

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2118

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

34 **SECTION 1.** This act shall be known and cited as "Noah's
35 Law."

36 **SECTION 2.** It is the intent of the Legislature that
37 enforcement of this act be implemented in an equitable manner
38 throughout the state. The provisions of this act shall supersede
39 any existing or subsequently enacted local law, ordinance or
40 regulation which relates to the sale, promotion and distribution
41 of caffeine pills and caffeine powder.



42 **SECTION 3.** For the purposes of this act, the following words
43 and phrases shall have the meaning ascribed in this section,
44 unless the context clearly indicates otherwise:

45 (a) "Dealer" means every person, firm, corporation or
46 association of persons, except retailers as defined herein, who
47 receives the caffeine product from the manufacturer of caffeine
48 pills or caffeine powder for distribution, for sale, for use, or
49 for consumption in the State of Mississippi.

50 (b) "Person" means any natural person.

51 (c) "Photographic identification" means any
52 government-issued card that includes a photograph of the person
53 seeking to purchase caffeine products and that is accepted as
54 proof of age under Mississippi law.

55 (d) "Point of sale" means a store, stand, or any other
56 place of business or point of distribution maintained by a seller
57 from which caffeine pills and caffeine powder are made available
58 for sale or distribution to consumers.

59 (e) "Retailer" includes every company, corporation,
60 partnership, business association, joint venture, estate, trust,
61 or any other combination acting as a unit or legal entity other
62 than a wholesale dealer as defined below, whose business is that
63 of selling merchandise at retail, who shall sell or offer for sale
64 a caffeine product to the consumer.

65 (f) "Seller" means any natural person, company,
66 corporation, firm, partnership, organization or other legal entity



67 who sells, dispenses, distributes or issues caffeine pills or
68 caffeine powder for commercial purposes.

69 (g) "Caffeine product" means any caffeine pill or
70 caffeine powder with more than twenty-five percent (25%) of
71 caffeine.

72 (h) "Wholesaler" includes dealers whose principal
73 business is that of wholesale dealer or jobber, who is known to
74 the retail trade as such, and whose place of business is located
75 in Mississippi or in a state which affords reciprocity to
76 wholesalers domiciled in Mississippi, who shall sell any taxable
77 caffeine pill or caffeine powder to retail dealers only for the
78 purpose of resale.

79 **SECTION 4.** It shall be unlawful for any person, or retailer,
80 to sell, barter, deliver or give caffeine products to any
81 individual under eighteen (18) years of age.

82 It shall be an absolute affirmative defense that the person
83 selling, bartering, delivering or giving caffeine products over
84 the counter in a retail establishment to an individual under
85 eighteen (18) years of age in violation of this act had requested
86 and examined a government-issued photographic identification from
87 such person establishing his age as at least eighteen (18) years
88 prior to selling such person a caffeine product. The failure of a
89 seller, barterer, deliverer or giver of caffeine products over the
90 counter in a retail establishment to request and examine
91 photographic identification from a person under eighteen (18)



92 years of age prior to the sale of a caffeine product to such
93 person if the individual is not known to the seller, barterer,
94 deliverer or giver of the caffeine product to be over the age of
95 eighteen (18) years, shall be construed against the seller,
96 barterer, deliverer or giver and form a conclusive basis for the
97 seller's violation of this section.

98 It shall be an absolute affirmative defense that the person
99 or entity giving caffeine products through the mail to an
100 individual under eighteen (18) years of age in violation of this
101 act had requested and received documentary or written evidence
102 from such person purportedly establishing his age to be at least
103 eighteen (18) years of age.

104 Any person who violates this section shall be liable as
105 follows: For a first conviction, a fine of Fifty Dollars
106 (\$50.00); for a second conviction, a fine of Seventy-five Dollars
107 (\$75.00); and for all subsequent convictions, a fine of One
108 Hundred Fifty Dollars (\$150.00) shall be imposed.

109 Any person, including, but not limited to, the owner and
110 seller of the caffeine product, found in violation of this section
111 shall be issued a citation by any proper law enforcement officer
112 and the owner of the business shall be sent notification of this
113 citation by registered mail by the law enforcement agency issuing
114 the citation. Notification shall include the opportunity for
115 hearing before the appropriate court.



116 It is the responsibility of all law enforcement officers and
117 law enforcement agencies of this state to ensure that the
118 provisions of this act are enforced.

119 It shall not be considered a violation of this section on the
120 part of any law enforcement officer or person under eighteen (18)
121 years of age for any law enforcement officer of this state to use
122 persons under eighteen (18) years of age to purchase or attempt to
123 purchase prohibited caffeine products for the purpose of
124 monitoring compliance with this section, as long as those persons
125 are supervised by duly authorized law enforcement agency
126 officials.

127 Any law enforcement agency conducting enforcement efforts
128 undertaken pursuant to this act shall prepare a report as
129 prescribed by the Attorney General which includes the number of
130 unannounced inspections conducted by the agency, a summary of
131 enforcement actions taken pursuant to this act, the name and final
132 judicial disposition on all enforcement actions. Reports shall be
133 forwarded to the Office of the Attorney General within twenty (20)
134 working days of the final judicial disposition.

135 **SECTION 5.** (1) Every person engaged in the business of
136 selling caffeine products shall notify each individual employed by
137 that person as a retail sales clerk that state law:

138 (a) Prohibits the sale or distribution of certain
139 caffeine products, including samples, to any person under eighteen



140 (18) years of age and the purchase or receipt of such caffeine
141 products by any person under eighteen (18) years of age, and

142 (b) Requires that proof of age be demanded from a
143 prospective purchaser or recipient if the prospective purchaser or
144 recipient is under the age of eighteen (18) years. Every person
145 employed by a person engaged in the business of selling caffeine
146 products at retail shall sign an agreement with his employer in
147 substantially the following or similar form:

148 "I understand that state law prohibits the sale
149 or distribution of certain caffeine products to
150 persons under the age of eighteen (18) years and
151 out-of-package sales, and requires that proof of age
152 be demanded from a prospective purchaser or recipient
153 under eighteen (18) years of age if the individual is
154 not known to the seller, barterer, deliverer or giver
155 of the prohibited caffeine product to be over the age
156 of eighteen (18) years. I promise, as a condition of
157 my employment, to observe this law."

158 (2) Any person violating the provisions of this section
159 shall be penalized not less than Fifty Dollars (\$50.00) nor more
160 than One Hundred Dollars (\$100.00).

161 (3) No retailer who instructs his employee as provided in
162 this section shall be liable for any violations committed by such
163 employees.



164 **SECTION 6.** (1) No person under eighteen (18) years of age
165 shall purchase any caffeine product prohibited by this act. No
166 student of any high school, junior high school or elementary
167 school shall possess or use caffeine products that are prohibited
168 by this act on any educational property as defined in Section
169 97-37-17(a).

170 (a) If a person under eighteen (18) years of age is
171 found by a court to be in violation of any other statute and is
172 also found to be in possession of such caffeine product, the court
173 may order the minor to perform up to three (3) hours of community
174 service, in addition to any other punishment imposed by the court.

175 (b) A violation under this section is not to be
176 recorded on the criminal history of the minor and, upon proof of
177 satisfaction of the court's order, the record shall be expunged
178 from any records other than youth court records.

179 (2) (a) No person shall use any caffeine product on any
180 educational property. Any adult who violates this section shall
181 be subject to a fine and shall be liable as follows: (i) for a
182 first conviction, a warning; (ii) for a second conviction, a fine
183 of Seventy-five Dollars (\$75.00); and (iii) for all subsequent
184 convictions, a fine not to exceed One Hundred Fifty Dollars
185 (\$150.00) shall be imposed.

186 (b) Any adult found in violation of this section shall
187 be issued a citation by a law enforcement officer, which citation
188 shall include notice of the date, time and location for hearing



189 before the justice court having jurisdiction where the violation
190 is alleged to have occurred. For the purposes of this section,
191 "subsequent convictions" are for violations committed on any
192 educational property within the State of Mississippi.

193 Anyone convicted under this act shall be recorded as being
194 fined for a civil violation of this act and not for violating a
195 criminal statute.

196 It is the responsibility of all law enforcement officers and
197 law enforcement agencies of this state to ensure that the
198 provisions of this act are enforced.

199 **SECTION 7.** Point of sale warning signs are required, and
200 each seller shall place and maintain in legible condition, at each
201 point of sale of prohibited caffeine products to consumers, a sign
202 no smaller than eight and one-half (8-1/2) by eleven (11) inches
203 or ninety-three (93) square inches stating: "STATE LAW PROHIBITS
204 THE SALE OF CERTAIN CAFFEINE PRODUCTS TO PERSONS UNDER THE AGE OF
205 18 YEARS. PROOF OF AGE REQUIRED."

206 Any person who violates this section shall be punished by a
207 penalty of not more than One Hundred Dollars (\$100.00).

208 **SECTION 8.** Any person under the age of eighteen (18) years
209 who falsely states he is eighteen (18) years of age or older, or
210 presents any document that indicates he is eighteen (18) years of
211 age or older, for the purpose of purchasing or possessing
212 prohibited caffeine products shall be penalized not less than
213 Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars



214 (\$200.00) or required to complete at least thirty (30) days of
215 community service, or both.

216 **SECTION 9.** It shall be unlawful for any person to sell
217 caffeine products that are prohibited by this act through a
218 vending machine, unless the vending machine is located in an
219 establishment to which individuals under the age of eighteen (18)
220 years are denied access or are required to be accompanied by an
221 adult. A person who violates this section shall be punished by a
222 penalty of not more than Two Hundred Fifty Dollars (\$250.00).

223 **SECTION 10.** No retailer shall distribute caffeine products
224 that are prohibited by this act other than in a sealed package
225 provided by the manufacturer. A retailer who is in violation of
226 this section shall be liable for a penalty of not more than One
227 Hundred Dollars (\$100.00) for the first violation not more than
228 Two Hundred Dollars (\$200.00) for a second violation within one
229 (1) year of a prior violation; and a penalty of Three Hundred
230 Dollars (\$300.00) for all subsequent violations.

231 **SECTION 11.** The Office of the Attorney General or local law
232 enforcement agencies shall, at least annually, conduct random,
233 unannounced inspections at locations where caffeine products that
234 are prohibited by this act are sold or distributed to ensure
235 compliance with this act. Persons under the age of eighteen (18)
236 years may be enlisted by the Office of the Attorney General or
237 local law enforcement to test compliance with this act, provided
238 that the parent or legal guardian of the person under eighteen



239 (18) years of age so utilized has given prior written consent for
240 the minor's participation in unannounced inspections. The Office
241 of the Attorney General must prepare a report of the findings, and
242 report these findings to the Legislature by December 31 of each
243 year.

244 **SECTION 12.** It shall be unlawful to publish the name or
245 identity of any person under the age of eighteen (18) years who is
246 convicted or adjudicated of any violation of this act.

