

**ORDINANCE OF THE CITY OF COLUMBUS, MISSISSIPPI AMENDING THE CODE OF ORDINANCES TO INCLUDE PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF TIANEPTINE AND RELATED PRODUCTS**

WHEREAS, Miss. Code Ann. § 21-19-1, *et seq.*, as amended, empowers municipal governing authorities to make regulations to secure the general health, safety, and welfare within their respective municipal boundaries, in addition to make all necessary regulations for the preservation of good order, peace, and safety within their respective municipal boundaries; and

WHEREAS, the Governing Authority of the City of Columbus, Mississippi is reliably informed that an uncontrolled substance known as Tianeptine is being sold in retail outlets within the City of Columbus; and

WHEREAS, according to the United States Drug Enforcement Administration, Tianeptine has not been approved by the United States Food and Drug Administration for any medical use, and there has been a rapid and marked increase in Tianeptine-related calls to poison controls centers; and

WHEREAS, according to the United States Drug Enforcement Administration, Tianeptine is abused for effects that are similar to opioids and Tianeptine can have severe adverse health effects to include respiratory depression, severe sedation, and death; and

WHEREAS, according to the United States Drug Enforcement Administration, with respect to Tianeptine, there can be severe withdrawal symptoms that result in hospitalization, such symptoms to include agitation, tachycardia, nausea, vomiting, tremor, and diaphoresis; and

WHEREAS, the United States Drug Enforcement Administration has referred to Tianeptine as an “opioid-like drug” that is of extreme public health concern; and

WHEREAS, recently, some states have classified Tianeptine as a controlled substance; and

WHEREAS, in order to secure the general health, safety, and welfare, as well as to preserve good order and the peace, the Governing Authority, finds and concludes that the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sell or publicly display for sale of Tianeptine should be prohibited within the corporate boundaries of the City of Columbus, Mississippi.

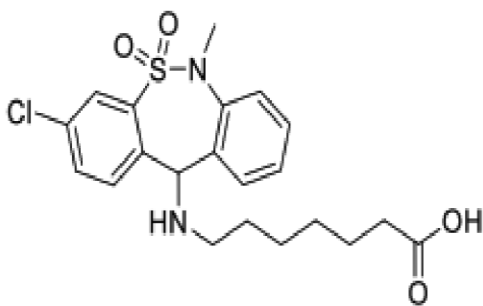
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Columbus, Mississippi, the following Ordinance shall be added to the Code of Ordinances, aid Code of Ordinances and shall read in full as follows:

**Use, purchase, possession, distribution, sale or offering for sale of Tianeptine prohibited.**

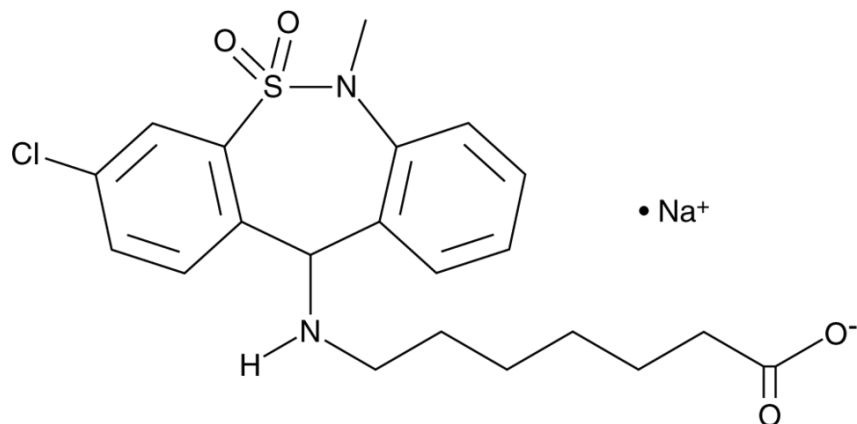
Section 1.

