIDE AN EXCEPTION FOR ORDINANCES AND REGULATIONS OF
14 MUNICIPALITIES AND COUNTIES ENACTED BEFORE JULY 1, 2025, WHICH
15 LIMIT OR PROHIBIT SUCH PRODUCTS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) For the purposes of this act:

18 (a) "Department" means the State Department of Health.

19 (b) "Substance with the potential to be recreationally used
20 or abused" means a substance that meets one or more of the
21 following criteria:

22 (i) The substance is used without direction or
23 supervision by a physician.



24 (ii) The substance is used, without direction or
25 supervision by a physician, for enjoyment, relaxation, perceived
26 health benefits, social reasons or for some other illegitimate
27 purpose, as determined by the State Board of Health.

28 (iii) The substance is unpredictable and variable in
29 its effects on the user, with a potential to cause harm to the
30 user, and which may lead to psychological and physical dependence,
31 health and social problems, or any other harmful effects as
32 determined by the State Board of Health.

33 (2) There is created within the State Department of Health a
34 screening and approval program for the over-the-counter
35 availability and retail sale of products that contain any
36 substance with the potential to be recreationally used or abused.
37 The purpose of the program is to reduce the retail sale and
38 availability of products that contain certain over-the-counter
39 substances, including, but not limited to, bath salts, kratom, and
40 tianeptine.

41 (3) The screening and approval program created under
42 subsection (2) of this section shall be administered by the
43 department. Except as otherwise provided in this section, the
44 State Health Officer, or his or her designee, shall approve or
45 deny the over-the-counter availability and retail sale of products
46 that contain any substance with the potential to be recreationally
47 used or abused. Approval or denial may be based on anecdotal,
48 scientific, or any other relevant and available evidence to assist



the State Health Officer, or his or her designee, in making a determination.

(4) A process to appeal a determination must be available to the manufacturer or distributor of the product that was denied by the State Health Officer. The manufacturer or distributor shall appeal directly to the State Board of Health, within thirty (30) days of the denial, and upon receipt of the appeal and any supporting documents from the manufacturer or distributor of the substance, the State Health Officer, or his or her designee, shall review all information provided to determine the merit of the appeal. If the State Health Officer, or his or her designee, determines that the appeal lacks merit, the appeal must be denied.

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

(6) Nothing in this act shall supersede, restrict or otherwise effect any ordinance or regulation that a municipality or county has enacted before July 1, 2025, or any ordinance or regulation that is enacted after July 1, 2025, to limit or prohibit the availability, distribution, sale or use of products that contain substances with the potential to be recreationally used or abused.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