247 **SECTION 13.** Section 67-1-5, Mississippi Code of 1972, is
248 amended as follows:

249 67-1-5. For the purposes of this chapter and unless
250 otherwise required by the context:

251 (a) "Alcoholic beverage" means any alcoholic liquid,
252 including wines of more than five percent (5%) of alcohol by
253 weight, capable of being consumed as a beverage by a human being,
254 but shall not include light wine and beer, as defined in Section
255 67-3-3, Mississippi Code of 1972, but shall include native wines.
256 The words "alcoholic beverage" shall not include ethyl alcohol
257 manufactured or distilled solely for fuel purposes or beer of an
258 alcoholic content of more than eight percent (8%) by weight if the
259 beer is legally manufactured in this state for sale in another
260 state. "Alcoholic beverage" shall not include powdered alcohol.

261 (b) "Alcohol" means the product of distillation of any
262 fermented liquid, whatever the origin thereof, and includes



263 synthetic ethyl alcohol, but does not include denatured alcohol or
264 wood alcohol.

265 (c) "Distilled spirits" means any beverage containing
266 more than four percent (4%) of alcohol by weight produced by
267 distillation of fermented grain, starch, molasses or sugar,
268 including dilutions and mixtures of these beverages.

269 (d) "Wine" or "vinous liquor" means any product
270 obtained from the alcoholic fermentation of the juice of sound,
271 ripe grapes, fruits or berries and made in accordance with the
272 revenue laws of the United States.

273 (e) "Person" means and includes any individual,
274 partnership, corporation, association or other legal entity
275 whatsoever.

276 (f) "Manufacturer" means any person engaged in
277 manufacturing, distilling, rectifying, blending or bottling any
278 alcoholic beverage.

279 (g) "Wholesaler" means any person, other than a
280 manufacturer, engaged in distributing or selling any alcoholic
281 beverage at wholesale for delivery within or without this state
282 when such sale is for the purpose of resale by the purchaser.

283 (h) "Retailer" means any person who sells, distributes,
284 or offers for sale or distribution, any alcoholic beverage for use
285 or consumption by the purchaser and not for resale.

286 (i) "State Tax Commission," "commission" or
287 "department" means the Department of Revenue of the State of



288 Mississippi, which shall create a division in its organization to
289 be known as the Alcoholic Beverage Control Division. Any
290 reference to the commission or the department hereafter means the
291 powers and duties of the Department of Revenue with reference to
292 supervision of the Alcoholic Beverage Control Division.

293 (j) "Division" means the Alcoholic Beverage Control
294 Division of the Department of Revenue.

295 (k) "Municipality" means any incorporated city or town
296 of this state.

297 (l) "Hotel" means an establishment within a
298 municipality, or within a qualified resort area approved as such
299 by the department, where, in consideration of payment, food and
300 lodging are habitually furnished to travelers and wherein are
301 located at least twenty (20) adequately furnished and completely
302 separate sleeping rooms with adequate facilities that persons
303 usually apply for and receive as overnight accommodations. Hotels
304 in towns or cities of more than twenty-five thousand (25,000)
305 population are similarly defined except that they must have fifty
306 (50) or more sleeping rooms. Any such establishment described in
307 this paragraph with less than fifty (50) beds shall operate one or
308 more regular dining rooms designed to be constantly frequented by
309 customers each day. When used in this chapter, the word "hotel"
310 shall also be construed to include any establishment that meets
311 the definition of "bed and breakfast inn" as provided in this
312 section.



313 (m) "Restaurant" means:

314 (i) A place which is regularly and in a bona fide
315 manner used and kept open for the serving of meals to guests for
316 compensation, which has suitable seating facilities for guests,
317 and which has suitable kitchen facilities connected therewith for
318 cooking an assortment of foods and meals commonly ordered at
319 various hours of the day; the service of such food as sandwiches
320 and salads only shall not be deemed in compliance with this
321 requirement. Except as otherwise provided in this paragraph, no
322 place shall qualify as a restaurant under this chapter unless
323 twenty-five percent (25%) or more of the revenue derived from such
324 place shall be from the preparation, cooking and serving of meals
325 and not from the sale of beverages, or unless the value of food
326 given to and consumed by customers is equal to twenty-five percent
327 (25%) or more of total revenue; or

328 (ii) Any privately owned business located in a
329 building in a historic district where the district is listed in
330 the National Register of Historic Places, where the building has a
331 total occupancy rating of not less than one thousand (1,000) and
332 where the business regularly utilizes ten thousand (10,000) square
333 feet or more in the building for live entertainment, including not
334 only the stage, lobby or area where the audience sits and/or
335 stands, but also any other portion of the building necessary for
336 the operation of the business, including any kitchen area, bar
337 area, storage area and office space, but excluding any area for



338 parking. In addition to the other requirements of this
339 subparagraph, the business must also serve food to guests for
340 compensation within the building and derive the majority of its
341 revenue from event-related fees, including, but not limited to,
342 admission fees or ticket sales to live entertainment in the
343 building, and from the rental of all or part of the facilities of
344 the business in the building to another party for a specific event
345 or function.

346 (n) "Club" means an association or a corporation:

347 (i) Organized or created under the laws of this
348 state for a period of five (5) years prior to July 1, 1966;

349 (ii) Organized not primarily for pecuniary profit
350 but for the promotion of some common object other than the sale or
351 consumption of alcoholic beverages;

352 (iii) Maintained by its members through the
353 payment of annual dues;

354 (iv) Owning, hiring or leasing a building or space
355 in a building of such extent and character as may be suitable and
356 adequate for the reasonable and comfortable use and accommodation
357 of its members and their guests;

358 (v) The affairs and management of which are
359 conducted by a board of directors, board of governors, executive
360 committee, or similar governing body chosen by the members at a
361 regular meeting held at some periodic interval; and



362 (vi) No member, officer, agent or employee of
363 which is paid, or directly or indirectly receives, in the form of
364 a salary or other compensation any profit from the distribution or
365 sale of alcoholic beverages to the club or to members or guests of
366 the club beyond such salary or compensation as may be fixed and
367 voted at a proper meeting by the board of directors or other
368 governing body out of the general revenues of the club.

369 The department may, in its discretion, waive the five-year
370 provision of this paragraph. In order to qualify under this
371 paragraph, a club must file with the department, at the time of
372 its application for a license under this chapter, two (2) copies
373 of a list of the names and residences of its members and similarly
374 file, within ten (10) days after the election of any additional
375 member, his name and address. Each club applying for a license
376 shall also file with the department at the time of the application
377 a copy of its articles of association, charter of incorporation,
378 bylaws or other instruments governing the business and affairs
379 thereof.

380 (o) "Qualified resort area" means any area or locality
381 outside of the limits of incorporated municipalities in this state
382 commonly known and accepted as a place which regularly and
383 customarily attracts tourists, vacationists and other transients
384 because of its historical, scenic or recreational facilities or
385 attractions, or because of other attributes which regularly and
386 customarily appeal to and attract tourists, vacationists and other



387 transients in substantial numbers; however, no area or locality
388 shall so qualify as a resort area until it has been duly and
389 properly approved as such by the department.

390 (i) The department may approve an area or locality
391 outside of the limits of an incorporated municipality that is in
392 the process of being developed as a qualified resort area if such
393 area or locality, when developed, can reasonably be expected to
394 meet the requisites of the definition of the term "qualified
395 resort area." In such a case, the status of qualified resort area
396 shall not take effect until completion of the development.

397 (ii) The term includes any state park which is
398 declared a resort area by the department; however, such
399 declaration may only be initiated in a written request for resort
400 area status made to the department by the Executive Director of
401 the Department of Wildlife, Fisheries and Parks, and no permit for
402 the sale of any alcoholic beverage, as defined in this chapter,
403 except an on-premises retailer's permit, shall be issued for a
404 hotel, restaurant or bed and breakfast inn in such park.

405 (iii) The term includes:

406 1. The clubhouses associated with the state
407 park golf courses at the Lefleur's Bluff State Park, the John Kyle
408 State Park, the Percy Quin State Park and the Hugh White State
409 Park;

410 2. The clubhouse and associated golf course
411 where the golf course is adjacent to one or more planned



412 residential developments and the golf course and all such
413 developments collectively include at least seven hundred fifty
414 (750) acres and at least four hundred (400) residential units;

415 3. Any facility located on property that is a
416 game reserve with restricted access that consists of at least
417 three thousand (3,000) contiguous acres with no public roads and
418 that offers as a service hunts for a fee to overnight guests of
419 the facility;

420 4. Any facility located on federal property
421 surrounding a lake and designated as a recreational area by the
422 United States Army Corps of Engineers that consists of at least
423 one thousand five hundred (1,500) acres;

424 5. Any facility that is located in a
425 municipality that is bordered by the Pearl River, traversed by
426 Mississippi Highway 25, adjacent to the boundaries of the Jackson
427 International Airport and is located in a county which has voted
428 against coming out from under the dry law; however, any such
429 facility may only be located in areas designated by the governing
430 authorities of such municipality;

431 6. Any municipality with a population in
432 excess of ten thousand (10,000) according to the latest federal
433 decennial census that is located in a county that is bordered by
434 the Pearl River and is not traversed by Interstate Highway 20,
435 with a population in excess of forty-five thousand (45,000)
436 according to the latest federal decennial census;



437 7. The West Pearl Restaurant Tax District as
438 defined in Chapter 912, Local and Private Laws of 2007;

439 8. Land that is owned by the Pearl River
440 Valley Water Supply District and located in any county in which
441 Mississippi Highway 43 and Mississippi Highway 25 intersect;

442 9. Any facility located on property that is a
443 game reserve with restricted access that consists of at least
444 eight hundred (800) contiguous acres with no public roads, that
445 offers as a service hunts for a fee to overnight guests of the
446 facility, and has accommodations for at least fifty (50) overnight
447 guests.

448 The status of these municipalities, districts, clubhouses,
449 facilities, golf courses and areas described in subparagraph (iii)
450 of this paragraph (o) as qualified resort areas does not require
451 any declaration of same by the department.

452 (p) "Native wine" means any product, produced in
453 Mississippi for sale, having an alcohol content not to exceed
454 twenty-one percent (21%) by weight and made in accordance with
455 revenue laws of the United States, which shall be obtained
456 primarily from the alcoholic fermentation of the juice of ripe
457 grapes, fruits, berries or vegetables grown and produced in
458 Mississippi; provided that bulk, concentrated or fortified wines
459 used for blending may be produced without this state and used in
460 producing native wines. The department shall adopt and promulgate
461 rules and regulations to permit a producer to import such bulk



462 and/or fortified wines into this state for use in blending with
463 native wines without payment of any excise tax that would
464 otherwise accrue thereon.

465 (q) "Native winery" means any place or establishment
466 within the State of Mississippi where native wine is produced, in
467 whole or in part, for sale.