A. Definitions

1. *Corporate boundaries* shall mean the municipal limits as they are presently designated or as they shall be legally designated in the future.
2. *Sale* shall mean the barter or exchange of property for money or other consideration, and every closed transaction by which the title to property passes shall constitute a sale. *Sale* shall also mean the passing of title to property for a consideration of coupons, trading stamps, or by any other means when redemption is subsequent to the original sale by which the coupon, stamp, or other obligation was created.
3. *Tianeptine* shall mean that certain chemical with a chemical name of 7-((3-chloro-6-methyl-5,5-dioxido-6, 11-dihydrodibenzo [c,f][1,2]thiazepin-11-yl)amino) heptanoic acid. The chemical structure of Tianeptine is set out below:



The chemical structure of Tianeptine (sodium salt) is set out below:



The term *Tianeptine* shall include Tianeptine and any salt, sulfate, free acid, or other preparation of Tianeptine, and any salt, sulfate, free acid, compound, derivative, precursor, or preparation thereof that is substantially chemically equivalent or identical with Tianeptine. It shall be presumed that the contents of any container, bottle, box, carton, jar containing the word “Tianeptine” are Tianeptine. Brands of products currently being sold as containing Tianeptine include, but are not limited to including but not limited brands like Tianeption, Tianptine Sodium, Zaza Red, Zaza Silver, Tianeptine Red, Tianeptine White, Stablon Kapis Tablets, Stablon, Coaxle, Tianeptine sulfate pills, Tianeptine sulfate powder, Toats gold, Coaxil, Salymbra, Tatinol, Tianeurax, Zinosal, Tianaa, Tianaa Green, Tianaa Red, Tianaa White, Gold Tianeptine and Pegasus.

#### B. Sale, Etc. of Tianeptine Prohibited

Upon this Ordinance becoming effective, no person shall use, possess, purchase, distribute, sell or attempt to use, possess, purchase, distribute or sell or publicly display for sale, the chemical known as Tianeptine within the corporate boundaries of the City of Columbus, Mississippi, as such corporate boundaries may be altered from time-to-time. It shall not be an offense under this Ordinance if a person shall be acting at the direction of an authorized agent of the State of Mississippi, County of Lowndes or the City of Columbus, Mississippi, to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale the aforementioned substance and should violate one of the prohibitions set out in this Ordinance.

#### C. Penalties for Violations of this Ordinance

Any person, partnership, company, firm, or corporation violating any provision of this Ordinance shall be fined no more than \$1,000.00 and/or jailed for a period not to exceed six (6)

months. Each and every violation of this Ordinance shall be a separate offense.

**D. Severability**

To the extent that any phrase, clause, provision, and/or part of this Ordinance is deemed by a court of competent jurisdiction to be void, invalid, or unenforceable, the remaining phrases, clauses, provisions, and parts of this Ordinance shall be enforced to the full extent.

Section 2. For the protection of the health, safety and welfare of the citizenry, this Ordinance shall go into effect immediately. To the extent any Court shall find that there was no basis for this Ordinance to have immediate effect, then this ordinance shall be deemed to go into effect thirty (30) days after the adoption hereof said effective date being February 22, 2022. The Clerk shall cause a summary of the ordinance to be published in a local newspaper with a general circulation.

Section 3. Said Ordinance having been previously reduced to writing, a motion was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ to adopt the Ordinance and no request having been made by the Mayor or any member of the City Council that said Ordinance be read aloud before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the City Council as follows:

<b>Ethel Taylor Stewart:</b>	_____
<b>Joseph W. Mickens, Sr.:</b>	_____
<b>Rusty Greene:</b>	_____
<b>Pierre Beard:</b>	_____
<b>Stephen Jones:</b>	_____
<b>Jacqueline DiCicco</b>	_____

The Mayor thereby declared the motion carried and the Ordinance adopted and approved on this the 21<sup>st</sup> day of February, 2023.

\_\_\_\_\_  
KEITH GASKIN, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES BRIGHAM, CITY CLERK