

By: Senator(s) Turner-Ford

To: Drug Policy

## SENATE BILL NO. 2354

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 TERMS; TO REQUIRE THE DEPARTMENT OF HEALTH TO  
5 ADMINISTER THE PROGRAM; TO REQUIRE THE STATE HEALTH OFFICER TO  
6 APPROVE OR DENY THE OVER-THE-COUNTER AVAILABILITY AND RETAIL SALE  
7 OF PRODUCTS THAT CONTAIN ANY SUBSTANCE WITH THE POTENTIAL TO BE  
8 RECREATIONALLY USED OR ABUSED; TO PROVIDE THAT A PROCESS TO APPEAL  
9 SUCH 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 TO PROVIDE THAT THIS ACT SHALL NOT SUPERSEDE, RESTRICT OR  
14 OTHERWISE EFFECT CERTAIN MUNICIPAL OR COUNTY ORDINANCE, ORDER, OR  
15 REGULATIONS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) For purposes of this act, the following  
18 terms have the meaning herein ascribed:

19 (a) "Department" means the Department of Health.

20 (b) "Program" means the program created in Section 2(1)  
21 of this act.

22 (c) "State Health Officer" shall mean the State Health  
23 Officer of the State Board of Health, or his or her designated  
24 representative.



(d) "Substance with the potential to be recreationally used or abused" means a substance that is:

(i) Used without direction or supervision by a physician;

(ii) Used, without direction or supervision by a physician, for enjoyment, relaxation, perceived health benefits, social reasons, or for some other illegitimate purpose as determined by the State Board of Health; and/or

(iii) Unpredictable and variable in its effects on the user, with a potential to cause the harm to the user, and which may lead to psychological and physical dependence, health and social problems, or any other harmful effects as determined by the State Board of Health.

**SECTION 2.** (1) (a) There is created within the Department of Health a screening and approval program for the over-the-counter availability and retail sale of products that contain any substance with the potential to be recreationally used or abused.

(b) The purpose of the program is to reduce the retail sale and availability of products that contain certain over-the-counter substances, including, but not limited to, bath salts and kratom.

(2) (a) The program shall be administered by the department.



(b) Except as otherwise provided in this act, the State Health Officer shall approve or deny the over-the-counter availability and retail sale of products that contain any substance with the potential to be recreationally used or abused. The decision to approve or deny the substance may be based on anecdotal, scientific, or any other relevant and available evidence to assist the State Health Officer in making a determination.

**SECTION 3.** A process to appeal such determination shall be available to the manufacturer or distributor of such product that was denied by the state health officer. The aggrieved manufacturer or distributor shall appeal directly to the State Board of Health, within thirty (30) calendar days of a denial. Upon receipt of the appeal, and any necessary supporting information, from the manufacturer or distributor of such substance, the State Health Officer shall review all information provided to determine the merit of the appeal. The State Health Officer shall issue a final order on the appeal within ninety (90) calendar days of the receipt of the appeal, and any necessary supporting information.

**SECTION 4.** The department shall establish rules and regulations as necessary to implement and administer the program.

**SECTION 5.** Nothing in this act shall supersede, restrict, or otherwise effect, any ordinance or regulation that a municipality or county has enacted before the effective date of this act, or



74 any ordinance, order, or regulation that is enacted after the  
75 effective date of this act, to limit or prohibit the availability,  
76 distribution, sale, or use of products that contain substances  
77 with the potential to be recreationally used or abused.

78       **SECTION 6.** This act shall take effect and be in force from  
79 and after July 1, 2025.