468 (r) "Bed and breakfast inn" means an establishment
469 within a municipality where in consideration of payment, breakfast
470 and lodging are habitually furnished to travelers and wherein are
471 located not less than eight (8) and not more than nineteen (19)
472 adequately furnished and completely separate sleeping rooms with
473 adequate facilities, that persons usually apply for and receive as
474 overnight accommodations; however, such restriction on the minimum
475 number of sleeping rooms shall not apply to establishments on the
476 National Register of Historic Places. No place shall qualify as a
477 bed and breakfast inn under this chapter unless on the date of the
478 initial application for a license under this chapter more than
479 fifty percent (50%) of the sleeping rooms are located in a
480 structure formerly used as a residence.

481 (s) "Board" shall refer to the Board of Tax Appeals of
482 the State of Mississippi.

483 (t) "Spa facility" means an establishment within a
484 municipality or qualified resort area and owned by a hotel where,
485 in consideration of payment, patrons receive from licensed



486 professionals a variety of private personal care treatments such
487 as massages, facials, waxes, exfoliation and hairstyling.

488 (u) "Art studio or gallery" means an establishment
489 within a municipality or qualified resort area that is in the sole
490 business of allowing patrons to view and/or purchase paintings and
491 other creative artwork.

492 (v) "Cooking school" means an establishment within a
493 municipality or qualified resort area and owned by a nationally
494 recognized company that offers an established culinary education
495 curriculum and program where, in consideration of payment, patrons
496 are given scheduled professional group instruction on culinary
497 techniques. For purposes of this paragraph, the definition of
498 cooking school shall not include schools or classes offered by
499 grocery stores, convenience stores or drugstores.

500 (w) "Powdered alcohol" means alcohol processed to a
501 powder form that, when mixed with liquid or used in conjunction
502 with a nebulizer, may be ingested or inhaled.

503 **SECTION 14.** Section 67-1-9, Mississippi Code of 1972, is
504 amended as follows:

505 67-1-9. (1) It shall be unlawful for any person to
506 manufacture, distill, brew, sell, possess, import into this state,
507 export from the state, transport, distribute, warehouse, store,
508 solicit, take order for, bottle, rectify, blend, treat, mix or
509 process any alcoholic beverage except as authorized in this
510 chapter. However, nothing contained herein shall prevent



511 importers, wineries and distillers of alcoholic beverages from
512 storing such alcoholic beverages in private bonded warehouses
513 located within the State of Mississippi for the ultimate use and
514 benefit of the * * * Department of Revenue as provided in Section
515 67-1-41. The * * * department is hereby authorized to promulgate
516 rules and regulations for the establishment of such private bonded
517 warehouses and for the control of alcoholic beverages stored in
518 such warehouses. Additionally, nothing herein contained shall
519 prevent any duly licensed practicing physician or dentist from
520 possessing or using alcoholic liquor in the strict practice of his
521 profession, or prevent any hospital or other institution caring
522 for sick and diseased persons, from possessing and using alcoholic
523 liquor for the treatment of bona fide patients of such hospital or
524 other institution. Any drugstore employing a licensed pharmacist
525 may possess and use alcoholic liquors in the combination of
526 prescriptions of duly licensed physicians. The possession and
527 dispensation of wine by an authorized representative of any church
528 for the purpose of conducting any bona fide rite or religious
529 ceremony conducted by such church shall not be prohibited by this
530 chapter. Powdered alcohol is prohibited in the State of
531 Mississippi and may not lawfully be manufactured, mixed,
532 processed, sold, possessed, imported into the state, exported from
533 the state, transported, distributed, warehoused or stored in this
534 state.



535 (2) Any person, upon conviction of any provision of this
536 section, shall be punished as follows:

537 (a) By a fine of not less than One Hundred Dollars
538 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
539 imprisonment in the county jail not less than one (1) week nor
540 more than three (3) months, or both, for the first conviction
541 under this section.

542 (b) By a fine of not less than One Hundred Dollars
543 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
544 imprisonment in the county jail not less than sixty (60) days, nor
545 more than six (6) months, or both fine and imprisonment, for the
546 second conviction for violating this section.

547 (c) By a fine of not less than One Hundred Dollars
548 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
549 imprisonment in the State Penitentiary not less than one (1) year,
550 nor more than five (5) years, or both fine and imprisonment, for
551 conviction the third time under this section for the violation
552 thereof after having been twice convicted of its violation.

553 **SECTION 15.** Section 67-1-17, Mississippi Code of 1972, is
554 amended as follows:

555 67-1-17. (1) It shall be unlawful for any person to have or
556 possess * * * alcoholic beverages, powdered alcohol or personal
557 property intended for use in violating the provisions of this
558 chapter, or regulations prescribed under this chapter, or Chapter
559 31 of Title 97, Mississippi Code of 1972. No property rights



560 shall exist in any such personal property, powdered alcohol or
561 alcoholic beverages. All such personal property, powdered alcohol
562 and alcoholic beverages shall be considered contraband and shall
563 be seized and forfeited to the State of Mississippi.

564 (2) The following are subject to forfeiture:

565 (a) All alcoholic beverages or powdered alcohol which
566 have been manufactured, distilled, distributed, dispensed,
567 processed or acquired in violation of this chapter or Chapter 31
568 of Title 97, Mississippi Code of 1972;

569 (b) All raw materials, products and equipment of any
570 kind which are used, or intended for use, in manufacturing,
571 compounding, processing, delivering, importing or exporting any
572 alcoholic beverage or powdered alcohol in violation of this
573 chapter or Chapter 31 of Title 97, Mississippi Code of 1972;

574 (c) All property which is used, or intended for use, as
575 a container for property described in items (a) or (b) of this
576 subsection;

577 (d) All conveyances, including aircraft, vehicles or
578 vessels, which are used, or intended for use, to transport, or in
579 any manner to facilitate the transportation, for the purpose of
580 sale or receipt, possession or concealment, of property described
581 in item (a) of this subsection which is in excess of six (6)
582 gallons or of property described in item (b) of this subsection;
583 however,



584 (i) No conveyance used by any person as a common
585 carrier in the transaction of business as a common carrier is
586 subject to forfeiture under this section unless it appears that
587 the owner or other person in charge of the conveyance is a
588 consenting party or privy to a violation of this chapter or
589 Chapter 31 of Title 97, Mississippi Code of 1972;

590 (ii) No conveyance is subject to forfeiture under
591 this section by reason of any act or omission proved by the owner
592 thereof to have been committed or omitted without his knowledge or
593 consent; if the confiscating authority has reason to believe that
594 the conveyance is a leased or rented conveyance, then the
595 confiscating authority shall notify the owner of the conveyance
596 within five (5) days of the confiscation; and

597 (iii) A forfeiture of a conveyance encumbered by a
598 bona fide security interest is subject to the interest of the
599 secured party if he neither had knowledge of nor consented to the
600 act or omission;

601 (e) All money, deadly weapons, books, records and
602 research products and materials, including formulas, microfilm,
603 tapes and data which are used, or intended for use, in violation
604 of this chapter or Chapter 31 of Title 97, Mississippi Code of
605 1972.

606 (3) Property subject to forfeiture may be seized by the
607 Alcoholic Beverage Control Division and its agents, local law
608 enforcement officers, Mississippi Highway Patrol officers and



609 other law enforcement personnel charged by Section 67-1-91, with
610 enforcing the provisions of this chapter upon process issued by
611 any appropriate court having jurisdiction over the property.

612 Seizure without process may be made if:

613 (a) The seizure is incident to an arrest or a search
614 under a search warrant or an administrative inspection under
615 Section 67-1-37(k);

616 (b) The property subject to seizure has been the
617 subject of a prior judgment in favor of the state in a criminal
618 injunction or forfeiture proceeding based upon this chapter or
619 Chapter 31 of Article 97, Mississippi Code of 1972; or

620 (c) The Alcoholic Beverage Control Division of the
621 * * * Department of Revenue and other law enforcement personnel
622 described in this subsection have probable cause to believe that
623 the property was used or is intended to be used in violation of
624 this chapter or Chapter 31 of Article 97, Mississippi Code of
625 1972.

626 (4) Alcoholic beverages, powdered alcohol and raw materials
627 seized or detained under the authority of this chapter or Chapter
628 31 of Title 97, Mississippi Code of 1972, is deemed to be in the
629 custody of the agent or agency so seizing the property and subject
630 only to the orders and decrees of the court having jurisdiction
631 over the property. When such property is seized it may be
632 retained as evidence until final disposition of the cause in which
633 such property is involved, and then the agent or agency so seizing



634 the property shall physically transfer such alcoholic beverage,
635 powdered alcohol or raw material to the Director of the Alcoholic
636 Beverage Control Division of the * * * Department of Revenue
637 together with an appropriate inventory of the items seized.
638 Alcoholic beverages, powdered alcohol and raw materials seized or
639 detained under the authority of this section shall be disposed of
640 in accordance with the provisions of Section 67-1-18.

641 (5) Any property other than alcoholic beverages, powdered
642 alcohol and raw materials seized or detained pursuant to this
643 chapter or Chapter 31 of Title 97, Mississippi Code of 1972, shall
644 be deemed to be in the custody of the agent or agency so seizing
645 the property and subject only to the orders and decrees of the
646 court having jurisdiction over the property. When such property
647 is seized it may be retained as evidence until the final
648 disposition of the cause in which such property is involved.
649 Property seized or detained other than alcoholic beverages,
650 powdered alcohol or raw materials shall be disposed of in
651 accordance with the provisions of Sections 67-1-93, 67-1-95 and
652 67-1-97.

653 **SECTION 16.** Section 67-1-18, Mississippi Code of 1972, is
654 amended as follows:

655 67-1-18. Any alcoholic beverage, powdered alcohol or raw
656 material seized under the authority of this chapter or Chapter 31
657 of Title 97, Mississippi Code of 1972, shall be submitted to the
658 custody of the * * * Department of Revenue for disposition.



659 The * * * department shall not dispose of any alcoholic
660 beverage, powdered alcohol or raw material without first having a
661 hearing with reasonable notice to all individuals having an
662 interest in said property and an opportunity for them to appear
663 and establish their right or claim to the property. Upon hearing
664 the evidence, the * * * department shall issue its order requiring
665 the alcoholic beverages, powdered alcohol or raw materials to be
666 released to an interested party, sold for the benefit of the state
667 or destroyed.

668 If the * * * department orders the property, other than
669 alcoholic beverages or powdered alcohol, sold, then the same shall
670 be sold to the highest bidder, such bidder being any person, firm
671 or government agency. The offer for sale shall be made to not less
672 than three (3) qualified prospective buyers, by mailing them an
673 invitation to bid, which shall describe the property, terms of
674 sale, method of delivery, manner of bidding and fixing a time of
675 not more than fifteen (15) days from the date of invitation for
676 opening of bids received by the * * * department.

677 All bids and payment shall be made in the manner as
678 prescribed by the * * * department. Bids, after opening, shall be
679 subject to public inspection.

680 If the * * * department orders the sale of seized alcoholic
681 beverages, it may place such alcoholic beverages in the state
682 inventory to be sold to authorized retailers in the same manner as
683 other alcoholic beverages in the state inventory are sold.



684 **SECTION 17.** Section 67-1-93, Mississippi Code of 1972, is
685 amended as follows:

686 67-1-93. (1) Except as otherwise provided in Section
687 67-1-99, when any property, other than an alcoholic beverage,
688 powdered alcohol or raw material, is seized under this chapter or
689 Chapter 31 of Title 97, Mississippi Code of 1972, proceedings
690 under this section shall be instituted promptly.

691 (2) A petition for forfeiture shall be filed promptly in the
692 name of the State of Mississippi with the clerk of the circuit or
693 county court of the county in which the seizure is made. A copy
694 of such petition shall be served upon the following persons by
695 service of process in the same manner as in civil cases:

696 (a) The owner of the property, if address is known;

697 (b) Any secured party who has registered his lien or
698 filed a financing statement as provided by law, if the identity of
699 such secured party can be ascertained by the agent or agency which
700 seized the property making a good faith effort to ascertain the
701 identity of such secured party as described in subsections (3),
702 (4), (5), (6) and (7) of this section;

703 (c) Any other bona fide lienholder or secured party or
704 other person holding an interest in the property in the nature of
705 a security interest of whom the agent or agency has actual
706 knowledge; and

707 (d) Any person in possession of property subject to
708 forfeiture at the time that it was seized.



709 (3) If the property is a motor vehicle susceptible of
710 titling under the Mississippi Motor Vehicle Title Law and if there
711 is any reasonable cause to believe that the vehicle has been
712 titled, the agent or agency shall make inquiry of the * * *
713 Department of Revenue as to what the records of the * * *
714 Department of Revenue show as to who is the record owner of the
715 vehicle and who, if anyone, holds any lien or security interest
716 which affects the vehicle.

717 (4) If the property is a motor vehicle and is not titled in
718 the State of Mississippi then the agent or agency shall attempt to
719 ascertain the name and address of the person in whose name the
720 vehicle is licensed, and if the vehicle is licensed in a state
721 which has in effect a certificate of title law, the agent or
722 agency shall make inquiry of the appropriate agency of that state
723 to determine through such agency's records the name of the record
724 owner of the vehicle and who, if anyone, holds any lien, security
725 interest or other instrument in the nature of a security device
726 which affects the vehicle.

727 (5) If the property is of a nature that a financing
728 statement is required by the laws of this state to be filed to
729 perfect a security interest affecting the property and if there is
730 any reasonable cause to believe that a financing statement
731 covering the security interest has been filed under the laws of
732 this state, the agent or agency shall make inquiry of the
733 appropriate office designated in Section 75-9-501 to determine



734 through the records of such office the name of the record owner of
735 the property and who, if anyone, has filed a financing statement
736 affecting the property.

737 (6) If the property is an aircraft or part thereof and if
738 there is any reasonable cause to believe that an instrument in the
739 nature of a security device affects the property, then the agent
740 or agency shall make inquiry of the Administrator of the Federal
741 Aviation Administration to determine through records of the
742 administrator the name of the record owner of the property and
743 who, if anyone, holds an instrument in the name of a security
744 device which affects the property.

745 (7) In the case of all other property other than an
746 alcoholic beverage, powdered alcohol or raw material subject to
747 forfeiture, if there is any reasonable cause to believe that an
748 instrument in the nature of a security device affects the
749 property, then the agent or agency shall make a good faith inquiry
750 to identify the holder of any such instrument.

751 (8) In the event the answer to an inquiry states that the
752 record owner of the property is any person other than the person
753 who was in possession of it when it was seized, or states that any
754 person holds any lien, security interest or other interest in the
755 nature of a security interest which affects the property, the
756 agent or agency shall cause any record owner and also any
757 lienholder, secured party or other person who holds an interest in
758 the property in the nature of a security interest which affects



759 the property to be named in the petition of forfeiture and to be
760 served with process in the same manner as in civil cases.

761 (9) If the owner of the property cannot be found and served
762 with a copy of the petition of forfeiture, or if no person was in
763 possession of the property subject to forfeiture at the time that
764 it was seized and the owner of the property is unknown, the agent
765 or agency shall file with the clerk of the court in which the
766 proceeding is pending an affidavit to such effect, whereupon the
767 clerk of the court shall publish notice of the hearing addressed
768 to "the Unknown Owner of _____," filling in the blank
769 space with a reasonably detailed description of the property
770 subject to forfeiture. Service by publication shall be made in
771 accordance with the Mississippi Rules of Civil Procedure.

772 (10) No proceedings instituted pursuant to the provisions of
773 this chapter shall proceed to hearing unless the judge conducting
774 the hearing is satisfied that this section has been complied with.
775 Any answer received from an inquiry required by subsections (3)
776 through (7) of this section shall be introduced into evidence at
777 the hearing.

778 **SECTION 18.** Section 67-1-95, Mississippi Code of 1972, is
779 amended as follows:

780 67-1-95. (1) An owner of property seized, other than an
781 owner of alcoholic beverages, powdered alcohol or raw materials,
782 shall file a verified answer within twenty (20) days after the
783 completion of service of process. If no answer is filed, the



784 court shall hear evidence that the property is subject to
785 forfeiture and forfeit the property to the agency which seized the
786 property. If an answer is filed, a time for hearing on forfeiture
787 shall be set within thirty (30) days of filing the answer or at
788 the succeeding term of court if court would not be in progress
789 within thirty (30) days after filing the answer. Provided,
790 however, that upon request by the agent or agency, or the owner of
791 the property, the court may postpone the forfeiture hearing to a
792 date past the time any criminal action is pending against such
793 owner.

794 (2) If the owner of the property has filed a verified answer
795 denying that the property is subject to forfeiture, then the
796 burden is on the state to prove that the property is subject to
797 forfeiture; however, if no answer has been filed by the owner of
798 the property, the petition for forfeiture may be introduced into
799 evidence and shall be prima facie evidence that the property is
800 subject to forfeiture.

801 (3) At the hearing any claimant of any right, title or
802 interest in the property may prove his lien, security interest or
803 other interest in the nature of a security interest, to be bona
804 fide and created without knowledge or consent that the property
805 was to be used so as to cause the property to be subject to
806 forfeiture.

807 (4) If it is found that the property is subject to
808 forfeiture, then the judge shall forfeit the property to the



809 agency which seized the property. If proof at the hearing
810 discloses that the interest of any bona fide lienholder, secured
811 party or other person holding an interest in the property in the
812 nature of a security interest is greater than or equal to the
813 present value of the property, the court shall order the property
814 released to him. If such interest is less than the present value
815 of the property and if the proof shows that the property is
816 subject to forfeiture the court shall order the property forfeited
817 to the agency.

818 (5) Upon a petition filed in the name of the State of
819 Mississippi with the clerk of the circuit or county court of the
820 county in which the seizure is made, the court having jurisdiction
821 may order the property summarily forfeited except when lawful
822 possession and title can be ascertained. If a person is found to
823 have had lawful possession and title prior to seizure, the court
824 shall order the property returned to the owner, if the owner so
825 desires.

826 **SECTION 19.** Section 67-1-97, Mississippi Code of 1972, is
827 amended as follows:

828 67-1-97. (1) All property other than alcoholic beverages,
829 powdered alcohol or raw materials that have been forfeited shall
830 be sold at a public auction for cash by the agency which seized
831 such property to the highest and best bidder after advertising the
832 sale for at least once each week for three (3) consecutive weeks,
833 the last notice to appear not more than ten (10) days nor less



834 than five (5) days prior to such sale, in a newspaper having a
835 general circulation throughout the State of Mississippi. Such
836 notices shall contain a description of the property to be sold and
837 a statement of the time and place of the sale. It shall not be
838 necessary to the validity of such sale either to have the property
839 present at the place of the sale or to have the name of the owner
840 thereof stated in such notice. The proceeds of the sale shall be
841 delivered to the court clerk and shall be disposed of as follows:

842 (a) To any bona fide lienholder, secured party or other
843 party holding an interest in the property in the nature of a
844 security interest, to the extent of his interest; and

845 (b) The balance, if any, after deduction of all storage
846 and court costs, shall be forwarded to the State Treasurer and
847 deposited with and used as general funds of the state.

848 (2) (a) Any county or municipal law enforcement agency
849 which seizes property, other than alcoholic beverages, powdered
850 alcohol or raw materials, may maintain, repair, use and operate
851 for official purposes all such property that has been forfeited if
852 it is free from any interest of a bona fide lienholder, secured
853 party or other party who holds an interest in the property in the
854 nature of a security interest. Such county or municipal law
855 enforcement agency may purchase the interest of a bona fide
856 lienholder, secured party or other party who holds an interest so
857 that the property can be released for its use. If the property is
858 a motor vehicle susceptible of titling under the Mississippi Motor



859 Vehicle Title Law, the law enforcement agency shall be deemed to
860 be the purchaser, and the certificate of title shall be issued to
861 it as required by subsection (4) of this section.

862 (b) All other property that a county or municipal law
863 enforcement agency seizes, other than alcoholic beverages,
864 powdered alcohol and raw materials, and other than property which
865 such law enforcement agency retains for use and operation for
866 official purposes, shall, upon its forfeiture, be sold by such law
867 enforcement agency in the same manner and subject to the same
868 procedure for the sale of such property as provided for in
869 subsection (1) of this section; however, the proceeds of such sale
870 shall be delivered to the clerk of the county or municipality for
871 disposal in the following manner:

872 (i) To any bona fide lienholder, secured party or
873 other party holding an interest in the property in the nature of a
874 security interest, to the extent of his interest; and

875 (ii) The balance, if any, after deduction of all
876 storage and court costs, shall be forwarded to the clerk of the
877 county or municipality, as the case may be, and deposited with and
878 used as general funds of the county or municipality.

879 (3) All other agencies which have seized all such property
880 other than alcoholic beverages, powdered alcohol and raw materials
881 may maintain, repair, use and operate for official purposes all
882 property that has been forfeited to them if such property is free
883 from any interest of a bona fide lienholder, secured party or



884 other party who holds an interest in the property in the nature of
885 a security interest. In such case, the agency may purchase the
886 interest of a bona fide lienholder, secured party or other party
887 who holds an interest so that the property can be released for use
888 by such agency.

889 Such agency may maintain, repair, use and operate the
890 property with money appropriated for current operations. If the
891 property is a motor vehicle susceptible of titling under the
892 Mississippi Motor Vehicle Title Law, such agency is deemed to be
893 the purchaser and the certificate of title shall be issued to it
894 as required by subsection (4) of this section.

895 (4) The * * * Department of Revenue shall issue a
896 certificate of title to any person who purchases property under
897 the provisions of this section when a certificate of title is
898 required under the laws of this state.

899 **SECTION 20.** Section 67-1-99, Mississippi Code of 1972, is
900 amended as follows:

901 67-1-99. (1) Property subject to forfeiture, other than
902 alcoholic beverages, powdered alcohol or raw materials, as
903 described by Section 67-1-17 and having a value of Two Thousand
904 Five Hundred Dollars (\$2,500.00) or less may be forfeited by the
905 administrative forfeiture procedures provided for in this section.

906 (2) The seizing law enforcement agency shall provide notice
907 of intention to forfeit the seized property administratively, by



908 certified mail, return receipt required, to all persons who are
909 required to be notified pursuant to Section 67-1-93.

910 (3) In the event that notice of administrative forfeiture
911 cannot be given as provided in subsection (2) of this section
912 because of refusal, failure to claim, insufficient address or any
913 other reason the seizing law enforcement agency shall provide
914 notice by publication in a newspaper of general circulation in the
915 county in which the seizure took place once a week for three (3)
916 consecutive weeks.

917 (4) Notice pursuant to subsections (2) and (3) of this
918 section shall include the following information:

919 (a) A description of the property;

920 (b) The approximate value of the property;

921 (c) The date and place of the seizure;

922 (d) The connection between the property and the
923 violation of the Local Option ABC Laws or Chapter 31, Title 97,
924 Mississippi Code of 1972;

925 (e) The instructions for filing a request for judicial
926 review; and

927 (f) A statement that the property will be forfeited to
928 the seizing law enforcement agency if a request for judicial
929 review is not timely filed.

930 (5) Persons claiming an interest in the seized property may
931 initiate judicial review of the seizure and proposed forfeiture by
932 filing a written request for judicial review with the chief law



933 enforcement officer of the seizing law enforcement agency within
934 thirty (30) days after receipt of the certified letter or within
935 thirty (30) days after the first publication of notice, whichever
936 is applicable.

937 (6) If no request for judicial review is timely filed, the
938 seizing law enforcement agency shall prepare a written declaration
939 of forfeiture of the subject property and the forfeited property
940 shall be used, disposed of, or distributed in accordance with the
941 provision of Section 67-1-97.

942 (7) Upon receipt of a timely request for judicial review,
943 the attorney for the seizing law enforcement agency shall promptly
944 file a petition for forfeiture and proceed as provided in Section
945 67-1-93.

946 **SECTION 21.** Section 41-29-113, Mississippi Code of 1972, is
947 amended as follows:

948 41-29-113. The controlled substances listed in this section
949 are included in Schedule I.

950 **SCHEDULE I**

951 (a) **Opiates.** Any of the following opiates, including their
952 isomers, esters, ethers, salts and salts of isomers, esters and
953 ethers, unless specifically excepted, whenever the existence of
954 these isomers, esters, ethers and salts is possible within the
955 specific chemical designation:

956 (1) Acetyl-alpha-methylfentanyl;

957 (2) Acetylmethadol;



- 958 (3) Allylprodine;
- 959 (4) Alphacetylmethadol, except levo-alphacetylmethadol
960 (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- 961 (5) Alphameprodine;
- 962 (6) Alphamethadol;
- 963 (7) Alpha-methylfentanyl;
- 964 (8) Alpha-methylthiofentanyl;
- 965 (9) Benzethidine;
- 966 (10) Betacetylmethadol;
- 967 (11) Beta-hydroxyfentanyl;
- 968 (12) Beta-hydroxy-3-methylfentanyl;
- 969 (13) Betameprodine;
- 970 (14) Betamethadol;
- 971 (15) Betaprodine;
- 972 (16) Clonitazene;
- 973 (17) Dextromoramide;
- 974 (18) Diampromide;
- 975 (19) Diethylthiambutene;
- 976 (20) Difenoxyin;
- 977 (21) Dimenoxadol;
- 978 (22) Dimepheptanol;
- 979 (23) Dimethylthiambutene;
- 980 (24) Dioxaphetyl butyrate;
- 981 (25) Dipipanone;
- 982 (26) Ethylmethylthiambutene;



- 983 (27) Etonitazene;
- 984 (28) Etoxeridine;
- 985 (29) Furethidine;
- 986 (30) Hydroxypethidine;
- 987 (31) Ketobemidone;
- 988 (32) Levomoramide;
- 989 (33) Levophenacylmorphan;
- 990 (34) 3-methylfentanyl;
- 991 (35) 3-methylthiofentanyl;
- 992 (36) Morpheridine;
- 993 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 994 (38) Noracymethadol;
- 995 (39) Norlevorphanol;
- 996 (40) Normethadone;
- 997 (41) Norpipanone;
- 998 (42) Para-fluorofentanyl;
- 999 (43) PEPAP
- 1000 (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 1001 (44) Phenadoxone;
- 1002 (45) Phenampromide;
- 1003 (46) Phenomorphan;
- 1004 (47) Phenoperidine;
- 1005 (48) Piritramide;
- 1006 (49) Proheptazine;
- 1007 (50) Properidine;



- 1008 (51) Propiram;
- 1009 (52) Racemoramide;
- 1010 (53) Thiofentanyl;
- 1011 (54) Tilidine;
- 1012 (55) Trimeperidine.

1013 (b) **Opiate derivatives.** Any of the following opium
1014 derivatives, their salts, isomers and salts of isomers, unless
1015 specifically excepted, whenever the existence of these salts,
1016 isomers and salts of isomers is possible within the specific
1017 chemical designation:

- 1018 (1) Acetorphine;
- 1019 (2) Acetyldihydrocodeine;
- 1020 (3) Benzylmorphine;
- 1021 (4) Codeine methylbromide;
- 1022 (5) Codeine-N-Oxide;
- 1023 (6) Cyprenorphine;
- 1024 (7) Desomorphine;
- 1025 (8) Dihydromorphine;
- 1026 (9) Drotebanol;
- 1027 (10) Etorphine; (except hydrochloride salt);
- 1028 (11) Heroin;
- 1029 (12) Hydromorphenol;
- 1030 (13) Methyldesorphine;
- 1031 (14) Methyldihydromorphine;
- 1032 (15) Monoacetylmorphine;



- 1033 (16) Morphine methylbromide;
- 1034 (17) Morphine methylsulfonate;
- 1035 (18) Morphine-N-Oxide;
- 1036 (19) Myrophine;
- 1037 (20) Nicocodeine;
- 1038 (21) Nicomorphine;
- 1039 (22) Normorphine;
- 1040 (23) Pholcodine;
- 1041 (24) Thebacon.
- 1042 (c) **Hallucinogenic substances.** Any material, compound,
- 1043 mixture or preparation which contains any quantity of the
- 1044 following substances, their salts, isomers (whether optical,
- 1045 positional, or geometric) and salts of isomers, unless
- 1046 specifically excepted, whenever the existence of these salts,
- 1047 isomers and salts of isomers is possible within the specific
- 1048 chemical designation:
- 1049 (1) Alpha-ethyltryptamine;
- 1050 (2) 4-bromo-2,5-dimethoxy-amphetamine;
- 1051 (3) 4-bromo-2,5-dimethoxyphenethylamine;
- 1052 (4) 2,5-dimethoxyamphetamine;
- 1053 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1054 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
- 1055 (2C-T-7);
- 1056 (7) 4-methoxyamphetamine;
- 1057 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;



- 1058 (9) 4-methyl-2,5-dimethoxy-amphetamine;
- 1059 (10) 3,4-methylenedioxy amphetamine;
- 1060 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 1061 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
1062 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
1063 MDA, MDE, MDEA);
- 1064 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
1065 known as N-hydroxy MDA, N-OHMDA, and
1066 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);
- 1067 (14) 3,4,5-trimethoxy amphetamine;
- 1068 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 1069 (16) Alpha-methyltryptamine (also known as AMT);
- 1070 (17) Bufotenine;
- 1071 (18) Diethyltryptamine;
- 1072 (19) Dimethyltryptamine;
- 1073 (20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 1074 (21) Ibogaine;
- 1075 (22) Lysergic acid diethylamide (LSD);
- 1076 (23) (A) Marihuana;
- 1077 (B) Hashish;
- 1078 (24) Mescaline;
- 1079 (25) Parahexyl;
- 1080 (26) Peyote;
- 1081 (27) N-ethyl-3-piperidyl benzilate;
- 1082 (28) N-methyl-3-piperidyl benzilate;



1083 (29) Psilocybin;
1084 (30) Psilocyn;
1085 (31) Tetrahydrocannabinols, meaning
1086 tetrahydrocannabinols contained in a plant of the genus Cannabis
1087 (cannabis plant), as well as the synthetic equivalents of the
1088 substances contained in the cannabis plant, or in the resinous
1089 extractives of such plant, and/or synthetic substances,
1090 derivatives, and their isomers with similar chemical structure and
1091 pharmacological activity to those substances contained in the
1092 plant such as the following:

- 1093 (A) 1 cis or trans tetrahydrocannabinol;
- 1094 (B) 6 cis or trans tetrahydrocannabinol;
- 1095 (C) 3,4 cis or trans tetrahydrocannabinol.

1096 (Since nomenclature of these substances is not
1097 internationally standardized, compounds of these structures,
1098 regardless of atomic positions are covered.)

1099 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

1100 However, the following products are exempted from control:

- 1101 (i) THC-containing industrial products made
1102 from cannabis stalks (e.g., paper, rope and clothing);
- 1103 (ii) Processed cannabis plant materials used
1104 for industrial purposes, such as fiber retted from cannabis stalks
1105 for use in manufacturing textiles or rope;
- 1106 (iii) Animal feed mixtures that contain
1107 sterilized cannabis seeds and other ingredients (not derived from



1108 the cannabis plant) in a formula designed, marketed and
1109 distributed for nonhuman consumption;

1110 (iv) Personal care products that contain oil
1111 from sterilized cannabis seeds, such as shampoos, soaps, and body
1112 lotions (if the products do not cause THC to enter the human
1113 body); and

1114 (v) Processed cannabis plant extract, oil or
1115 resin that contains more than fifteen percent (15%) cannabidiol
1116 (CBD) or a dilution of the resin that contains at least fifty (50)
1117 milligrams of cannabidiol per milliliter, but not more than
1118 one-half of one percent (.5%) of tetrahydrocannabinol;

1119 (32) Phencyclidine;

1120 (33) Ethylamine analog of phencyclidine (PCE);

1121 (34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

1122 (35) Thiophene analog of phencyclidine;

1123 (36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

1124 (37) 4-methylmethcathinone (mephedrone);

1125 (38) 3,4-methylenedioxypropylvalerone (MDPV);

1126 (39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

1127 (40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

1128 (41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

1129 (42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

1130 or 2,5-dimethoxy-4-iodophenethylamine;

1131 (43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine

1132 (2C-T-2);



1133 (44)

1134 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

1135 (45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);

1136 (46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

1137 (47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine

1138 (2C-P);

1139 (48) 3,4-methylenedioxy-N-methylcathinone (methydone);

1140 (49)

1141 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine

1142 (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

1143 (50)

1144 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine

1145 (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

1146 (51)

1147 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or

1148 N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I;

1149 Cimbi-5);

1150 (52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,

1151 4-benzodiazepin-2-one (also known as Phenazepam);

1152 (53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8,

1153 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene

1154 (also known as Etizolam);

1155 (54) *Salvia divinorum*;

1156 (55) Synthetic cannabinoids. Unless specifically

1157 excepted or unless listed in another schedule, any material,



1158 compound, mixture, or preparation which contains any quantity of a
1159 synthetic cannabinoid found in any of the following chemical
1160 groups, whether or not substituted to any extent, or any of those
1161 groups which contain any synthetic cannabinoid salts, isomers, or
1162 salts of isomers, whenever the existence of such salts, isomers,
1163 or salts of isomers is possible within the specific chemical
1164 designation, including all synthetic cannabinoid chemical
1165 analogues in such groups:

1166 (A) (6aR,10aR)-9-(hydroxymethyl)-6,
1167 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
1168 chromen-1-ol (also known as HU-210 or
1169 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

1170 (B) Naphthoylindoles and naphthylmethylindoles,
1171 being any compound structurally derived from 3-(1-naphthoyl)indole
1172 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted
1173 in the indole ring to any extent, or in the naphthyl ring to any
1174 extent;

1175 (C) Naphthoylpyrroles, being any compound
1176 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not
1177 substituted in the pyrrole ring to any extent, or in the naphthyl
1178 ring to any extent;

1179 (D) Naphthylmethylindenes, being any compound
1180 structurally derived from 1-(1-naphthylmethyl)indene, whether or
1181 not substituted in the indene ring to any extent or in the
1182 naphthyl ring to any extent;



1183 (E) Phenylacetylindoles, being any compound
1184 structurally derived from 3-phenylacetylindole, whether or not
1185 substituted in the indole ring to any extent or in the phenyl ring
1186 to any extent;

1187 (F) Cyclohexylphenols, being any compound
1188 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether
1189 or not substituted in the cyclohexyl ring to any extent or in the
1190 phenolic ring to any extent;

1191 (G) Benzoylindoles, whether or not substituted in
1192 the indole ring to any extent or in the phenyl ring to any extent;

1193 (H) Adamantoylindoles, whether or not substituted
1194 in the indole ring to any extent or in the adamantoyl ring system
1195 to any extent;

1196 (I) Tetrahydro derivatives of cannabinol and
1197 3-alkyl homologues of cannabiniol or of its tetrahydro
1198 derivatives, except where contained in cannabis or cannabis resin;

1199 (J) 3-Cyclopropylmethanone indole or
1200 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by
1201 substitution at the nitrogen atom of the indole ring, whether or
1202 not further substituted in the indole ring to any extent, whether
1203 or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl
1204 rings to any extent;

1205 (K) Quinolinyl ester indoles, being any compound
1206 structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl



1207 ester, whether or not substituted in the indole ring to any extent
1208 or the quinolone ring to any extent;

1209 (L) 3-carboxamide-1H-indazoles, whether or not
1210 substituted in the indazole ring to any extent and substituted to
1211 any degree on the carboxamide nitrogen and
1212 3-carboxamide-1H-indoles, whether or not substituted in the indole
1213 ring to any extent and substituted to any degree on the
1214 carboxamide nitrogen;

1215 (M) Cycloalkanemethanone Indoles, whether or not
1216 substituted at the nitrogen atom on the indole ring, whether or
1217 not further substituted in the indole ring to any extent, whether
1218 or not substituted on the cycloalkane ring to any extent.

1219 (d) **Depressants.** Unless specifically excepted or unless
1220 listed in another schedule, any material, compound, mixture, or
1221 preparation which contains any quantity of the following
1222 substances having a depressant effect on the central nervous
1223 system, including their salts, isomers, and salts of isomers,
1224 whenever the existence of such salts, isomers, and salts of
1225 isomers is possible within the specific chemical designation:

1226 (1) Gamma-hydroxybutyric acid (other names include:
1227 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
1228 acid; sodium oxybate; sodium oxybutyrate);

1229 (2) Mecloqualone;

1230 (3) Methaqualone.



1231 (e) **Stimulants.** Any material, compound, mixture or
1232 preparation which contains any quantity of the following central
1233 nervous system stimulants including optical salts, isomers and
1234 salts of isomers unless specifically excepted or unless listed in
1235 another schedule:

1236 (1) Aminorex;

1237 (2) N-benzylpiperazine (also known as BZP;
1238 1-benzylpiperazine);

1239 (3) Cathinone;

1240 (4) Fenethylamine;

1241 (5) Methcathinone;

1242 (6) 4-methylaminorex (also known as
1243 2-amino-4-methyl-5-phenyl-2-oxazoline);

1244 (7) N-ethylamphetamine;

1245 (8) Any material, compound, mixture or preparation
1246 which contains any quantity of N,N-dimethylamphetamine. (Other
1247 names include: N,N,-alpha-trimethyl-benzeneethanamine, and
1248 N,N-alpha-trimethylphenethylamine);

1249 (9) Unless listed in another schedule, any compound
1250 other than bupropion that is structurally derived from
1251 2-Amino-1-phenyl-1-propanone by modification in any of the
1252 following ways:

1253 (i) By substitution in the phenyl ring to any
1254 extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide



1255 substituents, whether or not further substituted in the phenyl
1256 ring by one or more other univalent substituents;

1257 (ii) By substitution at the 3-position with
1258 an alkyl substituent;

1259 (iii) By substitution at the nitrogen atom
1260 with alkyl or dialkyl groups, or by inclusion of the nitrogen atom
1261 in a cyclic structure.

1262 (10) Synthetic cathinones. Unless specifically
1263 excepted or unless listed in another schedule, any material
1264 compound, mixture or preparation which contains any quantity of a
1265 synthetic cathinone found in any of the following compounds,
1266 whether or not substituted to any extent, or any of these
1267 compounds which contain any synthetic cathinone, or salts,
1268 isomers, or salts of isomers, whenever the existence of such
1269 salts, isomers or salts of isomers is possible:

1270 (i) 4-methyl-N-ethylcathinone ("4-MEC");

1271 (ii) 4-methyl-alpha-pyrrolidinopropiophenone
1272 ("4-MePPP");

1273 (iii) alpha-pyrrolidinopentiophenone
1274 ("α-PVP");

1275 (iv) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)
1276 butan-1-one ("butylone");

1277 (v) 2-(methylamino)-1-phenylpentan-1-one
1278 ("pentedrone");



- 1279 (vi) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)
1280 pentan-1-one ("pentylone");
1281 (vii) 4-fluoro-N-methylcathinone ("4-FMC");
1282 (viii) 3-fluoro-N-methylcathinone ("3-FMC");
1283 (ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)
1284 pentan-1-one ("naphyrone"); and
1285 (x) alpha-pyrrolidinobutiophenone ("α-PBP").

1286 **SECTION 22.** Section 41-29-115, Mississippi Code of 1972, is
1287 amended as follows:

1288 41-29-115. (A) The controlled substances listed in this
1289 section are included in Schedule II.

1290 **SCHEDULE II**

1291 (a) **Substances, vegetable origin or chemical synthesis.**

1292 Any of the following substances, except those narcotic drugs
1293 listed in other schedules, whether produced directly or indirectly
1294 by extraction from substances of vegetable origin, or
1295 independently by means of chemical synthesis, or by combination of
1296 extraction and chemical synthesis:

1297 (1) Opium and opiate, and any salt, compound,
1298 derivative, or preparation of opium or opiate, excluding naloxone
1299 hydrochloride, apomorphine, thebaine-derived butorphanol,
1300 dextrorphan, nalbuphine, nalmefene and naltrexone, but including
1301 the following:

- 1302 (i) Codeine;
1303 (ii) Dihydroetorphine;



- 1304 (iii) Ethylmorphine;
- 1305 (iv) Etorphine hydrochloride;
- 1306 (v) Granulated opium;
- 1307 (vi) Hydrocodone, whether alone or in
- 1308 combination with any material, compound, mixture or preparation;
- 1309 (vii) Hydromorphone;
- 1310 (viii) Metopon;
- 1311 (ix) Morphine;
- 1312 (x) Opium extracts;
- 1313 (xi) Opium fluid extracts;
- 1314 (xii) Oripavine;
- 1315 (xiii) Oxycodone;
- 1316 (xiv) Oxymorphone;
- 1317 (xv) Powdered opium;
- 1318 (xvi) Raw opium;
- 1319 (xvii) Thebaine;
- 1320 (xviii) Tincture of opium.

1321 (2) Any salt, compound, isomer, derivative, or

1322 preparation thereof which is chemically equivalent or identical

1323 with any of the substances referred to in paragraph (1), but not

1324 including the isoquinoline alkaloids of opium;

1325 (3) Opium poppy and poppy straw;

1326 (4) Coca leaves and any salt, compound,

1327 derivative, or preparation of cocaine or coca leaves, including

1328 cocaine and ecgonine and any salt, compound, derivative, isomer,



1329 or preparation thereof which is chemically equivalent or identical
1330 with any of these substances, but not including decocainized coca
1331 leaves or extractions which do not contain cocaine or ecgonine;

1332 (5) Concentrate of poppy straw (the crude extract
1333 of poppy straw in either liquid, solid or powder form which
1334 contains the phenanthrene alkaloids of the opium poppy).

1335 (b) **Opiates.** Any of the following opiates, including
1336 their isomers, esters, ethers, salts, and salts of isomers,
1337 whenever the existence of these isomers, esters, ethers and salts
1338 is possible within the specified chemical designation, dextrorphan
1339 and levopropoxyphene excepted:

- 1340 (1) Alfentanil;
- 1341 (2) Alphaprodine;
- 1342 (3) Anileridine;
- 1343 (4) Bezitramide;
- 1344 (5) Bulk dextropropoxyphene (nondosage forms);
- 1345 (6) Carfentanil;
- 1346 (7) Dihydrocodeine;
- 1347 (8) Diphenoxylate;
- 1348 (9) Fentanyl;
- 1349 (10) Isomethadone;
- 1350 (11) Levo-alpha-acetylmethadol
1351 (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);
- 1352 (12) Levomethorphan;
- 1353 (13) Levorphanol;



- 1354 (14) Metazocine;
- 1355 (15) Methadone;
- 1356 (16) Methadone-intermediate,
1357 4-cyano-2-dimethylamino-4,4-diphenyl butane;
- 1358 (17) Moramide-intermediate,
1359 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
- 1360 (18) Pethidine (meperidine);
- 1361 (19) Pethidine-Intermediate-A,
1362 4-cyano-1-methyl-4-phenylpiperidine;
- 1363 (20) Pethidine-Intermediate-B,
1364 ethyl-4-phenylpiperidine-4-carboxylate;
- 1365 (21) Pethidine-Intermediate-C,
1366 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 1367 (22) Phenazocine;
- 1368 (23) Piminodine;
- 1369 (24) Racemethorphan;
- 1370 (25) Racemorphan;
- 1371 (26) Remifentanil;
- 1372 (27) Sufentanil;
- 1373 (28) Tapentadol.
- 1374 (c) **Stimulants.** Any material, compound, mixture, or
1375 preparation which contains any quantity of the following
1376 substances:
- 1377 (1) Amphetamine, its salts, optical isomers, and
1378 salts of its optical isomers;



- 1379 (2) Phenmetrazine and its salts;
- 1380 (3) Any substance which contains any quantity of
- 1381 methamphetamine, including its salts, isomers, and salts of
- 1382 isomers;
- 1383 (4) Methylphenidate and its salts;
- 1384 (5) Lisdexamfetamine, its salts, isomers and salts
- 1385 of isomers.

1386 (d) **Depressants.** Unless listed in another schedule,

1387 any material, compound, mixture, or preparation which contains any

1388 quantity of the following substances:

- 1389 (1) Amobarbital;
- 1390 (2) Secobarbital;
- 1391 (3) Pentobarbital;
- 1392 (4) Glutethimide.

1393 (e) **Hallucinogenic substances.** Nabilone [other names

1394 include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-

1395 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

1396 (f) **Immediate precursors.** Unless specifically excepted

1397 or unless listed in another schedule, any material, compound,

1398 mixture, or preparation which contains any quantity of the

1399 following substances:

- 1400 (1) Amphetamine and methamphetamine immediate
- 1401 precursor: Phenylacetone (other names include:
- 1402 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl
- 1403 ketone);



1404 (2) Phencyclidine immediate precursors:
1405 (i) 1-phenylcyclohexylamine;
1406 (ii) 1-piperidinocyclohexanecarbonitrile
1407 (PCC);

1408 (3) Fentanyl immediate precursor:
1409 4-anilino-N-phenethyl-4-piperidine (ANPP) * * *.

1410 (g) **Other substances.** Pentazocine and its salts in
1411 injectable dosage form.

1412 (B) Any material, compound, mixture or preparation which
1413 contains any quantity of a Schedule II controlled substance and is
1414 listed as an exempt substance in 21 CFR, Section 1308.24 or
1415 1308.32, shall be exempted from the provisions of the Uniform
1416 Controlled Substances Law.

1417 **SECTION 23.** Section 41-29-117, Mississippi Code of 1972, is
1418 amended as follows:

1419 41-29-117. (A) The controlled substances listed in this
1420 section are included in Schedule III.

1421 **SCHEDULE III**

1422 (a) **Stimulants.** Any material, compound, mixture, or
1423 preparation which contains any quantity of the following
1424 substances or their salts, isomers, or salts of isomers, of the
1425 following substances:

- 1426 (1) Benzphetamine;
1427 (2) Chlorphentermine;
1428 (3) Clortermine;



1429 (4) Phendimetrazine.

1430 (b) **Depressants.** Unless listed in another schedule,
1431 any material, compound, mixture, or preparation which contains any
1432 quantity of the following substances:

1433 (1) Any substance which contains any quantity of a
1434 derivative of barbituric acid, or any salt of a derivative of
1435 barbituric acid, except those substances which are specifically
1436 listed in other schedules;

1437 (2) Unless specifically excepted or unless listed
1438 in another schedule, any compound, mixture or preparation
1439 containing any of the following substances or any salt of the
1440 substances specifically included in this subsection (2) and one or
1441 more other active medicinal ingredients which are not listed in
1442 any other schedule:

1443 (i) Amobarbital;

1444 (ii) Secobarbital;

1445 (iii) Pentobarbital;

1446 (3) Any suppository dosage form containing any of
1447 the following substances or any salt of any of the substances
1448 specifically included in this subsection (3) approved by the Food
1449 and Drug Administration for marketing only as a suppository:

1450 (i) Amobarbital;

1451 (ii) Secobarbital;

1452 (iii) Pentobarbital;

1453 (4) Chlorhexadol;



1454 (5) Embutramide;

1455 (6) Any drug product containing

1456 gamma-hydroxybutyric acid, including its salts, isomers and salts

1457 of isomers, for which an application is approved under Section 505

1458 of the Federal Food, Drug and Cosmetic Act;

1459 (7) Ketamine; its salts, isomers, and salts of

1460 isomers; other names include

1461 (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;

1462 (8) Lysergic acid;

1463 (9) Lysergic acid amide;

1464 (10) Methyprylon;

1465 (11) Perampanel; its salts, isomers, and salts of

1466 isomers;

1467 (* * *12) Sulfondiethylmethane;

1468 (* * *13) Sulfonethylmethane;

1469 (* * *14) Sulfonmethane;

1470 (* * *15) Tiletamine and zolazepam or any salt

1471 thereof; other names for the tiletamine and zolazepam combination

1472 product include: telazol; other names for tiletamine include:

1473 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

1474 zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3,

1475 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon.

1476 (c) Nalorphine.

1477 (d) Any material, compound, mixture or preparation

1478 which contains any quantity of ephedrine or pseudoephedrine.



1479 (e) **Narcotic drugs.** Any material, compound, mixture,
1480 or preparation containing limited quantities of any of the
1481 following narcotic drugs, or any salts thereof:

1482 (1) Not more than one and eight-tenths (1.8) grams
1483 of codeine, or any of its salts, per one hundred (100) milliliters
1484 or not more than ninety (90) milligrams per dosage unit, with an
1485 equal or greater quantity of an isoquinoline alkaloid of opium;

1486 (2) Not more than one and eight-tenths (1.8) grams
1487 of codeine, or any of its salts, per one hundred (100) milliliters
1488 or not more than ninety (90) milligrams per dosage unit, with one
1489 or more active, nonnarcotic ingredients in recognized therapeutic
1490 amounts;

1491 * * *

1492 (* * *3) Not more than one and eight-tenths (1.8)
1493 grams of dihydrocodeine, or any of its salts, per one hundred
1494 (100) milliliters or not more than ninety (90) milligrams per
1495 dosage unit, with one or more active, nonnarcotic ingredients in
1496 recognized therapeutic amounts;

1497 (* * *4) Not more than three hundred (300)
1498 milligrams of ethylmorphine, or any of its salts, per one hundred
1499 (100) milliliters or not more than fifteen (15) milligrams per
1500 dosage unit, with one or more active, nonnarcotic ingredients in
1501 recognized therapeutic amounts;

1502 (* * *5) Not more than five hundred (500)
1503 milligrams of opium per one hundred (100) milliliters or per one



1504 hundred (100) grams, or not more than twenty-five (25) milligrams
1505 per dosage unit, with one or more active, nonnarcotic ingredients
1506 in recognized therapeutic amounts;

1507 (* * *6) Not more than fifty (50) milligrams of
1508 morphine, or any of its salts, per one hundred (100) milliliters
1509 or per one hundred (100) grams with one or more active,
1510 nonnarcotic ingredients in recognized therapeutic amounts.

1511 (f) **Anabolic steroids.** Unless specifically exempted or
1512 listed in another schedule, any material, compound, mixture or
1513 preparation containing any quantity of any of the following
1514 anabolic steroids (any drug or hormonal substance chemically and
1515 pharmacologically related to testosterone other than estrogens,
1516 progestins, corticosteroids and dehydroepiandrosterone):

1517 (1) 3beta,17-dihydroxy-5a-androstane;

1518 (2) 3alpha,17beta-dihydroxy-5a-androstane;

1519 (3) 5alpha-androstan-3,17-dione;

1520 (4) 1-androstenediol

1521 (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

1522 (5) 1-androstenediol

1523 (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

1524 (6) 4-androstenediol

1525 (3beta,17beta-dihydroxy-androst-4-ene);

1526 (7) 5-androstenediol

1527 (3beta,17beta-dihydroxy-androst-5-ene);



1528 (8) 1-androstenedione ([5alpha]-androst-1-en-3,
1529 17-dione);
1530 (9) 4-androstenedione (androst-4-en-3,17-dione);
1531 (10) 5-androstenedione (androst-5-en-3,17-dione);
1532 (11) Bolasterone
1533 (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
1534 (12) Boldenone
1535 (17beta-hydroxyandrost-1,4,-diene-3-one);
1536 (13) Boldione (androsta-1,4-diene-3,17-dione);
1537 (14) Calusterone
1538 (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
1539 (15) Clostebol
1540 (4-chloro-17beta-hydroxyandrost-4-en-3-one);
1541 (16) Dehydrochloromethyltestosterone
1542 (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
1543 (17) Desoxymethyltestosterone
1544 (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as
1545 madol);
1546 (18) Delta1-dihydrotestosterone (also known as
1547 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
1548 (19) 4-dihydrotestosterone
1549 (17beta-hydroxy-androstan-3-one);
1550 (20) Drostanolone
1551 (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);



1552 (21) Ethylestrenol
1553 (17alpha-ethyl-17beta-hydroxyestr-4-ene);
1554 (22) Fluoxymesterone
1555 (9-fluoro-17alpha-methyl-11beta,
1556 17beta-dihydroxyandrost-4-en-3-one);
1557 (23) Formebolone
1558 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,
1559 4-dien-3-one);
1560 (24) Furazabol
1561 (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
1562 (25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
1563 (26) 4-hydroxytestosterone
1564 (4,17beta-dihydroxyandrost-4-en-3-one);
1565 (27) 4-hydroxy-19-nortestosterone
1566 (4,17beta-dihydroxy-estr-4-en-3-one);
1567 (28) Mestanolone
1568 (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
1569 (29) Mesterolone
1570 (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
1571 (30) Methandienone
1572 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
1573 (31) Methandriol (17alpha-methyl-3beta,
1574 17beta-dihydroxyandrost-5-ene);
1575 (32) Methasterone (2[alpha],
1576 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;



1577 (33) Methenolone
1578 (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
1579 (34) 17alpha-methyl-3beta,
1580 17beta-dihydroxy-5a-androstane;
1581 (35) 17alpha-methyl-3alpha,
1582 17beta-dihydroxy-5a-androstane;
1583 (36) 17alpha-methyl-3beta,
1584 17beta-dihydroxyandrost-4-ene;
1585 (37) 17alpha-methyl-4-hydroxynandrolone
1586 (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
1587 (38) Methyldienolone
1588 (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
1589 (39) Methyltrienolone
1590 (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
1591 (40) Methyltestosterone
1592 (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
1593 (41) Mibolerone
1594 (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
1595 (42) 17alpha-methyl-Delta1-dihydrotestosterone (17b
1596 beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known
1597 as 17-alpha-methyl-1-testosterone);
1598 (43) Nandrolone (17beta-hydroxyestr-4-en-3-one);
1599 (44) 19-nor-4-androstenediol
1600 (3beta,17beta-dihydroxyestr-4-ene);



1601 (45) 19-nor-4-androstenediol
1602 (3a,17beta-dihydroxyestr-4-ene);
1603 (46) 19-nor-5-androstenediol
1604 (3beta,17beta-dihydroxyestr-5-ene);
1605 (47) 19-nor-5-androstenediol
1606 (3alpha,17beta-dihydroxyestr-5-ene);
1607 (48) 19-nor-4,9(10)-androstadienedione
1608 (estra-4,9(10)-diene-3,17-dione,
1609 19-norandrost-4,9(10)-diene-3,17-dione);
1610 (49) 19-nor-4-androstenedione
1611 (estr-4-en-3,17-dione);
1612 (50) 19-nor-5-androstenedione
1613 (estr-5-en-3,17-dione);
1614 (51) Norbolethone
1615 (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
1616 (52) Norclostebol
1617 (4-chloro-17beta-hydroxyestr-4-en-3-one);
1618 (53) Norethandrolone
1619 (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
1620 (54) Normethandrolone
1621 (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
1622 (55) Oxandrolone
1623 (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
1624 (56) Oxymesterone
1625 (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);



1626 (57) Oxymetholone
1627 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-
1628 androstan-3-one);
1629 (58) Prostanazol
1630 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole)
1631 (59) Stanozolol
1632 (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-
1633 pyrazole);
1634 (60) Stenbolone
1635 (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
1636 (61) Testolactone
1637 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
1638 lactone);
1639 (62) Testosterone
1640 (17beta-hydroxyandrost-4-en-3-one);
1641 (63) Tetrahydrogestrinone
1642 (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
1643 (64 Trenbolone
1644 (17beta-hydroxyestr-4,9,11-trien-3-one);
1645 (65) Any salt, ester, or ether of a drug or
1646 substance described in this paragraph. Except such term does not
1647 include an anabolic steroid that is expressly intended for
1648 administration through implants to cattle or other nonhuman
1649 species and that has been approved by the Secretary of Health and
1650 Human Services for such administration. If any person prescribes,



1651 dispenses, or distributes such steroid for human use, the person
1652 shall be considered to have prescribed, dispensed or distributed
1653 an anabolic steroid within the meaning of this paragraph.

1654 (g) Any material, compound, mixture or preparation
1655 which contains any quantity of buprenorphine or its salts.

1656 (h) Any material, compound, mixture or preparation
1657 which contains any quantity of pentazocine or its salts in oral
1658 dosage form.

1659 (i) Dronabinol (synthetic) in sesame oil and
1660 encapsulated in a soft gelatin capsule in a United States Food and
1661 Drug Administration approved drug product.

1662 (B) Any material, compound, mixture or preparation which
1663 contains any quantity of a Schedule III controlled substance other
1664 than butalbital, and is listed as an exempt substance in 21 CFR,
1665 Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be
1666 exempted from the provisions of the Uniform Controlled Substances
1667 Law.

1668 **SECTION 24.** Section 41-29-119, Mississippi Code of 1972, is
1669 amended as follows:

1670 41-29-119. (A) The controlled substances listed in this
1671 section are included in Schedule IV.

1672 **SCHEDULE IV**

1673 (a) **Narcotic drugs.** Unless specifically excepted or
1674 unless listed in another schedule, any material, compound, mixture



1675 or preparation which contains limited quantities of the following
1676 narcotic drugs, or any salts thereof:

1677 (1) Not more than one (1) milligram of difenoxin
1678 and not less than twenty-five (25) micrograms of atropine sulfate
1679 per dosage unit;

1680 (2) Dextropropoxyphene, including its salts
1681 (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N,
1682 etc.).

1683 (b) **Depressants.** Any material, compound, mixture or
1684 preparation which contains any quantity of the following
1685 substances:

1686 (1) Alfaxalone;

1687 (* * *2) Alprazolam;

1688 (* * *3) Barbital;

1689 (* * *4) Bromazepam;

1690 (* * *5) Camazepam;

1691 (* * *6) Carisoprodol;

1692 (* * *7) Chloral betaine;

1693 (* * *8) Chloral hydrate;

1694 (* * *9) Chlordiazepoxide and its salts, but does
1695 not include chlordiazepoxide hydrochloride and clidinium bromide
1696 or chlordiazepoxide and esterified estrogens;

1697 (* * *10) Clobazam;

1698 (* * *11) Clonazepam;

1699 (* * *12) Clorazepate;



1700 (* * *13) Clotiazepam;
1701 (* * *14) Cloxazolam;
1702 (* * *15) Delorazepam;
1703 (* * *16) Diazepam;
1704 (* * *17) Dichloralphenazone;
1705 (* * *18) Estazolam;
1706 (* * *19) Ethchlorvynol;
1707 (* * *20) Ethinamate;
1708 (* * *21) Ethyl loflazepate;
1709 (* * *22) Fludiazepam;
1710 (* * *23) Flunitrazepam;
1711 (* * *24) Flurazepam;
1712 (* * *25) Fospropofol;
1713 (* * *26) Halazepam;
1714 (* * *27) Haloxazolam;
1715 (* * *28) Ketazolam;
1716 (* * *29) Loprazolam;
1717 (* * *30) Lorazepam;
1718 (* * *31) Lormetazepam;
1719 (* * *32) Mazindol;
1720 (* * *33) Mebutamate;
1721 (* * *34) Medazepam;
1722 (* * *35) Meprobamate;
1723 (* * *36) Methohexital;
1724 (* * *37) Methylphenobarbital;



1725 (* * *38) Midazolam;
1726 (* * *39) Nimetazepam;
1727 (* * *40) Nitrazepam;
1728 (* * *41) Nordiazepam;
1729 (* * *42) Oxazepam;
1730 (* * *43) Oxazolam;
1731 (* * *44) Paraldehyde;
1732 (* * *45) Petrichloral;
1733 (* * *46) Phenobarbital;
1734 (* * *47) Pinazepam;
1735 (* * *48) Prazepam;
1736 (* * *49) Quazepam;
1737 (* * *50) Temazepam;
1738 (* * *51) Tetrazepam;
1739 (* * *52) Triazolam;
1740 (* * *53) Zaleplon;
1741 (* * *54) Zolpidem;
1742 (* * *55) Zopiclone.
1743 (c) Fenfluramine.
1744 (d) Lorcaserin. Any material, compound, mixture, or
1745 preparation which contains any quantity of Lorcaserin, including
1746 its salts, isomers, and salts of such isomers, whenever the
1747 existence of such salts, isomers, and salts of isomers is
1748 possible.



1749 (e) **Stimulants.** Any material, compound, mixture or
1750 preparation which contains any quantity of the following
1751 substances:

- 1752 (1) Diethylpropion;
- 1753 (2) Phentermine;
- 1754 (3) Pemoline (including any organometallic
1755 complexes and chelates thereof);
- 1756 (4) Pipradrol;
- 1757 (5) Sibutramine;
- 1758 (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 1759 (7) Cathine ((+/-) Norpseudoephedrine);
- 1760 (8) Fencamfamin;
- 1761 (9) Fenproporex;
- 1762 (10) Mefenorex;
- 1763 (11) Modafinil.

1764 (f) **Other substances.**

- 1765 (1) Butorphanol (including its optical isomers);
- 1766 (2) Tramadol.

1767 (B) Any material, compound, mixture or preparation which
1768 contains any quantity of a Schedule IV controlled substance and is
1769 listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24,
1770 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions
1771 of the Uniform Controlled Substances Law.

1772 **SECTION 25.** This act shall take effect and be in force from
1773 and after July 1, 2015.



Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO CREATE "NOAH'S LAW"; TO PROVIDE LEGISLATIVE INTENT;
2 TO PROVIDE DEFINITIONS; TO PROHIBIT THE SALE OR TRANSFER OF
3 CERTAIN CAFFEINE PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE; TO
4 PROVIDE REGULATIONS FOR RETAIL SALES CLERKS, PROCEDURES TO NOTIFY
5 THE PUBLIC AND PENALTIES FOR VIOLATION; TO PROHIBIT JUVENILE
6 POSSESSION AND CONSUMPTION OF CERTAIN CAFFEINE PRODUCTS; TO
7 REQUIRE POINT OF SALE WARNINGS; TO PROVIDE PENALTIES FOR JUVENILES
8 WHO MISREPRESENT THEIR AGE; TO PROHIBIT SALES OF CERTAIN CAFFEINE
9 PRODUCTS IN VENDING MACHINES; TO PROHIBIT THE DISTRIBUTION OF
10 CERTAIN CAFFEINE PRODUCTS OTHER THAN IN SEALED PACKAGES; TO
11 AUTHORIZE UNANNOUNCED INSPECTIONS BY THE ATTORNEY GENERAL; TO
12 REQUIRE CONFIDENTIALITY OF JUVENILES WHO VIOLATE THIS ACT; TO
13 AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972, TO ADD
14 SYNTHETIC CATHINONES TO THE LIST OF STIMULANTS IN SCHEDULE I; TO
15 AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
16 HYDROCODONE IS A SCHEDULE II SUBSTANCE EVEN WHEN IN COMBINATION
17 WITH OTHER MATERIALS; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE
18 OF 1972, TO ADD THE DRUG PERAMPANEL TO SCHEDULE III; TO AMEND
19 SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO ADD THE DRUG
20 ALFAXALONE TO SCHEDULE IV; TO AMEND SECTION 67-1-5, MISSISSIPPI
21 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "ALCOHOLIC
22 BEVERAGE" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW TO
23 PROVIDE THAT THE TERM DOES NOT INCLUDE POWDERED ALCOHOL; TO DEFINE
24 THE TERM "POWDERED ALCOHOL" UNDER THE LOCAL OPTION ALCOHOLIC
25 BEVERAGE CONTROL LAW; TO AMEND SECTIONS 67-1-9 AND 67-1-17, TO
26 PROVIDE THAT POWDERED ALCOHOL IS PROHIBITED IN THIS STATE AND MAY
27 NOT LAWFULLY BE MANUFACTURED, MIXED, PROCESSED, SOLD, POSSESSED,
28 IMPORTED INTO THE STATE, EXPORTED FROM THE STATE, TRANSPORTED,
29 DISTRIBUTED, WAREHOUSED OR STORED IN THIS STATE, AND THAT POWDERED
30 ALCOHOL IS SUBJECT TO SEIZURE BY THE DEPARTMENT OF REVENUE AND
31 FORFEITURE; TO AMEND SECTIONS 67-1-18, 67-1-93, 67-1-95, 67-1-97
32 AND 67-1-99, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

